

stated, a constructive conference. These two Senators did an excellent job on the two bills. I must say, unfortunately, that as I voted against the bill when it passed the Senate, I am going to be compelled to vote against the conference report, and for the same reasons I gave at that time.

Mr. JAVITS. Mr. President, I should like to associate myself with what the Senator from Wisconsin has just said, about the great job that these two Senators did, and under tremendous pressure. I talked with the Senator from Alabama about it. I think it is most extraordinary and a great service to the country.

Mr. SPARKMAN. I am very grateful to both the Senator from Wisconsin and the Senator from New York for their complimentary remarks.

Let me pay my compliments to my very able co-worker, the distinguished Senator from Texas (Mr. TOWER). In fact, to the entire committee and especially the conferees and, as well, to the very staff that we have to assist us.

I feel very good over this legislation that we are turning out.

Mr. President, I move adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama.

The motion was agreed to.

Mr. TOWER. Mr. President, I move that the vote by which the conference report was agreed to be reconsidered.

Mr. SPARKMAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, the passage of the conference report providing the tools to permit the administration to bring the inflation under control is a singular achievement for the senior Senator from Alabama (Mr. SPARKMAN). The Senate has witnessed again the brilliance of the senior Senator from Alabama (Mr. SPARKMAN). He continues to show that there is no substitute for experience, that there is no replacement for a spirit of national interest. He has no superior in this Chamber in effectiveness, skill, and dedication.

S. 2962—DEFERRAL OF REFERENCE

Mr. JAVITS. Mr. President, I have a bill at the desk which I introduced last week and asked that it be deferred as to reference for 1 day.

That bill is S. 2962, a bill to amend the Manpower Development and Training Act of 1962 to provide financial assistance for a special manpower training and employment program for criminal offenders and for persons charged with crimes, and for other purposes.

Mr. President, I now ask that the bill remain at the desk until appropriately referred on application to the Chair.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I assume that this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, as to the program for tomorrow, there is not much that can be said except that the Senate will convene at 12 o'clock noon. There will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

The Senate is awaiting action on certain conference reports, among which are the DOD conference report, on which the House acts first; the District of Columbia appropriations, on which the House acts first; a continuing resolution—I would suppose on foreign aid—and in accord-

ance with the custom, the House would act first.

Moreover, the Senate probably will act tomorrow on the conference report on election reform, S. 382, and on the conference report on Alaska claims, H.R. 10367.

So, it is a matter of continued waiting as we have been doing today.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 noon tomorrow.

The motion was agreed to; and (at 7 o'clock and 11 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, December 14, 1971, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 13, 1971:

CIVIL AERONAUTICS BOARD

Whitney Gilliland, of Iowa, to be a member of the Civil Aeronautics Board for the term of 6 years expiring December 31, 1977. (Reappointment.)

CONFIRMATIONS

Executive nominations confirmed by the Senate December 13, 1971:

D.C. PUBLIC SERVICE COMMISSION

H. Mason Neely, of the District of Columbia, to be a member of the Public Service Commission of the District of Columbia for a term of 3 years expiring June 30, 1974.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

George W. Draper II, of Maryland, to be an associate judge, Superior Court of the District of Columbia, for the term of 15 years, as prescribed by Public Law 91-358, approved July 29, 1970.

Joseph M. F. Ryan, Jr., of Maryland, to be an associate judge, Superior Court of the District of Columbia, for the term of 15 years, as prescribed by Public Law 91-358, approved July 29, 1970.

EXTENSIONS OF REMARKS

FORTY-FIFTH ANNIVERSARY OF PITTSBURGH VARIETY CLUB

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. GAYDOS. Mr. Speaker, late last month I had the pleasure and privilege of attending the 45th anniversary of one of the world's major charitable organizations, the Variety Club of Pittsburgh, Pa. The occasion had special significance for me since a close friend of mine, Mr. George Tice, was to be honored for completing a 2-year term as the leader of the organization. Mr. Tice is a resident of Munhall Borough, which is part of my 20th Congressional District of Pennsylvania.

For the benefit of my colleagues who, perhaps, are not familiar with the Variety Club and its work, I would like to present a brief résumé of its history; a history which had a unique start, one that changed the course of the group's original purpose. Over the years Variety has grown from a single club, founded in Pittsburgh, to a globe-circling organization which has disbursed \$200 million to help children in hospitals, orphanages, training schools and clinics in at least 20 nations.

The Pittsburgh club was formed October 10, 1927, by 11 men and named Variety because the charter members represented every phase of show business. At the time, it was just another group of men in the same field banded together in a common cause to help others less fortunate in show business and to lend

assistance to various civic and charitable causes.

But, a year later, on Christmas Eve, 1928, an event occurred which skyrocketed the young club into international prominence. The Variety Club members were treating their children to a Christmas party at the Sheridan Square Theater, when the manager, John O. Hooley, also a member of the club, discovered an abandoned infant, a baby girl, in the theater's nursery. A note from the mother identified the child as Catherine and said she had been born on Thanksgiving day, only a month before. The mother appealed to Variety to look after her baby, explaining she had eight other children, her husband was out of work and they could no longer afford to keep the infant.

After a fruitless search to find the

mother, Variety adopted the baby and named her Catherine Variety Sheridan, a combination of her given name, the name of the club and the name of the theater where she was found. Over the years, Variety members, acting as god-fathers, provided Catherine with the love and attention all children need and deserve.

When she was 5, it was decided to find her a permanent home where she could lead a normal life with a real family of her own, away from Pittsburgh and the glare of publicity which constantly surrounded her. Only two Variety members knew of Catherine's new home, but they kept a close watch on her and eventually reported to their companions that Catherine had graduated from college with honors and grown into a beautiful woman.

She was the first of many such youngsters Variety members adopted as their own but Catherine Variety Sheridan will forever have a special meaning for any person who belongs to that notable organization.

It is understandable, therefore, that to be chosen as "chief barker" or leader of any Variety club, particularly the Pittsburgh group, is a most singular honor. That is why I was so proud to witness the testimonials paid my friend, George Tice. He surely deserved the accolades for he has spent 30 years of his life with Variety, helping children all over the world.

Mr. Tice has been associated with show business for more than 50 years, most of them in connection with the motion picture industry. He, as many successful businessmen, found the early years hard and unrewarding. George Tice, however, is not a man to quit in the face of adversity. He overcame the trials and tribulations to achieve prominence in his own chosen field. He is, and has been since 1963, the president of the National Association of Theater Owners of Western Pennsylvania. In addition, he was president of the Tri-State Drive-In Theater Association in 1960 and 1961. Upon completion of his term, he was elected secretary of the association in 1962 and still holds that office today.

George, and several other individuals, were honored by Variety that night because they best exemplify the ideals and standards of their organization. I would like to insert the names of the other honorees into the RECORD, for I believe my colleagues would be interested in knowing the type of gentlemen that make Variety the fine group it is:

Bob Prince, radio and television broadcaster for the 1971 World Champions of Baseball, the Pittsburgh Pirates, and a former chief barker of Variety; the Heinz Foundation for establishing the Heinz Hall for Performing Arts in Pittsburgh; Harry Kodinsky, a gentleman who has raised \$10 million through telethons conducted for Variety clubs throughout the world; George Stern, for his work in behalf of the Pittsburgh group; Marty Allen, a native of Pittsburgh who made "Hello Dere" a household word; and Jackie Heller, another Pittsburgh star in the entertainment world.

Mr. Speaker, I deem it a privilege to join in the tributes to the Pittsburgh Va-

riety Club, which has done so much for so many children in the world, and to George Tice, my good friend, who has done so much for the Pittsburgh Variety Club and the motion picture industry.

RHODESIAN CHROME

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, December 13, 1971

Mr. BYRD of Virginia. Mr. President—

Straight reporting on southern Africa and on Rhodesia in particular can be found only in a few American newspapers. This can now be readily illustrated in the case of Rhodesian chrome and the settlement of the constitutional crisis between Great Britain and Rhodesia.

Thus began a significant article by Clifford J. Hynning, which was published in the Washington Sunday Star, December 12.

Mr. Hynning, who has been engaged in the practice of international law for many years, was founding editor-in-chief of the International Lawyer, a quarterly publication of the American Bar Association.

Mr. Hynning's article is a straightforward presentation of a difficult issue. I consistently read a great number of newspapers each day, and I agree thoroughly with Mr. Hynning that very few American newspapers have been willing to tackle factually the Rhodesian problem.

Congress, likewise, has been reluctant to give consideration to this problem.

Although the embargo on trade with Rhodesia has been in effect by executive action since 1966, the Senate cast its first vote on this matter September 23, 1971, and the House of Representatives on November 10, 1971.

It is highly significant that at the first opportunity to vote, the Senate agreed to modify the embargo by a vote of 46-36; the House did likewise by the overwhelming vote of 251-100.

In analyzing the vote, one finds that representatives from 46 of the 50 States, in a direct vote, support the Byrd amendment.

I ask unanimous consent that Mr. Hynning's article be printed in Extensions of Remarks.

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

MISREPORTING THE BYRD AMENDMENT

(By Clifford J. Hynning)

Straight reporting on southern Africa and on Rhodesia in particular can be found only in a few American newspapers. This can now be readily illustrated in the case of Rhodesian chrome and the settlement of the constitutional crisis between Great Britain and Rhodesia.

Sen. Harry F. Byrd Jr. of Virginia had secured a congressional amendment that provided that the pending embargo on all trade with Rhodesia under a United Nations Security Council resolution not apply to chrome as a strategic and critical material in the event that the United States continues to import chrome from any Communist country.

During the time of the consideration of that amendment and subsequent thereto,

the press was replete with news stories, guest columns and editorials on the dangerous impact of Sen. Byrd's amendment on the conduct of foreign affairs by the United States. It was widely contended that the amendment would embarrass British diplomacy in the negotiations with Rhodesia evolving toward a settlement. More seriously, Senator Byrd was freely branded an open treaty violator, a breaker of international commitments of the United States.

Events now provide a clear test of performance of news reporting in this area. The test was clearly foreshadowed by the late Dean Acheson in his appearance before the Senate Committee on Foreign Relations on July 7th last. In the event he turned out to be far more prescient than the State Department, the professors of international law, or the journalists when he said that the Byrd amendment on chrome "will move everyone toward a settlement . . . the British need a good nudge to move away from an untenable position and it (the Byrd amendment) will give it to them."

The British government never complained of the Byrd amendment, or so I am informed by the British Embassy here.

The concern that the Byrd amendment would have an adverse impact on British diplomacy turns out in the event to be an illustration of creative reporting.

The contentions of the professors, the diplomats and the journalists that the Byrd amendment on chrome makes the United States guilty of violating international treaties and commitments is equally ill-founded. The Byrd chrome amendment violates no treaty of the United States. The opponents can cite no treaty which by its terms prohibits the United States from importing chrome from Rhodesia.

The only way they can make out a case is to argue that the United States ratification of the U.N. Charter in 1945 meant that when the Security Council in the late 1960s made a formalistic finding that Rhodesia is a threat to the peace and that her foreign trade should be barred by all U.N. members, this prohibition was automatically converted into a treaty commitment of the United States.

Under the U.N. charter the United States is obligated to respect sanctions against a country only if that country were "a threat to the peace," or more.

It is singularly strange that out of all the countries of the world that have indulged in aggression, or threatened, or broken the peace between 1945 and the present day only Rhodesia has been cited by the Security Council for mandatory sanctions.

Why among all the countries of the world was Rhodesia singled out as "a threat to the peace"? It is difficult to credit the reason given by our State Department—"American policy on Rhodesia rests on the basic principles of self-determination and majority rule (1969 statement). "Sanctions . . . will influence the regime to change its policies and adopt as a basis for international acceptance the fundamental principle of eventual majority rule for over 95 percent of the population which is Black African" (1971 statement). It should surprise no one that Sen. Byrd found these reasons "positively ludicrous" and "obviously absurd."

Lastly, it has been contended that the Byrd amendment impairs the credibility of the United States in international affairs.

This may be true so far as U.N. circles are concerned. Their applause may now turn to hisses over Rhodesia.

Perhaps we may witness the further absurdity of a continuation of U.N. sanctions against Rhodesia at a time when Britain has welcomed Rhodesia back into a state of "legitimacy." The U.N., having gone down the road of no return on sanctions against Rhodesia—and these sanctions are formally self-perpetuating—may have no way, legally or

logically, to get rid of sanctions except to repeal them.

But repeal would be subject to a veto by the Soviet Union or by Communist China. It might be in the Communist interest to irritate the western world by exercising a veto on the repeal of Rhodesian sanctions and thereby savour the applause for their side. But, as everyone knows, from show-people to diplomats and professors, applause is a wasting asset.

FIRMS HURT BY IMPORTS ASSURED OF HELP IN 1962, FIND IT TOUGH TO GET

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. O'NEILL. Mr. Speaker, the Wall Street Journal on Wednesday, December 8, carried a long and interesting article about the executive branch's refusal to carry out the spirit of the adjustment assistance provisions of the Trade Expansion Act which we passed 9 years ago.

Despite the great increase in foreign trade which has resulted from that legislation, the Tariff Commission and the related Government agencies have virtually ignored the adjustment assistance provision which was enacted by Congress to provide needed assistance to companies and workers who suffered economic loss from this situation. According to this comprehensive survey, only three firms have been provided financial assistance in the amounts contemplated by Congress when the measure was passed. I think it is of particular interest to note that of these three firms, two are located in the district of my colleague (Mr. HARRINGTON).

The Benson Shoe Co., of the city of Lynn, and the Louis Shoe Co., of the town of Amesbury, are two of only three companies in the entire United States to receive the benefits of the adjustment assistance provision, and they have both received this assistance since Mr. HARRINGTON came to the House 2 years ago. This is a record of accomplishment on behalf of his constituents of which Mr. HARRINGTON has every right to be proud. The diligent work he has done on behalf of these companies—and the entire shoe industry located in the Sixth Congressional District is clearly demonstrated by this record. We all wish that the executive branch would be more expansive in its interpretation of this section, and I am sure that we would all commend Mr. HARRINGTON for his skill and perseverance in this regard.

The article mentioned follows:

[From the Wall Street Journal, Dec. 8, 1971]

FIRMS HURT BY IMPORTS, ASSURED OF HELP IN 1962, FIND IT TOUGH TO GET

(By John Pierson)

WASHINGTON.—At stake, it would seem, is peace, prosperity, free trade and nothing less than the future of the plastic piano.

You see, Estey Piano Co. of Union, N.J., and Bluffton, Ind., has been badly hurt because the government agreed to lower the tariff that kept the price of foreign-made

pianos high. So the government agreed to help Estey design a less expensive plastic model, which would make the company competitive again, to help keep Estey in business until the new piano was ready and then to help produce it.

Now, after a considerable outlay of time and money all around, the government has changed its mind. Estey has laid off its 100 workers and put its factory—situated in Indiana—up for sale. (There's only an office in New Jersey.) The fate of the plastic piano is in doubt. Says Estey President Robert Mehlh, whose family has been making pianos for six generations: "We have been very seriously injured by this whole thing."

What has happened to Estey is symptomatic of what has happened to a program enacted nine years ago that was supposed to be free trade's answer to protectionism. Let us cut tariffs, free-traders told business and labor, and we'll help you adjust to the inevitable flood of imports. For workers, the help was to come in the form of extra unemployment benefits, retraining and relocation money. For companies, the law specified loans, technical advice and tax breaks to help them modernize present product lines or move into new ones.

ONLY TWO GOT HELP

Nearly a decade after enactment of the Trade Expansion Act of 1962, U.S. imports have doubled, thousands of workers have lost their jobs and hundreds of companies have been hurt. While many workers have been getting benefits, only two companies—a shoe manufacturer and a producer of barber chairs—have received any substantial assistance from the government. Another shoe company has been told it will get help.

This failure of the government to make good on its promise to business can only swell pressure for new protectionist moves, free-trade advocates fear. This year the Nixon administration has imposed a 10% import surcharge and has won an agreement limiting Asian shipments of synthetic and woolen textiles—atop earlier restrictions on cotton textiles and steel. If new U.S. import restraints should follow, free-traders foresee higher prices for American consumers and added bitterness between the U.S. and its trading partners.

For the first seven years after Congress passed the law, the Tariff Commission was the villain of the piece. From October 1962 to October 1969, 13 industries, eight individual companies and six groups of workers asked for help but were turned down by the commission. In November 1969, after a change in membership, the commission began interpreting the law less strictly; it ruled that the piano industry had been injured by imports resulting from tariff cuts.

Since then, two other industries (flat glass and barber chairs), 17 individual companies and 64 worker groups have passed the injury test, either through yes votes of the commission or through tie votes that President Nixon has broken in favor of assistance. The latest to qualify are Bibb Manufacturing Co., a textile maker based in Macon, Ga., and 1,000 of its workers and former workers.

SO WHAT HAPPENED TO ESTEY?

The Labor Department has certified some 20,000 workers for extra unemployment benefits. But of the 18 injured companies that so far have applied to the Commerce Department for relief, one has been denied help, two have received loans, one has been promised a loan and 13 applications are pending; Estey, which once was authorized by the Commerce Department to obtain a loan, is getting only technical assistance.

Here's what happened to Estey.

In February 1970, two months after the Tariff Commission ruled that the piano industry was injured, President Nixon gave piano makers temporary "escape clause" re-

lief from tariff cuts and made them eligible to seek adjustment assistance.

In March 1970, Estey asked the Commerce Department for permission to apply for help. In June 1970, after determining that Estey was indeed among the injured of the industry, Commerce Secretary Maurice Stans declared the company could submit an aid proposal.

During the next nine months, Estey, the department, a management consultant hired by it, and the Small Business Administration worked out a package that included a \$90,000 grant and a \$2.6 million loan. The grant was technical assistance for building a prototype plastic piano and for a study to make sure there was a market for the new product. The loan was for paying off Estey's prior creditors, financing continued production of wood pianos until the plastic one was ready and building a new plant.

BIG PLAY FOR STORY

Last March, Secretary Stans certified that Estey's proposal was "reasonably calculated materially to contribute to the economic adjustment of the firm" and "authorized" the grant and loan. A Commerce Department press release heralded Mr. Stans' action. Newspapers in New Jersey and Indiana gave the story big play.

In April, Edward Killam, then director of the department's trade adjustment assistance division, wrote Estey's creditors that the government money "will be available to liquidate obligations of the firm . . . including any obligations which may exist to you."

Under the law, once he has certified a company's adjustment assistance proposal, the Secretary of Commerce first asks the Small Business Administration if it wants to make the loan and the Economic Development Administration if it wants to make the grant. If either agency says "no," then the Secretary "may" provide the help himself.

In May, the EDA said it was willing to give Estey \$90,000 for the prototype piano and the market study. Then things began falling apart.

In July the SBA said it was "deferring" action on Estey's loan. Until the prototype and the study were successfully done, the SBA said, there was no "reasonable assurance"—as required by the law—that Estey could repay the government. Commerce Department sources suspect that the SBA simply preferred to have the department risk its own money.

Meanwhile, Mr. Killam had been replaced as director of trade adjustment assistance by Lewis Kaufman, former Los Angeles partner of Goldman, Sachs & Co., an investment firm. Mr. Kaufman viewed the program somewhat differently from Mr. Killam. For example, he felt that no funds should go to pay off prior creditors. As he saw it, the program was meant "for the economic adjustment of firms, not as a creditors' relief act."

Bothering Mr. Kaufman, too, was the fact that some of Estey's creditors were also principal stockholders. Although Estey's proposal stipulated that the stockholders would wait for their money until the government got its money back, Mr. Kaufman says he still worried that the loan would go to "bailing out" stockholders rather than revitalizing Estey.

So despite Mr. Stans' March authorization, despite the Commerce Department's press release, despite Mr. Killam's letters to banks and other creditors, the department joined the SBA in deferring action on the \$2.6 million loan.

And in September, it refused a request from Estey for enough money to keep going until the prototype was built and the market study completed early in 1972.

Late in September, Mr. Mehlh told a Senate Commerce subcommittee that the department had a right to change its mind about the program, but he argued that once Secretary Stans had approved Estey's proposal,

"he should certainly live up to that commitment."

Harold Scott, Assistant Secretary of Commerce for domestic and international business, called the Estey case "unfortunate." According to Mr. Scott, trade adjustment assistance had "languished as a relatively inactive feature" of this department, handled mainly "at the staff level."

FROM CHAIRS TO CABINETS

Mr. Mehlman said he was closing his plant in Bluffton and laying off his 100 workers, many of them experts who would be hard to replace if and when the plastic piano went into production. But he now says he'll try to persuade his creditors to hold off and not force Estey into bankruptcy. With the help of the EDA's \$90,000 grant, he's going ahead with the prototype and the market study. He still believes that the new piano has "terrific" potential, and he hopes, one way or another, to prove it.

While Estey was having its ups and downs, 17 other companies were applying for help in adjusting to imports. Two have received it.

In September 1970, the SBA loaned \$2 million and guaranteed a private loan of another \$2.1 million to Emil J. Paidar Co. of Chicago, a maker of barber chairs. The loans were to help Paidar diversify by moving into production of dental cabinets, too. The EDA has provided \$22,000 of technical assistance.

Paidar used the loans to begin work on a new plant, but Paidar President John Dlouhy says he now wants to sell the new plant and acquire another company that makes dental cabinets. So he's asking Commerce for an additional 3 million.

And early this year, the SBA loaned \$1.4 million to Benson Shoe Co. of Lynn, Mass. The EDA provided \$200,000 of technical assistance, and the Commerce Department gave tax aid in the form of an extra two years of net operating loss carryback.

VARIOUS STAGES OF SUSPENSE

Benson President Phillip Kaplan says government aid has allowed him to reorganize management, production and sales methods. Volume has doubled with only 20% more help. "To us the program has been good," says Mr. Kaplan.

Both these loans included funds to pay off creditors, a standard SBA practice. Both were made before the Commerce Department got adjustment assistance money of its own. Thus, the SBA had to decide the issue for itself, unlike in the Estey case.

Now that it has its own money, the Commerce Department has just agreed to lend \$662,000 to help breathe new life into Louis Shoe Co. of Amesbury, Mass. The EDA will kick in \$100,000 of technical aid.

Meanwhile, 13 other companies are in various stages of suspense. Some submitted their aid proposals months ago and are waiting anxiously for a response. "I just hope they can get us the assistance in time," says Victor Pomper, president of H. H. Scott Inc., a Maynard, Mass., producer of hi-fi equipment.

A few companies have gotten past the Tariff Commission but are still waiting for Commerce Department permission to apply for help. Robert Bretzfelder, president of Krakauer Brothers, a New York City piano maker, says that every time he sends department officials some figures to prove that his company has been injured, "they ask for more figures." This has been going on for half a year. "If a company was really on the brink of going out of business and had to wait this long, they'd be out of business," he says.

Commerce officials deny it, but these delays may have had something to do with the resignation last month of Mr. Kaufman, the adjustment assistance director. "There has been some suggestions that things happen faster," Mr. Kaufman concedes. "Maybe my problem is that I'm used to dealing with

large, successful companies and not with small, unsuccessful ones."

But clearly there are other obstacles to winning trade adjustment assistance. The requirements for proving injury are so tightly written.

RED BLOC AGAIN SNARLS U.N.

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. DUNCAN. Mr. Speaker, again we have an example of the inadequacy of the United Nations in dealing with conflicts between two member nations, the India-Pakistan struggle. I read an interesting editorial along this line in the Knoxville Journal of December 7, and would like to insert it in the RECORD at this point:

RED BLOC AGAIN SNARLS U.N.

As it has countless times in the past, the Communist bloc on the United Nations Security Council over the weekend used veto power to prevent the U.N. from taking any action to halt armed international conflict—this time between India and Pakistan.

Defeated were resolutions which would have called for withdrawal of all troops that had ventured beyond their own borders, an immediate ceasefire and establishment of a U.N. observer team to help prevent future outbreaks of fighting.

At this writing the United States and certain other nations interested in halting the Asian war were considering taking the proposals to the General Assembly, where no veto power exists.

The Soviet Union, with aid from Poland, succeeded in thwarting Security Council action in this case, just as it has many times in the past. The United Nations' basic "peace-keeping" body thus has been rendered impotent, and a mockery has been made of the world organization's basic goal of peaceful international relations.

Significantly, this was the first crisis to come before the Security Council since Nationalist China was kicked out in favor of Communist China. Peking backed Pakistan, but Moscow wound up supporting the position of India despite the fact that India had invaded Pakistani territory. (India had been among those nations voting earlier to oust Taiwan and seat Peking in its place.)

The Soviet Union openly condemned Pakistan as the guilty party in starting the armed conflict, as did the Indian government. This was based largely on the contention that Pakistani efforts to control the rioting in East Pakistan resulted in an influx of Pakistani refugees into already overpopulated India.

On the surface it would seem that India has violated the terms of U.N. Charter by invading a neighboring country on the justification that it did not agree with the internal policies of that country. In one sense, however, the latest Indian-Pakistani conflict can be seen as a renewal of the long-standing dispute over territory mutually claimed by the two countries. While Indian troops were racing to capture all of East Pakistan, troops from West Pakistan moved into Indian-held portions of Kashmir.

The clash also has certain trappings of another war between those supported largely by the United States and those backed by Soviet military aid. The curious circumstance of the United States and Red China winding up essentially on the same side in support of Pakistan and in opposition to

the Soviet Union also raises complicating questions.

For the moment, however, the India-Pakistan conflict again illustrates the grand impotence of the United Nations in dealing with armed clashes between member nations, an impotence attributable to the Soviet Union's use of its veto powers.

HUMANITIES OF THE SEAS

HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. ANDERSON of Tennessee. Mr. Speaker, it is important that this Nation develop a well balanced and innovative program for harnessing the seas, while at the same time taking all measures to see that they are not wasted by pollution. To do this, the American people must become more knowledgeable of the importance oceanic development holds for the future.

The Oceanic Educational Foundation is a young organization which has taken on the mammoth task of providing just such an oceanic background to students at all levels. The efforts of board members Palen Flager, Edgar Shannon, Gilvin Slonem, and S. E. Freund are to be commended.

I include in the RECORD a recent editorial from the Richmond Times-Dispatch regarding one of the pilot projects of the foundation in conjunction with the University of Virginia:

HUMANITIES OF THE SEAS

The University of Virginia deserves plaudits for ploughing new ground—or, more aptly charting a course on unsailed waters—in a unique course it is offering this semester through its Center for Continuing Education. "The Humanities of the Seas" is reputed to be the first course to be offered in the United States. It may prove to be a pioneering venture for American education.

Co-sponsored by the university and the one-year-old Oceanic Educational Foundation, the course is intended to be a pilot effort to introduce the new discipline of oceanic education into the American school system. Classes are being held initially at George Mason College, the University's affiliate in Northern Virginia.

Man has been a "landed" thinker, but with the pressures zeroing in on him on the 30 per cent of the globe that is land, he is beginning to look to the 70 per cent that is water. Professor R. Buckminster Fuller, a member of the board of the Oceanic Educational Foundation, believes mankind's survival depends upon adopting the "doing more with less" philosophy of the seafarer. Indeed, food from the sea, in the form of fishmeal protein concentrates and kelp, may become a major way to combat world starvation. Seabed minerals will take on critical importance. Only a 40-year reserve of cobalt remains on land, for example, while enough cobalt is immersed in the ocean to last for 200,000 years. And as underwater explorer Jacques Cousteau has reminded, an urgent need exists to develop means to save the oceans from death by pollution.

Another reason the University's experiment is so timely is that the United States is faced with the threat of being relegated to the status of a second-rate maritime power by the mounting naval challenge of the Soviet Union.

Obviously, one course is but a small beginning toward educating the American people to the transcendent importance of the seas to their future existence. But the concept of, oceanic education ought to spread rapidly in American schools and colleges. If so, much of the credit for launching this innovation from a Virginia base belongs to University of Virginia President Edgar F. Shannon Jr., a member of the Oceanic Educational Foundation and, incidentally, an officer in the Naval Reserve.

RALPH S. KURLAND, OUTSTANDING
INTERN

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. KEMP. Mr. Speaker, at a time when we see and read much about youth and are confronted with reports of a "generation gap," my confidence in the abilities and deep-down commonsense of the vast majority of our younger people is repeatedly reinforced by my personal contacts with outstanding and dedicated young leaders and youth groups.

One of my more outstanding experiences since last September to the present has been in connection with the assignment to my Washington staff of a 21-year-old intern from Kenmore, N.Y.

His name is Ralph S. Kurland, who, under sponsorship of the State University College at Buffalo-Washington semester internship program, has performed invaluable research and provided the brightness of his intelligence and personality and other diligent assistance to my staff and myself.

Among Ralph's contributions was his studious work with my House Education and Labor Committee and me on the Higher Education Act which is of vital importance to the quality of education and educational opportunities in Erie County, the State of New York, and elsewhere in the Nation.

A past president of the Student Government at State University College and a graduate of Kenmore East High School, Ralph has displayed not only an unassuming willingness to learn and perform any task but also a quick and intelligent grasp of the varied responsibilities of a busy and responsive congressional office.

These attributes and his superb performance reflect credit on his parents, Mr. and Mrs. David Kurland, those who guided him in his high school, on the dynamic leadership of Dr. E. K. Fretwell and the faculty at State University College and on the Washington semester internship program under the direction of Michael R. Weaver.

Ralph is currently seeking enrollment in law school. And, to my delight, he has offered to continue his involvement in the Federal legislative process through assignments in my district office.

Mr. Speaker, I consider it a privilege to commend Ralph's outstanding performance to the Congress and to wish him well in the days and years ahead.

HYPOCRISY IN THE WHITE HOUSE: PRESIDENT NIXON VETOES DAY CARE LEGISLATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. RANGEL. Mr. Speaker, President Nixon's veto of S. 2007, the Economic Opportunity Act amendments, is another in a series of callous insults to poor Americans. At a time of skyrocketing unemployment, President Nixon has effectively shut off access to jobs for millions of parents with preschool children who would have benefited from the comprehensive day care program passed by the Congress. At a time of rising legal costs and increased crowding of legal aid facilities, President Nixon's veto of this bill meant the demise—at least for the moment—of an independent legal services corporation which would provide effective legal assistance for millions of disadvantaged Americans.

The poor have again been put at the end of the line and are again riding in the back of the bus of American conscience. The bill vetoed by President Nixon would have provided free child care services for families with incomes of under \$4,320. Those with incomes between \$4,320 and \$5,916 would pay 10 percent of their incomes above \$4,320 for child care services, and families with incomes between \$5,916 and \$6,960 would pay 15 percent of their income over \$5,916. Congress does not have the courage to override the President's action, while at the same time Congress appears content to allow this country's largest oil companies—companies with income in the billions of dollars annually—to keep their sacrosanct depletion allowance. The contrast in aid given to disadvantaged citizens and their children is in sharp contrast to that given to the petroleum giants:

FEDERAL INCOME TAXES OF LARGEST OIL COMPANIES, 1970

	Net income before tax	Federal tax percent
Standard (New Jersey).....	\$2,474,748,000	10.8
Texaco.....	1,137,666,000	6.4
Gulf.....	990,197,000	1.2
Mobil.....	873,744,000	10.9
Standard (California).....	589,637,000	5.0
Standard (Indiana).....	394,539,000	14.2
Shell.....	274,681,000	12.4
Atlantic.....	257,121,000	4.13
Phillips.....	198,241,000	10.0
Conoco.....	301,115,000	6.4
Tenneco.....	182,082,000	13.3
Sun.....	223,086,000	12.1
Cities Service.....	151,562,000	17.9
Union (California).....	161,825,000	4.6
Amerada Hess.....	183,905,000	3.6
Getty.....	159,144,000	21.9
Marathon.....	153,783,000	5.3
Standard (Ohio).....	66,351,000	(10.4)
Ashland.....	84,326,000	32.3
Total.....	8,857,753,000	8.7

I commend to my colleagues an editorial in the Washington Post which comments on the blind hypocrisy of the White House in vetoing S. 2007.

The editorial follows:

THE PRESIDENT'S VETO OF DAY CARE

President Nixon's veto message to Congress explaining why he disapproves of the Child Development Act is, just to begin with, weird. It is weird because it is contradictory, arguing first that day care centers are good and then that they are evil. The contradiction points only to one possible conclusion: that this message is a bone he has tossed to his critics on the far right, with next November in mind, and at the expense of mothers and children and of a day care program which the President would have us believe he really supports.

The President's straddle comes about because day care centers are an integral part of his welfare reform program. His plan, sent to Congress two years ago, included a request for \$750 million for funds to provide day care for children of poor families so their mothers can work. Indeed, it required that ultimately welfare mothers with children over age 3 put those children in day care centers and take jobs, providing both the centers and the jobs are available. This provision, as we have pointed out before, is largely window dressing as things are, since neither the centers nor the jobs exist, but it is the enticement the President used in trying to win right-wing support for welfare reform. In his veto message Thursday, the President called again for passage of that welfare day care program, saying that it would fill one of the needs of the country, a need "for day care, to enable mothers, particularly those at the lowest income levels, to take full-time jobs."

Now, if that were all Mr. Nixon had done in favor of day care, it would be fair to conclude from his veto message that he is for requiring poor people to put their children in such centers but against permitting middle-class people to do so. But it isn't all he did. The President also used the veto message to announce his support for substantial increases in the income tax deductions that parents who are working can claim for day care expenses. This is a clear encouragement to middle-class parents to use day care centers and go to work.

Having thus put himself on the record in favor of day care—an issue about which many organized groups in the country feel strongly—Mr. Nixon then vetoed the bill which would have given a much needed spur to day care development. This bill, he said, is "the most radical piece of legislation" to come out of this Congress. You might expect, once he had said that, that he would offer an explanation of how this particular day care program differed so much from those he supports. The President did list nine specific objections. Five of them are complaints that this bill would partially duplicate services he hopes to provide in the welfare bill, would give the states too minor a role, would cost too much, would create "a new army of bureaucrats," and would create centers which would be difficult to staff. Since there is nothing "radical" in those specifics—we hear them all the time about almost every piece of legislation—the radicalness of this particular bill must lie in his other objections. They are:

"Neither the immediate need nor the desirability of a national child development of this character has been demonstrated" . . .

"For more than two years this administration has been working for the enactment of welfare reform, one of the objectives of which is to bring the family together. This child development program appears to move in precisely the opposite direction. There is a respectable school of opinion that this legislation would lead toward altering the family relationship . . .

"All other factors being equal, good public policy requires that we enhance rather than diminish both parental authority and parental involvement with children—particularly in those decisive early years when social attitudes and a conscience are formed, and religious and moral principles are first inculcated . . .

"For the federal government to plunge headlong financially into supporting child development would commit the vast moral authority of the national government to the side of communal approaches to child rearing over against the family-centered approach."

We do not find in this one word that distinguishes the day care program Mr. Nixon vetoed from the day care program he is supporting. His specifics apply to all child care facilities and it is logically impossible to square his assertion that we need to enhance parental involvement with children with his program to compel welfare mothers to put their children in day care centers. Perhaps he did not distinguish between the programs because drawing such distinctions is difficult.

That is what convinces us that this veto message is the bone he has decided to throw to the right wing of his party. If it were not, Mr. Nixon could have vetoed this bill on the other specific objections he set out—it would, for instance, create major administrative problems—and Congress could have met them. But as it is, the President chose to kill the whole idea by spelling out his veto in language that comes straight from the material circulated against this bill by the far right, language that distorts what the bill was all about and what it would have done.

CAMBODIA: VIEWS OF A SECRET WAR

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. FRASER. Mr. Speaker, the Sunday, November 14, 1971, St. Louis Post-Dispatch "Pictures" section contains an article by the Post-Dispatch's chief Washington correspondent, Richard Dudman.

The subject of Mr. Dudman's piece is a specific incident in the air war in Cambodia, and at the conclusion of my remarks I shall add Mr. Dudman's text. It is unfortunate that we cannot reproduce in the RECORD the pictures illustrating this essay. They vividly depict the destruction rained from the skies upon the Cambodians by our aircraft. Taken by an American airman now out of uniform, 1st Lt. James D. Murray, the photographs forcefully illustrate the text.

Murray and Dudman, with the gentleman from California (Mr. McCloskey) serving as catalyst, have combined their talents to create an important piece of journalism. It is a vivid reminder that declining U.S. casualties in Indochina do not accurately reflect the pace and destruction of the Cambodian war, a war for which this country bears a major responsibility.

The article follows:

VIEWS OF A SECRET WAR

(By Richard Dudman)

While the war in Vietnam "winds down," the air war over Cambodia has been expanding in the last year, largely behind a curtain of official secrecy. Unlike the Vietnam war, probably the most widely publicized war in history, the continuing air attacks over Cambodia are largely unknown to the American public. Military briefings give little or nothing in the way of details. No news reporters accompany the flights. And even the statistics on number of sorties and tonnage of bombs dropped are withheld or lumped together with the figures for Vietnam.

Informed sources are prohibited by security

restrictions from disclosing details, but they say that the bombing level over Cambodia has been increasing in recent months to the point where it has forced a cutback in air operations over Laos, an older secret American war in Indochina.

An American airman, 1st Lt. James D. Murray, now has come forward with a set of photographs that show what was happening to one city and several hamlets one day last May in those secret operations over Cambodia.

Murray, a native of Helena, Mont., and a graduate of the University of Montana, spent 10 months in Vietnam, mostly working as an aerial observer over Cambodia for the Twenty-third Artillery Group. Toward the end of May, the Viet Cong Fifth Division began reinforcing its positions around the city of Snoul. An enemy attack began the night of May 27. A Vietnamese ground commander in the area reported that his troops were being shelled from the direction of the city. Murray doubts that this is true, since the good military terrain was in a rubber plantation outside the city. However, at the South Vietnamese commander's request, a United States Air Force "shadow ship," a gunship, "hosed the entire city down"—that is, saturated it with machine-gun fire.

"I arrived on station at 0900, 28 May (I had been over the area on the 27th, watching ARVN troops burn villages)," Murray wrote. "There was a continuous number of sorties (U.S. helicopters, jets, and ARVN A1-E prop planes) dropping 500-700-pound bombs, rockets, napalm and small-arms strafing, the majority of which was going into what was left of the city."

He reported that the ARVN (Vietnamese army) listed a body count of 300 killed in action by the shadow ship the night before and he added: "Enemy?"

Later, as a relief column of tanks approached Snoul along Highway 13, the priority of air targets was shifted out of Snoul to small hamlets nearby, and Murray continued to snap his camera. He commented, in a letter accompanying the pictures: "Let it be noted that, regardless of what the Pentagon cover-up squad claims, all of these places were well populated with men, women and children." He said he was flying at 1500 feet and could see civilian centers being hit, while military storage areas were out in the jungle.

"My thinking the whole time was that if this is the way we have been conducting this war then the American people have been led down a real propaganda road." After being released from the service at Oakland, he got in touch with Representative Paul N. McCloskey Jr. (Rep.), California, who made the photographs available to the Post-Dispatch.

Vietnamese Air Force reports for the period substantiate that a battle was fought in the vicinity of Snoul on May 27 and 28. The official account says that an enemy battalion "penetrated the marketplace in Snoul City."

Defense Department officials said they were unable to give further details of the fighting. A State Department official said he was under the impression that Snoul was pretty well destroyed before last May and that the civilians had all left the area.

ELI LILLY & CO., OF INDIANAPOLIS, MEETS RESPONSIBILITIES AND CHALLENGES

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. BRAY. Mr. Speaker, there has been much controversy and also unfor-

tunately much misunderstanding about various chemicals and additives used in food production. Organic farming—with no additives of any sort—may be attractive, but as the new Secretary of Agriculture, Earl Butz, said at one time:

However, before we move in that direction someone must decide which 50 million of our people will starve. We simply cannot feed, even at subsistence levels, the 204 million Americans without a large production input of chemicals and antibiotics.

Recently, Mr. Burton E. Beck, president of Eli Lilly & Co., addressed the Texas Cattle Feeders Association on the matter of the use of diethylstilbestrol (DES) which has had considerable attention lately. I include his speech, and also the text of a booklet produced by Elanco Products Division of Eli Lilly & Co., giving questions and answers concerning the use of DES:

INDUSTRY AND THE CONSUMER—A RESPONSIBILITY AND A CHALLENGE

I am delighted and honored that Lloyd Bergsma asked me to be with you today at your annual meeting. As a "small time" cow-calf operator in Arizona, I hope you will consider me as a neighbor as well as a business associate.

In a little less than five years Eli Lilly and Company will celebrate its one hundredth birthday. A century is a long time, and a lot has happened since Colonel Eli Lilly opened a small pharmaceutical laboratory in downtown Indianapolis back in 1876 with \$1,400 in cash, a secondhand steamboat engine for power, and a staff of three—including his son, then fourteen, who later became the company's second president.

We have a few more than three employees now—almost 24,000 more, as a matter of fact. We also have a little more money in the bank, and our manufacturing operations have expanded considerably beyond Indianapolis, Indiana. We are truly an international enterprise—with opportunities in Kenya as well as Kansas.

We have also expanded in other ways. We are, as you know, in the agricultural business. Elanco Products Company was created as a division of Eli Lilly and Company in 1960, although we had become interested in agriculture a few years earlier. Additionally, we entered the lawn and garden products market sometime ago; we have a subsidiary that manufactures and markets plastic and paper packages; and just about a year ago we acquired the right to purchase the Elizabeth Arden cosmetic house. We exercised that right early this year and since then have been busily engaged in strengthening the operations of this new addition to our corporate family.

Much of our success, of course, has come about as a result of our abiding, and substantial, commitment to research in the life sciences. During the 1960s the company spent almost \$325 million for research and development. Last year alone we spent \$61 million, a little more than 10 percent of our total sales. The expense of research continues to grow as science becomes more sophisticated and complex and as more knowledge about new and old products is demanded.

And the time it takes to introduce a product from point of discovery continues to increase, too. One of our major achievements in recent years has been the synthesis and introduction of a new class of antibiotics called the cephalosporins. Our research on these compounds began in the 1950s.

It was research in the life sciences, of course, that led us to agriculture. Animal science and plant science are, after all, natural companions of pharmaceutical science. Our first major animal product came from Iowa State University (then Iowa State Col-

lege), where an animal nutritionist, Dr. Wise Burroughs, discovered that sheep fed a ration containing a natural estrogen showed a substantial increase in daily weight gain on less intake of feed than those not receiving the hormone. In an effort to find a less-expensive additive, he turned to diethylstilbestrol, a synthetic hormone manufactured by Eli Lilly and Company. Negotiations were completed sometime later, and Stilbosol® went on the market in 1954.

The following year we established our agricultural research division. It began by screening the thousands of original organic compounds and antibiotics on our laboratory shelves that had been synthesized or isolated during many years of pharmaceutical research.

In 1957 we introduced Hygromix®, an anthelmintic for swine, which was the first antibiotic developed exclusively for the agriculture industry. Tylan®, another antibiotic used exclusively in agriculture, came along in 1962, followed the next year by Treflan®, an extremely effective herbicide. Just a few months ago, we announced the introduction of Coban®, a new anticoccidial agent for the poultry industry.

To emphasize a previous point, it was seven years from the time that monensin sodium was first discovered in the Lilly Research Laboratories until we were able to market Coban in July of this year. By that time we had invested millions of dollars in this enterprise, including construction of a major new manufacturing facility, a large part of which will be devoted to the production of this new product.

That was a very brief review of our agricultural interests since Stilbosol was introduced in 1954, and I know that many of you are aware of other Elanco products that have been marketed during this time.

And speaking of Stilbosol, or DES, its stormy history continues—witness yesterday's announcement by Senator Proxmire that he is introducing legislation to ban the use of DES in cattle and sheep and the fact that Congressman Fountain is resuming hearings on the diethylstilbestrol issue beginning day after tomorrow.

We all know that just a few years after DES went on the market, the Delaney clause of the federal Food, Drug, and Cosmetic Act became law. Essentially, this legislation established a zero tolerance level for carcinogens used in food-producing animals. A carcinogen, as you know, is any substance that is capable of producing tumors in any animal—including tumor-prone laboratory mice—at any dosage level, DES, therefore, is classified as a carcinogen and, as such, is not allowed to exist in any amount in the food supply—not even a trace amount of, say, two parts per billion.

Let me make it clear at this point that the law is law and must be upheld. At the same time, however, we feel just as strongly that all the facts should be known before judgment is made on the fate of such an important product. DES residues have been identified in the meat supply. According to USDA figures, approximately one-half of one percent of government assays have detected DES—and in minute quantities at that. Even so, by law, that is too many. It is also true that these infinitesimal residues have been detected only in the liver of the animal—never the muscle tissue or the fat. But to read certain newspaper accounts, anyone not acquainted with the facts can easily get the impression that the American public is in constant danger from a cancer-causing chemical in our steaks and roasts.

My concern is this: Animal drugs—technological tools that we can't afford to do without—must not be judged in a nonscientific way by uninformed people. Dr. Earl Butz, formerly dean of agriculture and currently dean of continuing education at Purdue University, said: "We can go back to organic ag-

riculture in this country if we must . . . We know how to do it. However, before we move in that direction, someone must decide which 50 million of our people will starve.

"We simply cannot feed, even at subsistence levels, the 205 million Americans without a large production input of chemicals and antibiotics."

The point is that we have a job to do, and we need cooperation to get that job done—cooperation between government and industry and cooperation among various segments of the industry. There is evidence that such cooperation is in the making. The National Animal Drug Certification Program is a good example.

As you know, this industry-sponsored program calls for all livestock producers to certify in writing that they have used any medicated feeds properly and in accordance with label directions. To my knowledge, this program represents the first time that all sectors of the meat-producing industry and the animal drug industry have cooperated in such a voluntary effort. It proves that it can be done.

And it is a start, at least, toward another responsibility we have—and one at which we haven't done a very good job—that of communicating with the public. You and I know that the American consumer is spending only about 17 percent of his disposable income for food, about half of what is spent for food in Japan, Italy, and West Germany and maybe a third of what must be spent by a housewife in the Soviet Union. You and I know that modern agricultural technology has made it possible for the American farmer to produce enough food for himself and forty-five others. You and I know that the consumer has been the real beneficiary of the dramatic increase in agriculture's productivity over the past several years. You and I know it, but does the consumer? Some, I would say, but not very many—certainly, not the majority.

I'm convinced that our failure to communicate effectively in years past is one of the major factors underlying the consumerism movement that has swept this country. Indeed, instead of the Age of Aquarius this might be called "The Age of the Consumer." The voice of the consumer is heard throughout the land, with an acute interest in the pollution of our air and water, the safety of our food, the cost of health care. . . . The list is endless, exciting throughout the entire gamut of purchasable products and services.

And I, for one, think it's a good thing. I'm not one of the pessimists who believe that consumer criticism is wrecking the country and stifling business. Instead, I believe it has opened up an entire new awareness of life in this latter part of the twentieth century.

No institution, no individual, no business is so perfect that it cannot benefit from honest criticism. The advantage comes from being receptive to that criticism, facing the mirror of self-explanation, recognizing the faults that are the basis for genuine complaint, and taking action to correct them.

I am in business and you are in business, and some of us may tend to get up tight over complaints directed at business in general. But at the same time that we're businessmen, we're also consumers; and, if you're like me, some of the consumer crusades must strike a responsive chord in your heart.

I feel strongly that the consumerism movement will lead in one direction: to increased self-scrutiny by industry and to a renewed effort to improve the country's products and services, resulting in benefits to both business and the public.

It's not enough, however, that you and I do our level best to make our product the most effective, the safest, and the most reasonably priced product on the market. We must go further than that: We must convince the public that this is so.

Today we have a far more sophisticated

public, a better-educated public, and certainly a more interested public to serve. We might ask ourselves: How have we changed in order to serve this changed public more relevantly?

President Nixon has said on several occasions that the nation owes American agriculture a great debt, that the agricultural sector has been by far the most productive of any area of the American economy and that the continued growth of this productivity has been and will be perhaps the most significant factor in our world competitive position. Even more important, he says, it may make a difference as to whether children, here or anywhere else in the world, have enough to eat. Well, I agree with the President on both counts.

During the period of 1960 to 1970, the overall impact of U.S. agriculture on our international balance of payments situation remained virtually unchanged. Considering the significant tariff barriers that most countries place on agricultural imports to protect and stimulate their own agricultural industries, this is quite an achievement. We can compare this with what happened in some of our less-productive industries. For instance, iron and steel switched from a slightly favorable balance of trade in 1960 to a significantly unfavorable balance in 1970 for a net deficit of about \$1 billion in the U.S. balance of payments. The automotive industry during this period switched from a net favorable balance to a very unfavorable balance for a deficit of nearly \$3 billion.

Labor productivity of agriculture has been among the fastest-growing of any industry for many years. So much so, in fact, that thousands of people are released each year from the job of feeding our population to become potentially productive in providing other necessary goods and services. It is no idle statement that our country simply could not have achieved its high level of economic output without the release of labor from agriculture to other pursuits. In a recent ten-year period, for example, the growth in the productivity of agricultural labor was twice that of the rest of the economy. This is an achievement of the highest order in maintaining the competitive of U.S. goods and services.

The issues are far too complex and the reasons too varied and involved to analyze the whys and wherefores of these facts this morning.

Although we hear many grumbings in this day and age about what is wrong with life in these United States, the quality of living in this country has yet to be excelled by any other nation. If we are to continue our economic growth and enjoy what is perhaps the highest standard of living the world has ever known, it is a hard fact of life that we will have to maintain—and increase, wherever possible—our technological superiority in the production of many categories of goods and services, including agricultural commodities. For this to happen will require the intelligent use of new and better tools, more efficient practices, new techniques, and new drugs and chemicals.

We're also going to need more cooperation—more cooperation among various parts of the industry and more cooperating between government and industry. Again, the National Animal Drug Certification Program serves as a good example. Although the original groundwork for this program was laid by the Animal Health Institute and the American National Cattlemen's Association, it had the blessing, from the very beginning, of both the Food and Drug Administration and the Department of Agriculture.

Unfortunately, certain recent events have transpired with respect to diethylstilbestrol that may tend to hide or confuse the importance of this voluntary development on the parts of all segments of the industry and its responsible regulatory bodies. This does

not mean, however, that in the future we will not have many other occasions when intra-industry and government-industry cooperation will not be needed to serve the best interests of the public.

The development of responsible legislation is another area in which this cooperation will become more and more important. It is no secret that the political "clout" of the agricultural community has been diminishing for several years. The very success of agriculture's productivity has diminished the number of voters directly engaged in agriculture and has increased the number of voters in the other segments of the population. Therefore, farmers and ranchers have had less and less to say about their government and their own destiny. This is quite a paradox: As agriculture has become increasingly important to the well-being of the country, its influence in national affairs has continued to decrease. Furthermore, with the one-man, one-vote rule, it doesn't appear that this situation is likely to change for the better in the foreseeable future. This poses a real challenge for all of us associated with agribusiness. We must become more articulate, and at every opportunity we must speak out for agriculture and its importance to the economy of our country.

And finally, we're going to need a new awareness on the part of the consumer. We simply cannot progress without an increased level of public understanding of our goals, our problems, and our achievements. The consumer must understand that from our industry's accomplishments he stands to benefit the most—from an abundance of reasonably priced and wholesome food. And to get this higher level of understanding, we in the agriculture industry are going to have to do a much, much better job of communicating with the public.

We all believe that America is fortunate, indeed, to have the best food and fiber-producing system in the world. It's going to take more than a little effort on all our parts to keep it that way.

QUESTION AND ANSWERS COVERING THE USE, EFFICACY, SAFETY, AND ECONOMIC BENEFITS OF DIETHYLSTILBESTROL (DES)

What is diethylstilbestrol (DES)?
Diethylstilbestrol is a crystalline synthetic estrogenic hormone.

Are there any similarities between the physiological activity of DES and naturally occurring estrogen?

Existing evidence indicates that both the mechanism of action and the biological effects are the same for natural and synthetic estrogens.

Many common foods normally contain natural estrogens. For example, the average estrogen content of dried milk is from 3 to 5 parts per billion (ppb); honey, from 4 to 60 ppb; hen's eggs, from 1,500 to 2,000 ppb. Naturally occurring estrogens have also been found in lobsters, beets, and potatoes. The estrogen content of 50 varieties of alfalfa ranges from 0 to 27 micrograms per pound (0 to 60 parts per billion). There is also an appreciable amount of natural estrogens in green leafy vegetables and forage, such as lettuce, soybeans, corn, and their by-products.

When was diethylstilbestrol first used and for what purpose?

The synthesis of DES was first published in 1938. In 1941 this compound was first used in human medicine. Among some of the uses for which DES is now indicated are menopause, senile vaginitis, postpartum breast engorgement, functional uterine bleeding, and carcinoma of the prostate. Dosage for treatment ranges from 0.25 mg. two or three times a week to 15 mg. per day.

When was DES first permitted for use in beef production and for what purpose?

The oral administration of DES in beef cattle was first permitted in 1954. It was used

to increase the rate of weight gain and improve the feed efficiency of beef cattle.

At what rate is DES fed to cattle?
DES must be thoroughly mixed into finished feed and fed at a rate to provide not less than 5 mg. nor more than 20 mg. per animal per day. No more than 10 mg. per head per day is fed to cattle under 750 pounds of body weight.

What are the feeding directions for DES to beef cattle?

DES is to be fed at the rate of 5-20 mg. per head per day. Feeds containing DES must be withdrawn from the cattle at least seven days prior to slaughter.

What is the safety factor for feeding DES to beef cattle?

When feeds containing DES are withdrawn for the proper period prior to slaughter, there is no DES residue in the animal carcass. Considerable research and testing substantiates this fact.

DES is classified as a carcinogen. What does that mean?

A carcinogen is defined as a substance that can produce tumors in an animal. All estrogens, natural and synthetic, are classified as carcinogens.

What residue levels of DES are permitted in meat?

No DES residues are permitted.
Is it possible for residues to occur if DES is not used properly?

Yes, this infrequently happens, but such residues only have been found in the liver—never in red meat or fat. USDA statistics show that in 99.5% of the carcasses assayed, DES is not present in any part of the animal. In the remaining 1/2 of 1 percent when DES is detected in the liver, it is present only in minute quantities.

What do you mean, "minute quantities"?

These quantities are about the same as the amount of estrogens consumed by eating certain vegetables and drinking milk, and considerably less than eating eggs. They are infinitesimal compared to the dosages of DES used in human therapy.

How much beef liver would have to be consumed to equal a daily therapeutic dose of 5 mg.?

One would have to eat 5,500 pounds of liver each day to ingest this amount of DES.

What test is used to detect DES residues in meat?

Up to the present time a bio-assay test has been used which is called the mouse uterine-weight technique. In this method animal tissue is fed to immature female mice and the increase in uterine weight is measured. The sensitivity level of this method is about 2 parts per billion, and the test requires approximately 10 days to complete.

A new chemical test has recently been developed for DES assay purposes. This test has a sensitivity of approximately 2 parts per billion, also, and can be completed in less than 24 hours. The advantage of this test is that samples of tissue from a carcass can be assayed while the carcass is still in the packing plant cooler.

The United States Department of Agriculture is currently using both of these methods, but it is expected that the use of the chemical test will be expanded in the future, providing even more enforcement capability to the meat inspection program.

Is it true that several countries including Sweden, Italy, and Australia do not permit the feeding of hormones to beef cattle?

Yes, although regulations vary among these countries. The fact is that feeding practices in most areas of the world do not lend themselves to hormone usage because cattle are range-fed on grass. In the U.S., however, the modern mass production of high quality beef resulting from grain-fed feed-lot cattle depends on the use of hormones, as well as other technological tools, including antibiotics.

How many cattle are fed DES in their ration?

It is estimated that about 70-75% of the cattle on feed receive DES.

What is the economic benefit to the producer?

Feeds containing DES will increase rate of gain up to 15% over cattle which do not receive DES. In addition, the cattle receiving DES will require up to 10% less feed to produce the same amount of meat as those without treatment. It has been estimated that producers have saved over 40 billion pounds of animal feed at a total feed savings of over one billion dollars since the introduction of the compound. Last year an estimated 18 million head of cattle received DES in their ration for a savings of approximately \$150 million in feed costs. This represents an average additional return to the feeder of over \$8.50 per animal.

How does the consumer benefit from DES?

It is difficult to precisely determine how much the use of DES saves the consumer per pound of beef. Estimates range as high as \$.20 per pound. About \$.15 per pound seems to be a reasonable figure, and at the current rate of beef consumption, this would result in an annual saving of approximately \$50 for an average family of three.

COLUMBIA BASIN DEVELOPMENT LEAGUE

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. FOLEY. Mr. Speaker, the Columbia Basin Development League, headquartered in Ephrata, Wash., is an organization representing farmers and businessmen who are conscientiously devoted to orderly development of reclamation facilities in Washington State to assure needed economic growth while at the same time providing necessary environmental protection.

The president of the league, William G. Wolford, outlined the accomplishments and the goals of the organization in a speech to the New Look at North Central Washington Seminar sponsored by the Wenatchee Daily World of Wenatchee, Wash., on November 3, 1971.

Mr. Wolford's talk points out what has been accomplished since the beginning of reclamation development in the Columbia Basin and what remains to be done.

The Columbia Basin project has been one of the most prudent investments ever made by the Federal Government. That investment is being repaid to the Federal Treasury with interest and ahead of schedule.

The project has proven that rural development can really work in America. Thousands of people have moved into what once was an arid and virtually uninhabited area to develop productive farms that produce crops that are not in surplus and to develop new communities. It has resulted in significant new economic growth and it has generated new tax revenue.

But, as Mr. Wolford indicates, there is still work to be done to complete the development of the Columbia Basin. The key project is the Second Bacon Siphon

and Tunnel. Once that can be started, it will point the way toward the irrigation of another 500,000 acres of land in the Columbia Basin.

Mr. Speaker, I include the text of Mr. Wolford's address in the RECORD:

SPEECH BY W. G. WOLFORD, PRESIDENT, COLUMBIA BASIN DEVELOPMENT LEAGUE, AT NEW LOOK AT NORTH CENTRAL WASHINGTON SEMINAR, NOVEMBER 3, 1971

In viewing the make-up of this audience along with the established record of the Daily World under the leadership of Rufus Woods and his successors, I should properly feel very self-conscious in discussing the Columbia Basin. The truth of the matter is, however, that I am delighted to talk about the Columbia Basin (in fact it's my favorite subject) because I have come to know that the Project will never be completed unless it is talked up and supported by a whole host of grass-roots laymen like me. The same type of spirited promotion that was required in the 1920's and 1930's is now required; although I don't notice anyone making the type of sacrifice today that people like Jim O'Sullivan made in former years. At any rate, by reason of many factors and efforts of many people, including early and present day Basin enthusiasts, we have come to the point where Grand Coulee Dam is a concrete fact (if there ever was one) producing in excess of 2 million kilowatts electricity and presently being expanded to an ultimate electrical output of 9.7 million kilowatts. In reviewing the completed portion of the irrigation project, others have long noted that it was a "natural" to succeed. Favorable geological conditions have made it a place of good land, abundant water, and a topography which lends itself well to transporting water to the land. A long frost-free growing season allows the farmer to raise a large variety of crops, and a favorable location places him within easy reach of many of the major markets. Of the 1,095,000 acres authorized by Congress for irrigation, there are today over 512,000 irrigable acres developed of which nearly 447,000 were farmed in 1970. Grass value of crops produced in 1970 totalled over \$96 million. Of the 33 major crops grown on the Project, alfalfa hay, potatoes and sugar beets account for the principal crop values and about one-half of the acres irrigated. Fruit production is an increasingly important part of the total accounting for \$2.7 million in 1970. Also, of course, cattle and other livestock account for a significant portion of the farming activity. There has been a lot said concerning the direct results of this agricultural activity in the past but as a measure of what we might expect in the future, let me recite a few highlights of the results of watering a portion of north central Washington.

Since 1948 population in the Basin has increased from 25,000 to 70,000. By 1969 the property tax base increased from \$15 million to over \$131 million; and annual federal income tax collections from \$4.5 million to in excess of \$30 million. New communities such as Royal City, George, Othello and Warden as well as revitalized older communities such as Moses Lake, Quincy, and Ephrata have grown and prospered in a rural setting.

More than a dozen major and many smaller processing plants operate within the Project boundaries providing an annual payroll in excess of \$10 million and employment for over 5,000 people. In addition another dozen or so plants outside the Project, including Wenatchee, process project crops.

Recreation has become big business on the Project—as those of you who have been in the area on opening day of fishing or hunting season must recognize. An estimated \$7 million is spent annually by hunters and fishermen in the Basin area not including dollars spent or value attributed to boating and related activities. About 80 lakes were formed

by irrigation water seepage comprising 1,800 surface acres of water. The several large reservoirs which are a part of the Basin development expand over some 60,000 acres, exclusive of Lake Roosevelt. In a good hunting year, according to the State Game Department, we can expect up to 45,000 pheasant hunters and 25,000 duck hunters.

With this picture of growth and activity, then, you might question, Why the Columbia Basin Development League? The answer, of course, is that the Project is only about one-half completed. The opportunities to at least double the just described economic, and other benefits for the State of Washington abound.

During the first six years of the Project's history an average of 60,000 acres a year were brought under water; then an average of 15,000 acres annually for ten years; then nothing. Thus the Columbia Basin Development League was born in 1962 calling for a program of continued orderly development. Industry, utilities, and local governments are all hard pressed as to how to plan for the future. Burlington Northern has a partially completed \$6,000,000 railroad waiting for something further to happen in the Wahluke Slope area of the Basin. Roads must be built and power provided but the lack of an established schedule makes planning a nightmare.

The presidential budget provision for continued construction came to a halt during the Kennedy Administration and only token provision for further development was provided for in the budgets of the Johnson Administration. Sound investments in agriculture in *no way* were identified by the initials OEO. The League's year-round activities culminating in Washington, D.C. arm twisting and Congressional testimony resulted (I like to think, at least) in about \$8,000,000 of write-in appropriations and over 61,000 additional acres constructed. We were jubilant in our support of the Nixon budget which provided for starting the East High facilities and continuing the Wahluke Slope Blocks—and then we found out about the Office of Management and Budget. Just because Congress passes the President's appropriation bill doesn't mean that the Administration is going to spend the dough. Lobbying now involves an effort to get the money in the bill and then see that it gets spent!

In the face of this type of Federal reluctance then, it behooves any self-respecting group of 500 grass-roots irrigation promoters to review the national advisability of its program. Since the lion's share of remaining development lies within the area known as the East High, the League employed the Battelle Memorial Institute to conduct an independent economic study of the consequences of completing the second half of the Project. Basically the conclusions are summarized as follows: Without irrigation, the East High Area has little potential for economic growth. Approximately \$16.6 million of the present Washington gross state product is annually attributed directly and indirectly to the dry land agricultural activities of the area. With irrigation, the East High Area could be expected to annually contribute, directly and indirectly, \$358.0 million of the gross state product.

Today we hear a great deal about the employment problem in the State. I understand it approximates about twice the national average standing in excess of 11% of our work force. The East High Area now accounts for about 1,500 jobs within the State. It is estimated by Battelle that irrigation of this area would create employment for an additional 26,600 people within the State of Washington. This means that an additional 67,500 would be supported by these new jobs.

We, in the Development League, recite in our sleep that the key to starting this second 500,000 acre program is the constructing of the second bore of the Bacon Siphon and Tunnel near Coulee City. This tunnel and

all of the proposed distribution and drainage facilities will cost some \$927 million. This expenditure would increase the gross state product by an estimated \$12.6 billion between now and 2020. This is a ratio of \$13.59 of gross state product attributed to the irrigation for each dollar of construction expended.

Pending completion, our severe unemployment situation would, of course, be partially alleviated by reason of the construction activity. Nationally, construction activity is considered inflationary, but considering Washington State's 1½% growth factor along with our idle capacity leads me to minimize this problem.

Our recent Washington, D.C. trips have been devoted toward securing funds for the start of the Bacon Siphon and Tunnel and for construction of lateral delivery facilities for Block 251 and the balance of the Wahluke Slope Area. The Wahluke Slope Blocks originally scheduled for completion in 1970 and 1972 currently consists of a rather isolated area relatively removed from services and markets. The government has some \$38 million dollars invested in the main canal facilities which is presently servicing just the one completed block and enough water is annually wasting into the Columbia River to irrigate that area. Since completion here does not require construction of the Bacon Siphon and Tunnel and since the water is available to the area, the land owners are justified in requesting its prompt completion. I hope that we were not merely looking too hard when we perceived a kindly glint in the corner of the Office of Management and Budget's eye when we recently made our pitch on this one. Aside from the frustrations of watching certain of the organized workers walking off their jobs on strikes for one reason or another during this period of unemployment and governmental appeals by concerned Washington citizens, there are certain criticisms the dedicated irrigation developer must face. It may be interesting to discuss just a few. First, there is the established farmer who doesn't want any more competition. In the days before Grand Coulee Dam I understand that some Wenatchee and Yakima agriculturalists were not wildly in favor of the Project. Today, believe it or not, we get some reluctance from established areas of the Project itself. The answer to this, of course, is that a broader agricultural base and source of supply is conducive to attracting further agricultural industry and enhances the ability of all farmers to market their products. If industry does not establish itself in an area of adequate and expanding sources of supply, in the Basin, you can bet your life that it will seek out other areas of potential.

The environmentalists and conservationists, when informed, are really no problem to Basin development. We must, however, constantly demonstrate the "before and after" aspects regarding wildlife habitat, etc., to overcome automatic obstructionism from some quarters.

The surplus food question must receive constant attention. Except for the relatively modest area of the Wahluke Slope, the first lands of the East High will not come under water until six or seven years after the Bacon Siphon and Tunnel is started. It will be an additional 20 years before East High construction is completed. Adequate food and fibre for the future suggests adequate action now. The Department of Agriculture estimates that about 1.5 million acres of farm land a year is being gobbled up by housing subdivisions, factories, highways and other forms of urban sprawl. What's more, urbanization is accelerating. The rate of urbanization is up from 1 million acres in 1964. California, a major agricultural state, loses 375 acres a day to urbanization and stands to lose from 50 to 80 percent of its productive farm land within 30 years.

Just as the Wahluke Slope will no doubt be productive of grapes and other non-cereal

crops, the East High production, when irrigated, will be responsive to the market place. By my estimates approximately 3 million bushels of wheat would be grown in this area under irrigation.

Future necessity dictates that food demands will be met by irrigated agriculture somewhere. If we can only wake up the populated areas of our state to this tremendous opportunity for economic development, we will see the Washington countryside flourishing by virtue of Washington water. The Columbia Basin Development League is attempting to marshal the economic and political muscle of the entire state and look beyond Air Force bases, missile sites, nuclear reactors, and SST's. We believe that the people of this state would do well to create permanent values utilizing the federal dollar which, of all things, will even be repaid to the national treasury.

COMMUNIST ARMS SUPERIORITY

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. GOLDWATER. Mr. Speaker, the Arizona Republic newspaper recently published an editorial worthy of consideration by every Member of the Congress. I present it now for my colleagues' information:

COMMUNIST ARMS SUPERIORITY

There is little doubt that the vector of America's defense posture is retreat on all fronts. Withdrawal from Southeast Asia is imminent. U.S. battalions have been returned monthly from Europe since mid-1970. Weapons systems and U.S. initiatives in transportation and space have been significantly curtailed to satisfy demands to stop inflation and protect the environment.

In sum, the development and machinery of U.S. strategic weapons power have been shifted into reverse, and the incomparable community of American scientists, engineers, technicians, and geopolitical strategists has sunk into idleness. We are resigning from world leadership.

The U.S. retreat is the more striking because our main rivals continue to advance. The Supplemental Statement of the President's Blue Ribbon Defense Panel warned last March that we had lost our long-standing strategic military superiority to the Russians. And 88 members of Congress took to the floor of the House last August to warn of the steady growth of Soviet military power which threatens the very survival of our nation.

And now the authoritative British compendium "Jane's Weapons Systems 1971-72" has categorically declared that the Soviet Union leads the West in the development of highly sophisticated space age weapons. In characteristic British understatement, the 586-page reference yearbook declared that, "The strategic possibilities represented by the new [Soviet] competence revealed is considered a potential source of disturbance to the relative balance that exists between the major nuclear powers."

The most recent edition of "Jane's Fighting Ships" warned last summer that, "By any standards the Soviet fleet now represents the super-navy of a superpower," while "The size and relative capabilities of the U.S. Navy continue to decline." Just as one example, it pointed out that the Russians have 273 vessels throughout the world armed with tactical surface-to-surface missiles (SSM), and the U.S. fleet still has none.

Communist superiority on the sea has now been joined by primacy in the air.

The only strategic jet bomber in the U.S. inventory is the subsonic B-52, first designed more than two decades ago. Preliminary work on its replacement—the swing-wing B-1—is not beyond the mock-up stage and will not be operational (assuming Congress authorizes further development) until 1978. The Soviet Union will have an operational low-altitude supersonic swing-wing strategic bomber (called "Backfire") in just over a year, at which time the U.S. will be hopelessly outstripped militarily.

The loss of U.S. strategic superiority is the more tragic in light of warnings offered several years ago by Hanson Baldwin, military analyst of the New York Times: "Deterrence is a state of mind as well as a mathematical formula," he declared. "We have to convince the other fellow as well as ourselves that we mean business . . . Are we likely to do this by deliberately permitting the potential enemy . . . to exceed us in offensive and defensive nuclear delivery capabilities?"

Baldwin noted that as we have withdrawn from the arms race, the Soviet Union has deployed its orbital weapons system and other offensive weapons. "If the erosion of our past nuclear strategic superiority . . . continues until the Russians achieve . . . superiority," he asked, "will they display the same 'sweet reasonableness'—politically or militarily—they have displayed in Poland, in Hungary, in Cuba, or in any past crisis?"

"To me and to a great many other Americans," he warned, "this seems like a 'never-never-land' type of thinking."

AWARD WELL DESERVED

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. FREY. Mr. Speaker, I had the privilege of addressing the Interbay Sertoma Club in Tampa, Fla., on Friday, December 10. The occasion was the presentation of the Interbay Service to Mankind Award for 1971 to Mr. Robert E. Lee Alderman.

In my years of public life I have never encountered an individual as selfless as Mr. Alderman. Mr. Alderman who is the chief electrician for the Tampa Fire Department, has dedicated himself to providing a home and family life for homeless children.

Although they have two children of their own, he and his wife have taken 17 children into their own home. These are children who either come from broken homes, were born out of wedlock, come from deserted homes, or whose parents were deceased or just unable to care for them.

As the number grew, he knocked out walls, enclosed his carport, and shifted furniture from room to room to make room for double-deck bunks and twin beds to accommodate the children. All of this effort was done on his own free time and without any financial assistance whatsoever.

Not only have the Aldermans provided a home for these children, but they have also been the mother and father they needed so desperately. The understanding, love, and attention the Aldermans have given to each of these 17 children has, undoubtedly, saved many of them from ending up in a juvenile home.

In times such as ours when the family has lost much of its meaning and we are so concerned about our individual problems and desires, the Alderman story is one that bears repeating.

THE RIGHT OF CONSCIENTIOUS OBJECTION OF CARNAL WARFARE

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. HOLIFIELD. Mr. Speaker, on November 18, 1971, Mr. Nelson Nichols, who serves as minister, Evangelist Churches of Christ in Montebello, Calif., contacted me and requested that I insert in the CONGRESSIONAL RECORD a letter and three pages of typed material pertaining to the religious convictions of members of 306 congregations of the Churches of Christ.

I have personal knowledge that many members of this religious order do have sincere convictions against the waging of carnal warfare. In my opinion they have qualified traditionally as bona fide conscientious objectors. It is true that all members of this religious order are not conscientious objectors and many have served their country in military and nonmilitary assignments during times of war.

One of the great American traditions is the legal right to refuse to bear arms on the grounds of sincere conscientious objections to personal participation in carnal warfare. This right should be protected. It is one of our vital freedoms, the freedom of religious choice. The material follows:

CHURCH OF CHRIST,

Montebello, Calif., November 18, 1971.

HON. CHET HOLIFIELD,
House of Representatives,
Washington, D.C.

DEAR BRO. HOLIFIELD: Thank you again for your help in the past.

I am preparing this note for you in case you do not have time to visit with me on this trip to Washington, D.C.

We need new public documentation attesting to our faith in opposition to carnal warfare. We do not want you to be hurt by helping us so we have prepared a statement that you could submit to be read into the Congressional Record and in your comments you could say that these are not necessarily your own personal views, or something to that effect. You could state that I asked you to do this or that it was submitted by the ministers listed at the close of the statement.

Inasmuch as the membership of 306 congregations (of the Church of Christ) signed letters opposing carnal warfare and expressing a desire to serve in upbuilding this Nation in peaceful ways, I think they should be heard. They expect me to get this message printed in the Congressional Record or some government publication before the end of this year.

Your help in this matter will be greatly appreciated.

When it has been included in the Record I would appreciate your telling me how we may obtain a supply of copies.

Thanking you again,
Sincerely,

NELSON NICHOLS,
Minister-Evangelist.

CHURCH OF CHRIST AND CARNAL WARFARE

The following is the substance of an open letter subscribed to in 1971 by the members of these Churches of Christ, recognized by the F.B.I. as the "peace" Churches of Christ:

1. "To whom it may concern:

"This is to certify that we, the undersigned members of the Church of Christ are conscientiously opposed to carnal warfare. Our belief in the Supreme Being involves duties superior to those arising from any human relation. The basis of this faith is found in a multitude of Holy Scriptures, some of which follow: Matt. 26: 48-52; Acts 5:29; Rom. 12:19-21; 2 Cor. 10:3-5; Eph. 6:10-17; Matt. 5:21; Rom. 12:9, 21; Rom. 13:9; Luke 3:14; 1 Thess. 5:22.

"Our position on this vital subject has been set forth many times in this country by our ministers across the nation. In sermons and writings made public throughout the 1800's American Bible pioneers of our faith set forth this conviction as one of the integral parts of our belief. "The Christian and Carnal Warfare" by P. O. Nichols published in 1945 is a more recent pronouncement of our opposition to carnal warfare. Numerous sermons, articles and affidavits were published during the 1950's, and 1960's that attest to all that we as Christians oppose war. This position taken by many of us in the 1920's was placed on file by the Department of Defense, in the Adjutant General's File No. AG 000.31—Church of Christ—Date: 1-26-1928.

"We do not know of an active minister in these Churches of Christ who does not oppose carnal warfare. These Churches of Christ are not to be confused with many which wear the same name; due to fundamental differences we constitute a distinct fellowship.

"We wholeheartedly endorse the civilian work programs whereby conscientious persons may serve the National health and interests in a civilian capacity such as in hospitals, institutions and rehabilitation work.

"We submit this that all may know our position relative to our opposing carnal warfare, and that we might be recognized as a distinct group or fellowship which now is and in the past history of this country has been "a peace church", to use modern terminology."

2. Excerpt from A. Campbell's "Address on War" in 1848 (page 10):

"We should inspire a pacific spirit, and urge on all proper occasions the chief objections to war. We must create a public opinion on this subject. . . . War creates and perpetuates national jealousy, fear, hatred, and envy. It arrogates to itself the prerogative of the Creator alone, to involve the innocent multitude in the punishment of the guilty few. It corrupts the moral taste and hardens the heart; cherishes and strengthens the base and violent passions; destroys the distinguishing features of Christian charity—its universality and its love of enemies; turns into mockery and contempt the best virtue of Christians—humility; weakens the sense of moral obligations; banishes the spirit of improvement, usefulness, and benevolence; and inculcates the horrible maxim that murder and robbery are matters of state expediency."

3. Excerpt from Paul O. Nichols' "Christian and Carnal Warfare":

"We, as Christians, are as out of place engaging in a carnal conflict, as the world would be trying to fight the spiritual warfare. The world cannot fight the spiritual fight without first becoming spiritual; no more can a Christian fight a carnal conflict without first becoming carnal."

4. In regard to Selective Service Registrants:

"This body or fellowship has and is gaining recognition as to its unity regarding

carnal warfare. Each young man studies for himself the various aspects of the question, forms his own belief, and takes his own stand on his convictions. The Church influences his position only in teaching and offering scriptural references for his personal study and then stands behind him wholeheartedly in encouragement and moral support".—Nelson Nichols—Minister and Evangelist.

Reference may be made to or information obtained from the following men who are closely associated with the work of these Churches of Christ:

Homer L. King, 1061 N. Pilgrim, Stockton, Calif. 95202

Paul O. Nichols, 514 Oakshire Ave., Modesto, Calif. 95351

D. B. McCord, 1414 No. Albertson, Covina, Calif. 91722

Ronnie Wade, 1341 E. Gretna, Springfield, Mo. 65804

Nelson Nichols, 138 South 4th St., Montebello, Calif. 90640.

During 1970 and 1971 the members of Churches of Christ signed letters designed to tell all men of this country that we as Christians feel that it is wrong for us to sanction war. Furthermore, it was brought out in the letters that we are anxious to up-buld this nation and aid those in need.

The letters stated:

"This is to certify that we, the undersigned members of the Church of Christ are conscientiously opposed to carnal warfare. Our belief in the Supreme Being involves duties superior to those arising from any human relation. The basis of this faith is found in a multitude of Holy Scriptures, some of which follow: Matt. 26:48-52; Acts 5:29; Rom. 12:9; 2 Cor. 10:3-5; Eph. 6:10-17; Matt. 5:21; Rom. 12:19-21; Rom. 13:9; Luke 3:14; 1 Thess. 5:22.

"Our position on this vital subject has been set forth many times in this country by our ministers across the nation. In sermons and writings made public throughout the 1800's American Bible pioneers of our faith set forth this conviction as one of the integral parts of our faith. "The Christian and Carnal Warfare" by Paul O. Nichols published in 1945 is a more recent pronouncement that shows that we cannot as Christians sanction carnal warfare.

"We do not know of an active minister in these Churches of Christ who does not oppose war and urge those that make the laws of this land and those that govern to seek peaceful means to settle world problems. These Churches of Christ are not to be confused with many which wear the same name; due to fundamental differences we constitute a distinct fellowship.

"We wholeheartedly endorse the civilian work programs whereby conscientious persons may serve the National health and interests in a civilian capacity . . . such as in hospitals, institutions, and rehabilitation work.

"We submit this that all may know our position relative to our opposing war, and that we might be recognized as a distinct group or fellowship which now is and in the past history of this country has been "a peace church", to use modern terminology.

"We have assembled and set down together these principles, statements, and references so that all may know our position and that we stand behind those of our young men who because of their strong faith and dedication to the betterment of mankind seek to serve in hospitals, institutions, and rehabilitation centers rather than to violate principles they hold dearer than life. Each member studies the scriptures for himself and takes his own stand based upon his own faith." Nelson Nichols, Minister-Evangelist.

For more information contact one or more of the following ministers: Homer L. King, 1061 N. Pilgrim, Stockton, Calif. 95202, Paul O. Nichols, 514 Oakshire Ave, Modesto, Calif. 95351; D. B. McCord, 1414 N. Albertson, Co-

vina, Calif. 91722; Ronnie Wade, 1341 E. Gretna, Springfield, Mo. 65804; Nelson Nichols, 138 South 4th Street, Montebello, Calif. 90640.

WOMEN AT ANNAPOLIS?

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. FRASER. Mr. Speaker, Orr Kelly has the respect of everyone concerned with our national security. As the Evening Star's Pentagon correspondent, he does a highly professional job of reporting on defense matters.

My respect for his professionalism was increased further after reading his December 7 "Washington Closeup" piece titled "Male Chauvinism Remains at Helm." The question of women serving in our Armed Forces has too often been ridiculed in these legislative halls. Mr. Kelly, with a deft touch, uses humor to deflate those who cavalierly dismiss the need to eliminate sex discrimination from our Defense Establishment. The real question involved in Senator JACOB K. JAVITS' wish to appoint a woman to the U.S. Naval Academy is posited by Mr. Kelly:

[It] is not whether a girl should be admitted to Annapolis to prepare for a career in which her opportunities are limited by her sex, but whether any person who enters the armed forces should be arbitrarily prevented, solely on the basis of sex, from seeking any goal, even the chief of naval operations or the chairman (or chairwoman) of the Joint Chiefs of Staff.

That is telling it the way it ought to be told:

MALE CHAUVINISM REMAINS AT HELM

(By Orr Kelly)

For those of you who had begun to fear that Women's Lib was about to triumph, it can be reported that male chauvinism is not only alive and well, but firmly in command at the Department of the Navy.

Sen. Jacob K. Javits, R-N.Y., brought about the demonstration that men run the Navy—and intend to continue running it—by making a simple proposal. His first choice as an appointee to next year's plebe class at the U.S. Naval Academy, he said, is likely to be a young lady.

John Paul Jones, understandably, rolled over in his mausoleum at Annapolis. Salty old admirals turned strange colors, exhibiting something between mal de mer and apoplexy.

But it was left to John H. Chafee, the civilian Navy secretary, to tell Javits, in a still private exchange of letters, why it would be unthinkable for a young lady to show up at the academy in June as a member of the Class of 1976.

First, he told Javits, the Navy has no requirement to enroll a girl at Annapolis and there would be no apparent advantage to the Navy in doing so.

The basic job of the Academy, he said, is to train men for combat—to teach them to drive ships, fly planes, shoot guns and, although he didn't quite put it this way, prepare them to be admirals and even future chiefs of naval operations.

The U.S. Code, Javits was told, makes it illegal for a woman line officer to serve on a combatant ship other than a hospital or transport vessel. A midshipwoman, under

that law, couldn't even participate in the summer cruises used to train the other aspiring admirals.

Sending a girl to the Academy, Javits was told, also would require changes in the curriculum to train her for one of the career jobs now open to women in the Navy.

And then, of course, without being indelicate, there is the matter of bathrooms, showers and locker rooms.

"Why, we'd have to have a separate head," said one naval officer in tones that indicated any fool could see that was quite unthinkable. "We'd have to change berthing, showers, lockers..."

Javits' people say the young lady they have in mind seems to be highly qualified in every way for the appointment and she has very good reasons for wanting to breach the sex barrier at the Naval Academy.

Neither she nor Javits, they insist, wants to cause a revolution in the Navy, but simply to open up the academy to women. The girl involved, they say, would like to end up in a career specialty where there already are women officers on active duty.

In this respect, Javits, who got a girl appointed as a Senate page and thus broke the barrier there, may be moving too cautiously.

The real question is not whether a girl should be admitted to Annapolis to prepare for a career in which her opportunities are limited by her sex, but whether any person who enters the armed forces should be arbitrarily prevented, solely on the basis of sex, from seeking any goal, even the chief of naval operations or the chairman (or chairwoman) of the Joint Chiefs of Staff.

Chaffee was one of those who signed the Defense Department's statement of human goals, which says he will strive "to provide opportunity for everyone, military and civilian, to rise to as high a level of responsibility as his talent and diligence will take him."

The statement does not specifically rule out discrimination on the basis of sex. But when Jerry W. Friedheim, the Pentagon press spokesman, was asked about this the other day, he said it would be proper to add the word "sex" to the section of the statement that says the department's goal is to make itself "a model of equal opportunity for all regardless of race or creed or national origin."

The Navy has come a long way from the time, not too long ago, when a black man was automatically made a mess steward. It still has a long way to go, but the fact that a black man recently was named an admiral is encouraging.

But the Navy has yet to promote a woman to the rank of admiral.

Perhaps more meaningful would be to permit a girl to start right on the road to success in the Navy—at Annapolis. This raises the possibility that, sometime in the future, a Navy man of the old school will return from a visit to the chief of naval operations and report to his colleagues in awed tones: "She's black."

But that's what equal opportunity means.

DEATH OF DR. RALPH BUNCHE

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. CAREY of New York. Mr. Speaker, Dr. Ralph Bunche, the soft-spoken grandson of an American slave who was awarded the Nobel Peace Prize in 1950, died last week. I was fortunate enough to have had the pleasure of visiting with Dr. Bunche on a number of occasions,

and always found him to be one of the most knowledgeable, compassionate, and understanding men in statecraft. As the United Nation's most effective international civil servant, he was a source of expert counsel on world affairs.

Mr. Speaker, the passing of this New Yorker, statesman, and gifted human being is an immeasurable loss which the world can ill afford in times such as these.

BILL RUCKELSHAUS OF EPA— NIXON'S MAN, ON THE JOB

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. BRAY. Mr. Speaker, some elements seem more intent on trying to infer that there are grave rifts between Bill Ruckelshaus and the administration that has twice named him to top posts than in giving coverage to the great work he is doing, and will continue to do.

Bill was first named Assistant Attorney General, then sent on over to head EPA. It is quite rare for one person to hold two significant posts within the same administration; this in itself should be sufficient to quiet the rumors that there is any sort of a rift.

The following two articles from the November 14, 1971 Chicago Tribune are pertinent:

RUCKELSHAUS PREDICTS CLEAN AIR BY 1975,
LIFE FOR LAKE MICHIGAN
(By John Maclean)

WASHINGTON, November 13.—In the following exclusive interview, William Ruckelshaus, administrator of the environmental protection agency, discusses how the nation's fight against pollution is going and he makes some outspoken comments on current problems. He touches on the political infighting on the Senate's water pollution control bill. He takes a look at the future of Lake Michigan and the deadline for antipolluting auto exhaust systems. The interview follows:

Q.—You've been in office nearly a year now. How do you think you're doing against pollution? Is there more pollution now than there was a year ago?

A.—I think we're doing very well. That doesn't necessarily mean there's less pollution.

We're doing well because we've laid the groundwork in both air and water pollution. Those are our primary problems altho we certainly have a lot of other responsibilities.

Under the Clean Air Act amendments of 1970 we have announced air quality standards which are strict and must be met by 1975. The states are well along in preparing implementation plans. The plans must be submitted to us by the end of January for review and approval or disapproval. We have until the first of July to act.

WILL SEE SOME CLEANUP

As these implementation plans take effect we're going to really see some cleanup. Whoever is sitting in my seat two or three years from now will be able to tell you "Yes, there is considerable cleanup in the air."

Q.—What difference will we see?

A.—In Chicago and New York, if the standards for hydrocarbons and nitrogen oxides are met, there will be no smog.

It's going to be very tough to meet the 1975 standards in a place like Los Angeles

because the problem is so severe. But you will be able to see an appreciable improvement, even if we don't meet the standards.

What we're going thru now is a time in which a commitment was made to do something, and lack of visible evidence of progress. As long as this gap goes on, people are going to continue to say nothing is being done. But that's not so. A lot of things are being done.

For instance, water pollution. We've got a permit program [the Refuse Act of 1899, under which industries are being licensed to discharge effluent] that is well under way now. But it's time consuming, meeting the schedules and setting up the abatement facilities.

WILL SHOW RESULTS IN NEAR FUTURE

The intelligent way is to enforce across-the-board standards. That's what we've been able to initiate in both air and water in the first year of the agency. This will show results in the near future.

Q.—You're dealing with two groups now that are important to you, the auto manufacturers and state representatives. What do they tell you, can they meet the standards set for them?

A.—The auto manufacturers already have said they cannot meet the standards for nitrogen oxides. But they are bound to be pessimistic because after the first of the year they can request a one-year extension from me. If they're going around saying they can meet the standards this doesn't place them in a very strong position to convince me they can't.

It's going to be hard meeting the standards for nitrogen oxides. There are some new engines coming along that look promising, but probably they aren't going to be available by 1975.

Even if we don't meet the 1975 standards, we will make substantial reductions. The 1971 and 1972 models show reduction of emissions. Monitoring stations in Chicago show pollutants caused by autos to be down.

Now, about the state representatives. In Chicago, for instance, they're having trouble meeting the standards for carbon monoxide.

But we weren't told to set the quality standards if people can meet them.

TOUGH SITUATION IN CHICAGO

We were told to set standards to protect public health and to protect the environment. That's what we did.

Chicago is one of those places it will be tough to beat carbon monoxide.

Even if they don't the exercise of trying to meet those standards is going to result in cleaner air.

Q.—What happens in 1975 if the auto makers say "We haven't made it and aren't going to?"

A.—That will be come apparent long before 1975 if it's going to happen. Then, I will take a look at their petition and decide whether it's impossible for them to meet the deadline and if they made a good effort. I can grant them a one year extension if I find in the affirmative on both of those questions.

After a year we'd go back to Congress if they still can't meet them. I have no authority to grant more than a year's extension.

Q.—Might Congress amend the law if they were faced with that situation?

A.—That would be the request. The alternative would be to shut down all the auto factories.

Q.—The Senate has passed a water pollution control bill which, if it goes thru, will drastically change the approach to water control. It calls for elimination of discharging of pollutants into the nation's waters by 1985.

Is such a goal possible?

A.—We don't quarrel with the goal: We certainly endorse the goal of clean water.

We believe the House ought to have some hearings.

BILL IS DRASTICALLY CHANGED

The bill is drastically changed from the administration request and from what Sen. Muskie introduced when the hearings were going on.

One of the things about the goal of no discharge we've got to be careful about is that we don't promise people something that is impossible. If you can't do it, don't say you will. There are exclusions in the bill's definition of pollutants that are important.

For instance, discharge from oil riggings is not included. We think we know why.

Q.—Why?

A.—I'm not going to make any charges. There's no logical reason for it not to be. Those kind of things ought to come out. Let's not have that kind of monkey business on a bill of this importance.

You have to be careful about this matter of no discharge.

To promise people something like this when the chances of it are really slim is very irresponsible to me.

Setting 1985 as the deadline doesn't really intelligently address the problem. We need more flexibility in handling specific problems.

What if we find the best way to get rid of a certain waste is by water? I think we'll wind up with something more flexible.

Q.—What kind of future do you see for Lake Michigan?

A.—Lake Michigan is going to improve. We're studying the lake constantly.

MAKE A COMMITMENT ON LAKES

I think we've caught the Great Lakes in time. We've made a commitment as a country in time to preserve the lakes. There's going to be a lot of fights going on and a lot of struggles, but I think the momentum is there.

Q.—You've said many times that your strongest enforcement tool is public opinion. What's happened to public opinion in the last year? Last year—1970—was an emotional time about the environment. Is there still a lot of force and energy from the public about this?

A.—The force and energy is still there. The public needs to be better educated about the problems. Sometimes, the public demands things that aren't very wise courses of action. There tend to be "faddistic" amplifications of issues.

There is more vociferous opposition now than was true a year ago. There are people screaming about jobs and the cost of cleaning up.

Q.—What about the cost? There are all these colossal figures being tossed about. What is going to be the cost to the average guy?

A.—We are doing two economic studies. One is on the impact on the GNP. Maybe less than one per cent, or one and a series of studies of individual industries that might be hard hit. They should be ready in December.

LITTLE IMPACT ON GNP

A preliminary assessment shows there will be very little impact on the GNP. Maybe less than one per cent, or one and a half per cent. There are a lot of offset savings to cleaning up pollution. The impact on an individual industry can be great.

Q.—What savings can you see from pollution control?

A.—The Council on Environmental Quality estimates the cost of pollution abatement between now and 1980 at \$100 billion. Our figures indicate air pollution alone costs society around \$60 billion a year. This is in health bills, corrosive effects on machinery and structures, and so on. The cost of continuing to pollute is enormous.

Q.—What happens when a man comes in and says "Mr. Ruckelshaus, if I meet the air and water standards you've set for my firm, I'll be out of business."

A.—First, I would be careful to see whether this, in fact, would happen. It's rare that it happens, but the occasion does arise.

Usually, it's in a marginal industry in an economically-distressed area. We try to develop small business administration loans or economic development loans for the abatement of the pollution.

We have an early warning agreement with the Labor Department. They can come in with manpower programs.

Usually, the industry that goes under from pollution standards was in trouble anyway. The administrators with the most progressive attitudes on pollution, I've found, are usually the most successful in their businesses.

Q.—DDT is presently under review by your office and it's possible all uses of it may be banned. The World Health Organization says DDT is essential to control of malaria and the surgeon general of the United States says it is a "must" as far as public health is concerned.

Hasn't the DDT affair been a case of emotions outrunning common sense?

A.—We're trying to get all information on DDT right now, pro and con.

DDT has minimal health uses in this country—we don't use it to control malaria. But in Ceylon, where they did ban it three years ago, the deaths from malaria went from 50 to over 100,000. They've reinstated use of DDT.

There is tremendous emotion surrounding DDT and other similar substances.

We have to try to weigh risks and benefits. If we stop DDT, what is the substitute? Sometimes, it's better to be coping with a known devil rather than an unknown devil.

CHIEF OF EPA DENIES NIXON RIFT

(By Casey Bukro)

WASHINGTON, November 13.—William Ruckelshaus denies that there has been a falling out between him and President Nixon over a tough water pollution control bill passed by the Senate last week.

Earlier this week, the White House had been accused of opposing the bill, sponsored by Sen. Edmund Muskie (D., Me.) and passed by the Senate, 86 to 0. Muskie, considered an unannounced Presidential candidate, accused the Nixon administration of going soft on polluters by tampering with the bill.

"The White House is not trying to defeat the bill, which contains much of what the administration suggested," countered Ruckelshaus in an interview.

The administrator of the Environmental Protection Agency said there is a need to clarify the wording of the Muskie bill.

"The thing that distresses me is that the whole thing is getting into politics, and that generally leads to bad legislation," said Ruckelshaus.

EPA aides point to the coming election and say it would be to Sen. Muskie's advantage to paint Nixon as a dirty water candidate.

Some legislators, would find it difficult to oppose any part of the Muskie bill because they might be criticized for being soft on polluters, the aides add.

"All the White House is trying to do is get some hearings on the bill," said Ruckelshaus. "In the process, they have gotten everybody in the Senate excited, saying the reason they want the hearing is to kill the bill. I don't see that at all."

Rumors of a disagreement between Nixon and Ruckelshaus have led to speculation that Ruckelshaus had tendered his resignation effective Nov. 15.

Ruckelshaus denied that he has been burdened by interference from the White House or anywhere else in doing his job. As for those who have said Ruckelshaus will leave office on the 15th, he said, "I'm going to call them on the 16th, and say I'm still here."

THE CIVIL AERONAUTICS BOARD AND THE AIRLINES

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. MOSS. Mr. Speaker, a number of my colleagues and I have for some time been concerned about why the Civil Aeronautics Board continues to hold private, *ex parte* meetings with the airlines which it is supposed to regulate. On August 5, 1971, I wrote to the Chairman of the CAB asking a number of questions about the Board's practices in this area. The Board responded to that letter on October 21, 1971. Its response raised further questions, and on December 10, 1971, I wrote asking for additional information.

These letters follow:

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 5, 1971.

HON. SECOR D. BROWNE,
Chairman, Civil Aeronautics Board, Washington, D.C.

DEAR MR. CHAIRMAN: It has recently come to my attention that the Civil Aeronautics Board on July 13, 1971, conducted *ex parte* meetings with two airlines. It was with shock and, at first, incredulity that I received the news that these meetings had been held.

You are doubtless aware of the recent litigation which a number of my colleagues and I pursued with the Board concerning the public's right to have air fare and related matters considered by the agency in adjudicatory proceedings subject to administrative safeguards, and not in *ex parte* meetings. In light of that litigation, I should have thought the Board would take scrupulous care to avoid *ex parte* proceedings on matters that are appropriate for decision on the record. I had assumed in particular that the Board would take care to see that its decisions in the ongoing Domestic Passenger-Fare Investigation and in the proceeding now getting underway to determine relief from the unlawful fares charged as of October 1, 1969, would be reached free from the taint of private meetings between the Board and the airlines.

That is evidently not the case. An examination of the transcripts of the July 13 *ex parte* meetings, subsequently made available by the Board, discloses the active discussion of numerous subjects central to those adjudicatory proceedings—of which reductions in excess capacity, methods of raising load factors, elasticity of demand, and "timely fare adjustments" are only a few examples.

In light of the effect of these meetings on the legality of the Board's eventual decisions in the Domestic Passenger-Fare Investigation and the retrospective relief proceeding, I am therefore asking you to respond to the following questions:

1. The transcript of each meeting states that the meeting was convened "pursuant to notice." Where and when was that notice given, and to whom?

2. Were any members of the public—*i.e.*, persons who are neither Board nor carrier employees or agents—present at either meeting? If so, who were such persons?

3. On what dates from October 1, 1969, to the present time were other such meetings held? With respect to such meetings, who was present; what was discussed; and how and to whom was notice given?

4. How are these meetings different from the *ex parte* meetings held prior to October

1, 1969, and found to be illegal in *Moss v. CAB*, 430 F.2d 891 (CA DC 1970)? If you believe these recent meetings not to be illegal under the decision in that case, what do you believe the case stands for?

5. Has the Board made any revisions in its practices governing *ex parte* contacts since the decision was issued in the *Moss* case? If so, what have these been?

Because of the seriousness of the issues raised by the recent *ex parte* meetings, I would appreciate your response to these questions at the earliest possible time.

I have asked my attorneys to send a copy of this letter to each domestic air carrier subject to the Board's jurisdiction.

Sincerely,

JOHN E. MOSS,
Member of Congress.

CIVIL AERONAUTICS BOARD,
Washington, D.C., October 21, 1971.

HON. JOHN E. MOSS,
House of Representatives,
Washington, D.C.

DEAR JOHN: There is attached the Board's formal reply to your letter on the meetings the Board has had with various groups since October 1, 1969.

In brief, on this subject, it seems we will have to agree to disagree. I think the Board's meetings during this period of time have been both legally and morally proper. We have safeguarded the integrity of our decision-making, and we have not fallen into the trap exposed by your law suit.

I think we simply must keep in contact with all persons interested in air transportation who wish to meet with us. This is part of our statutory duty, as I see it, for to understand the industry is essential if we are to regulate and promote it. We recognize the necessity of operating in the fish bowl, but to refuse all meetings except those in a court room would be truly harmful to the Board as an institution.

Two years of experience have not dimmed my trust in our collective good sense and good faith.

Sincerely,

SECOR D. BROWNE, Chairman.

CIVIL AERONAUTICS BOARD,
Washington, D.C., October 21, 1971.

HON. JOHN E. MOSS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MOSS: The Board is glad to respond to your letter of August 5, 1971 on the Board's meeting with two airlines on July 13, 1971. You characterize these meetings as "*ex parte*" and state that you had expected that the Board would have avoided such meetings in the light of *Moss, et al. v. Civil Aeronautics Board*, 430 F.2d 891 (C.A.D.C., 1970). In your view, the meetings contained discussion of matters connected with the remaining phases of the *Domestic Passenger Fare Investigation* and the investigation on the reasonableness of domestic passenger fares charged from October 1, 1969 through October 14, 1970. You ask a number of questions about these meetings and others which the Board has held.

The Board's answers to your specific questions are attached. We have been and will remain mindful of the lessons of the *Moss* case. In our view, these meetings were proper under the law and consistent with our public responsibilities.

The Board's responsibilities include the consideration of many rulemaking matters, many informal adjudications not based on a hearing record, and many executive or administrative determinations, as well as adjudicatory proceedings. The Board's functions thus are not exclusively quasi-judicial but include both quasi-legislative and administrative matters. In these circumstances it is natural that members of the regulated industry, suppliers thereto, users of trans-

portation services, legislators and administrators, representatives of civic groups and local and foreign governments, scholars, and the general public should seek frequent contact with the Board. Every day the Board and its staff receive communications from the interest groups, the public, and the Congress and correspond with each of these groups on matters of mutual interest. On occasion requests are made for opportunities to meet with the Board to discuss a particular problem or issue rather than to deal with it solely by correspondence.

When such meetings are held, we do not view them as "*ex parte*" meetings, that is, meetings which carry the connotation that one of several parties to an adjudicatory proceeding is seeking to meet privately with the "judge" in the absence of his adversaries in order to secure an unfair advantage in the decision of a pending matter.

Nor do we view the meetings with the two airlines to which you refer as undesirable "*ex parte*" meetings. The transcripts of those meetings, which are available to the public, plainly disclose presentations of the actions and plans of individual carriers to meet serious economic difficulties and their appraisal of the degree of success achieved or anticipated for their current and projected activities in relation to their over-all problems. Such meetings and disclosures assist the Board in understanding and appraising the industry it is required to promote and develop. It is the duty of the Board to keep abreast of developing situations and to do so before catastrophe strikes in the form of a Penn-Central bankruptcy. Moreover, the information which is received in these meetings is not different in kind from that submitted in letters to the Board, contained in reports released by the carriers to the press, or which otherwise comes to the attention of the Board in many other ways in view of modern communications media.

It is the Board's view that it cannot wall itself off from the public and the industry it regulates in the performance of its regulatory functions simply because it is also required to perform adjudicatory functions. While differences of opinion have been expressed in this area at least since the oversight hearings in the late fifties, the Board has always believed that it was preferable to hold meetings with interested and affected groups, but to keep such meetings on the public record so that everyone could have access to their contents. We have followed such a course. In doing so we have sought to emulate the courts in our relations with adversaries in an adjudicatory proceeding before us, while recognizing, at the same time, that, unlike the courts, we have other duties and obligations which call for ongoing contacts with such adversaries on matters apart from a particular adjudication. The line is not an easy one to draw and the success of its application must rest on the bona fides of the agency seeking to make it succeed.

We cannot agree with your censure of the July 13 meetings. It is evident from the transcripts that everyone was concerned to avoid discussion of the pending proceedings, including the *Domestic Passenger Fare Investigation*. It is true that various speakers mentioned certain general topics of significance in regulation of the airlines. But these topics are involved in any discussion of the regulation of the airlines, the discussion of them in these instances was so generalized as not to constitute an argument directed to the decision of pending adjudications, and, in any event, the exchanges are a matter of public record and can be refuted if so desired by any party within the normal procedural framework of the proceeding. The Board and its staff are dealing with the same factors and concepts and subjects in many other cases and in their long range plans for the administration of the Act.

They seek to improve their knowledge and

understanding of such matters with information from many sources: newspapers, trade journals, carrier reports, conversations, congressional hearings, etc. Meetings with carriers and other groups are an important and valuable source, as the range of groups meeting with the Board as set forth in the accompanying table answering question 3 clearly shows. To eliminate such a source of information not only would be detrimental to the administration of the Act but would prevent the public from communicating directly with the Board in areas when it could not conceivably harm the adjudicatory process. Moreover, everything that was said was transcribed and made available to the public. The purpose of such a transcript is to make the matter public and permit its being answered if necessary. Docket 23140 has not yet reached the hearing stage and the Domestic Passenger Fare Investigation still affords the parties formal procedures to put their views on any subject on the record. This, after all, is the only satisfactory remedy if one is needed, that is, to give an opposing viewpoint, if any, equal opportunity to present its position.

This has been recognized by the courts which have frequently sustained preliminary contacts by a party with administrative officials charged with making an administrative determination so long as the determination was to be made after hearing on a full record. *Phillips v. Securities & Exchange Commission*, 153 F.2d 27 (C.A. 2, 1946), cert. den. 328 U.S. 860; *In re American and Foreign Power Co.*, 80 F. Supp. 514 (D.C. Maine, 1948); *North Central Airlines, Inc. v. Civil Aeronautics Board*, 265 F.2d 581 (C.A.D.C., 1959), cert. den. 360 U.S. 903 (1959); *Public Utilities Commission of California v. United States*, 356 F.2d 236 (C.A. 9, 1966), cert. den. 385 U.S. 816 (1966). *Moss v. Civil Aeronautics Board* is not to the contrary, since as more fully discussed in the attached answers the absence of a hearing, rather than the "*ex parte*" meetings per se led to the invalidity of the Board's order and the unlawfulness of the resulting tariffs.

We do not mean to suggest by the foregoing that we condone truly *ex parte* meetings. We do not. Our Rules of Conduct in Board Proceedings (14 C.F.R. 300) covers the situation in some detail and established appropriate limitations on *ex parte* contacts. In our view, we have avoided truly *ex parte* meetings.

Sincerely,

SECOR D. BROWNE,
Chairman.

QUESTION AND ANSWERS

Question: "1. The transcript of each meeting states that the meeting was convened 'pursuant to notice.' Where and when was that notice given, and to whom?"

Answer: No public notice was given of these meetings or of the meetings listed in the table supplied in answer to question 3. All such meetings were arranged by letter or telephone conversation between representatives of a company or group seeking a meeting with the Board and representatives of the Board.

Question: "2. Were any members of the public—i.e. persons who are neither Board nor carrier employees or agents—present at

¹ The Court's opinion does not discuss this matter in recognizable detail. However, after argument the Court called for further briefs on the question of the propriety of preliminary meetings by one of the parties with individual Board Members. Thereafter, in its opinion the Court stated, "With the assistance of supplemental memoranda from counsel for the parties, the Court has explored several questions relating to the procedure before the Board, but we find no reversible error in these respects" (265 F.2d at 584).

either meeting? If so, who were such persons?"

Answer: Apart from the reporter, no members of the public (as defined) were present at such meetings. Similarly, the persons attending the meetings listed in the table supplied in answer to question 3 were not members of the public (as defined).

Question: "3. On what dates from October 1, 1969, to the present time were other such meetings held? With respect to such meetings, who was present; what was discussed; and how and to whom was notice given?"

Answer: There is attached hereto a table setting forth a list of the companies or groups holding meetings with the Board between October 1, 1969, and the present, the dates of such meetings, the subject matter discussed, whether a transcript of the meeting was recorded, and the extent to which it may be limited in its availability to the public. As indicated above, no notice of such meetings was given to the public and no persons other than members of the Board and its staff and representatives of the presenting group were present.

Question: "4. How are these meetings different from the *ex parte* meetings held prior to October 1, 1969, and found to be illegal in *Moss v. C.A.B.*, 432 F.2d 891 (C.A.D.C. 1970)? If you believe these recent meetings

not to be illegal under the decision in that case, what do you believe the case stands for?"

Answer: In the first place the *Moss* case did not hold the pre-October 1, 1969, *ex parte* meetings to be illegal. Rather, it held that the Board determined or fixed rates by its order of September 12, 1969, and that since such order was issued without notice and hearing, as required by Section 1002(d) of the Act, the order was invalid and the tariffs filed by the carriers based thereon were unlawful.

Apart from this, the 1969 meetings involved all of the trunkline carriers and were concerned specifically and almost exclusively with fare structure, a major subject of the Board's order later declared to be invalid. On the other hand, the meetings now complained of each involved only a single carrier, and neither was concerned with the outcome of the pending fare cases, or even substantially with matters there involved.

Finally, and of decisive significance is the fact that both the Domestic Passenger Fare Investigation and Docket 23140 (Reasonableness of Passenger Fares From October 1, 1969, through October 14, 1970), unlike the proceedings leading to the *Moss* case, have provided for full evidentiary hearings after due notice to develop records upon which the adjudicatory determinations will be made

and tested in the event judicial review is sought. Thus, the public and all parties have a full opportunity to participate in the rate-making determinations here, a principal objective of the Court's decision in the *Moss* case.

Question: "5. Has the Board made any revisions in its practices governing *ex parte* contacts since the decision was issued in the *Moss* case? If so, what have these been?"

Answer: As earlier stated to you in a letter of August 4, 1970, the Board does not intend to engage in practices which the Court has found lead to invalid orders and unlawful tariffs. We have faithfully carried out our intention. Reference to the transcripts of the meetings between the Board and individual carriers or other groups demonstrate an expressed awareness on the part of both the Board and the other participant in the meeting of the impropriety of dealing with or discussing matters which are the subject of an adjudicatory proceedings before the Board. In our view there has been no transgression into a forbidden area. Further, specifically for the purpose of avoiding any possible problem we have stopped receiving during the life of the Domestic Passenger Fare Investigation ATA's presentation, on behalf of the industry as a whole, of its annual review and outlook for the industry.

MEETINGS HELD BY BOARD, OCT. 1-OCT. 6, 1971

Date	Participants	Subject	Transcript	Transcript available to the public?
Oct. 5, 1971	Frontier Airlines, Inc.	Progress report by new management	Yes	Yes
Sept. 13, 1971	Pan American World Airways, Inc. and Trans World Airlines, Inc.	North-Atlantic fares	Yes	Yes
Aug. 3, 1971	French Aerospace Corp.	Presentation with respect to the A300B aircraft	Yes	Yes
Aug. 2, 1971	Air Midwest, Inc.	Report "Progressive Aid for Rural Transportation"	Yes	Yes
July 16, 1971	Air West	Presentation re: the carrier's economic condition, and steps taken and to be taken with respect to major problems.	Yes	Yes
July 13, 1971	TWA, Inc.	General discussion of TWA's economic problems	Yes	Yes
Do	United Air Lines, Inc.	General discussion of United's financial problems and steps taken to solve them.	Yes	Yes
June 28, 1971	Australian Aviation Officials	Get-acquainted meeting before formal international negotiations on capacity in Australia-United States service.	No	
June 17, 1971	National Air Carrier Association	Foreign landing and uplift rights for U.S. supplemental carriers	Yes	No ¹
May 28, 1971	Pan American World Airways, Inc.	Progress report on steps taken by the carrier to meet its problems and planned further steps.	Yes	Yes
Apr. 30, 1971	Travel Weekly	Presentation of the results of the Louis Harris survey of the travel agency industry.	Yes	Yes
Apr. 20, 1971	Airlines' customer relations officers	Methods by which Board's newly created Office of Consumer Relations and the carriers can more effectively assist the customer with a valid complaint.	Yes	Yes
Apr. 1, 1971	McDonnell Douglas Corp.	Air cargo and its relationship with other modes of cargo transportation and handling.	Yes	Yes
Mar. 24, 1971	World Airways	Briefing by World with respect to its recent conversations with several aviation and other officials in the principal European capitals.	Yes	Yes
Mar. 18, 1971	Alaska and Washington congressional delegations	Financial status of Alaska Airlines	Yes	Yes ²
Mar. 12, 1971	George Storer and Senator Edward W. Brooke	Status of Northeast Airlines	Yes	Yes
Feb. 26, 1971	American Society of Travel Agents	Presentation by board staff to the eastern regional meeting of ASTA, explaining board activities of interest to them and answering their questions.	Yes	Yes
Feb. 25, 1971	Transportation Association of America	Carrier credit in the air transport industry; general interest and concern of investors with respect to the financiality of the airline industry.	Yes	Yes
Do	Burlington Industries, Inc.	Burlington's views as to relationship of air cargo service and Burlington's future development.	No ³	
Feb. 5, 1971	National Air Carrier Association	Financial status of the supplemental air carrier industry	Yes	Yes; with certain deletions per order 71-3-16 (Mar. 2, 1971).
Feb. 2, 1971	Association of Local Transport Airlines	Annual presentation on state of the local service industry, its difficulties, its prospects, its needs.	Yes	Yes
Jan. 27, 1971	Nevada Public Utilities Commission	General discussion of the amount of service being provided to points in Nevada.	Yes	Yes
Dec. 17, 1970	Los Angeles Airways, Inc.	General discussion of carrier's background, problems, plans, and needs.	Yes	Yes
Do	Braniff International Airways, Inc.	Presentation re: programs undertaken by Braniff to adjust its operation to the economic downturn and added competition, i.e. programs for improved productivity, capacity control, and cost reduction.	Yes	Yes
Nov. 5, 1970	International Air Transport Association	Presentation re: agreements reached at the Honolulu conference	Yes	Yes
Do	American Airlines and Western Air Lines	Announcement that American and Western had agreed in principle to merge and urging prompt consideration of the merger after filing of the agreement with the Board.	Yes	Yes
Nov. 4, 1970	McDonnell Douglas Corp.	Presentation re: air passenger and cargo traffic and number of aircraft needed to meet the forecast.	Yes	Yes
Oct. 15, 1970	Department of Defense	Discussion of problems relating to military contract rates	Yes	No
Oct. 1, 1970	TWA and Pan American World Airways, Inc.	Discussion of progress of IATA Honolulu conference, including advice as to what non-U.S. carriers were insisting upon.	Yes	Yes
Sept. 17, 1970	North Dakota Aeronautics Commission	Feasibility of creating a pilot program for an intra-state commuter airlines system and its funding	Yes	Yes
Aug. 4, 1970	Hawaiian Airlines, Inc., Aloha Airlines, Inc.	Announcement of agreement to merge and request for prompt processing	Yes	Yes
July 28, 1970	National Air Carrier Association	Presentation by NACA of its views on the fare matters to be negotiated by the IATA carriers at the Honolulu conference.	Yes	Yes
July 21, 1970	Pan American World Airways, Inc.	Performance problems under U.S.-U.S.R. Air Transport Agreement	No ⁴	
June 16, 1970	Alaska Airlines, Inc.	Relationship of hotel purchase by Alaska to DOT aircraft loan guarantee	No ⁵	
June 9, 1970	Puerto Rican Government officials and Delegate to Congress	Status of air transportation to and within Puerto Rico	No ⁶	
June 3, 1970	U.S. IATA Carriers	Views and proposals carriers have under consideration for presentation at the Honolulu Conference; protection of the interests of U.S. supplemental carriers in IATA deliberations.	Yes	Yes
June 1, 1970	deHavilland Aircraft of Canada, Ltd.	Briefing entitled "The STOL airplane activities at deHavilland Aircraft."	No ⁷	
May 26, 1970	Association of Local Transport Airlines	Position on subsidy to be taken in testimony to be given by ALTA before the Senate Committee on Commerce.	Yes	Yes
May 4, 1970	Piedmont Airlines, Inc.	Profit-sharing under Class Rate IIIA	Yes	Yes
Apr. 29, 1970	Hawaiian Airlines, Inc.	Economic deterioration of intra-Hawaiian air transportation	Yes	Yes

Date	Participants	Subject	Transcript	Transcript available to the public?
Apr. 24, 1970	The Flying Tiger Line, Inc.	Problems arising since FTL introduction of stretched DC-8 aircraft and inauguration of transpacific service.	Yes.....	Yes.
Apr. 23, 1970	Executive Airlines.	Presentation with respect to Executive's background, current operations, and projections.	No ⁵	
Apr. 20, 1970	Aloha Airlines, Inc.	Financial condition of the carrier.	Yes.....	Yes.
Apr. 14, 1970	Universal Airlines, Inc., and American Flyers Airlines, Inc.	Announcement of the carriers' agreement to merge.	Yes.....	Yes.
Do.	National Air Transportation Conferences, Inc.	Report on the growth and development of air transportation with small aircraft throughout America.	No ⁹	
Apr. 8, 1970	Allegheny Airlines, Inc.	Profit sharing under class rate IIIA.	Yes.....	Yes.
Apr. 7, 1970	Fairchild Aircraft Marketing Co., Inc.	Briefing on the FS-226 and the F-28 aircraft.	No ¹⁰	
Apr. 6, 1970	French Senators.	Briefing visiting parliamentarians on Board's rule in U.S. air transportation.	No ¹¹	
Apr. 3, 1970	Lockheed Aircraft Corp.	Presentation on the L500 commercial airfreighter.	No ¹²	
Apr. 2, 1970	American Airlines, Inc.	Foreign capacity restrictions.	Yes.....	Yes.
Do.	Pan American World Airways, Inc.	do.	Yes.....	Yes.
Mar. 30, 1970	California Grape and Tree Fruit League.	Ways and means of promoting expansion of aircraft service, and the importance of such service to the tree fruit, grape and strawberry industry.	Yes.....	Yes.
Do.	Air Freight Forwarders Association of America.	Air freight forwarding industry developments and future.	Yes.....	Yes.
Mar. 26, 1970	Texas International Airlines, Inc.	Financial situation of Texas International.	Yes.....	Yes.
Mar. 24, 1970	Boeing Co.	Presentation re: passenger and cargo traffic forecasts: progress report on the 747 program; and air cargo development.	Yes.....	Yes.
Mar. 19, 1970	Washington and Alaska State delegations.	General air traffic problems of Alaska and the Pacific Northwest.	Yes.....	Yes.
Mar. 11, 1970	Frontier Airlines, Inc.	Frontier's financial problems and intention to seek a merger partner.	No ¹³	
Mar. 10, 1970	National Air Carrier Association and representatives of the Departments of State, Transportation, and Treasury.	Reaction of European nations to the contract bulk inclusive tour fares.	Yes.....	Yes.
Mar. 4, 1970	Texas International Airlines, Air West, Ozark Airlines, Allegheny Airlines.	Profit-sharing tax issue under Class Rate IIIA.	Yes.....	Yes.
Feb. 26, 1970	Governors of 7 States and representatives of senators from those States and others.	No specific subject.	No ¹⁴	
Feb. 25, 1970	Seaboard World Airlines, Inc.	Steps taken by carrier to cut operating costs and increase commercial yield. Urge consideration of rates for mail and military transportation.	Yes.....	Yes.
Feb. 13, 1970	Airlift International, Inc.	Presentation of views as to current status of all-cargo industry in general and, in particular, economic posture of Airlift.	Yes.....	Yes, with deletions as provided by Order 70-3-58, Mar. 12, 1970.
Feb. 3, 1970	Association of Local Transport Airlines.	Financial health of the local service industry and pictorial presentation re: Visit U.S.A. fares.	Yes.....	Yes.
Jan. 7, 1970	Creative Tour Operators Association.	Tour operator bonding problems.	Yes.....	Yes.
Jan. 6, 1970	Airspur Corp.	Presentation of new ideas for the air taxi or commuter industry.	Yes.....	Yes.
Dec. 9, 1969	Central Intelligence Agency.	Briefing.	No ¹⁵	
Dec. 8, 1969	Air California.	Growth of Air California.	No ¹⁶	
Dec. 1, 1969	Pan American World Airways, Inc.; Trans World Airlines, Inc.	Report by carriers on IATA fare conference then in progress in Caracas.	Yes.....	Yes.
Nov. 18, 1969	Caribbean-Atlantic Airlines, Inc.	Carrier's problems.	Yes.....	Yes.
Nov. 13, 1969	Institut du Transport Aerien.	Study re: development of tourism and air transport in the South Pacific.	No ¹⁷	
Nov. 12, 1969	National Air Carrier Association.	Status of the supplemental air carrier industry and its relationship to the entire air transport industry. Basic problems and proposed solutions.	Yes.....	Yes.
Nov. 6, 1969	International Traffic Committee of Commerce and Industry Association of New York.	Problems of international shippers.	Yes.....	Yes.

¹ Withheld from public disclosure by Order 71-7-30 (July 6, 1971) pursuant to sec. 1104.
² Notes recorded by Board stenographer; final transcript now in preparation, following review by congressional delegation.
³ The meeting consisted of a documentary—with slides—presentation which is available to the public from Burlington Industries.
⁴ The meeting discussed future carrier and U.S. bargaining positions in international negotiation; considered inappropriate for transcript.
⁵ Data furnished during meeting reflected in Board letter to Department of Transportation dated June 23, 1970.
⁶ Transcript omitted through administrative error.
⁷ The meeting consisted of a documentary—with slides—presentation which is available to the public from DeHavilland Aircraft.
⁸ A reporter was scheduled to record the meeting but failed to appear on time.

⁹ Through inadvertence arrangements were not made for a reporter.
¹⁰ Presentation consisted almost entirely in the showing of a movie, which is available to the public for Fairchild Aircraft.
¹¹ Transcript considered inappropriate for this courtesy briefing.
¹² The meeting consisted of a documentary—with slides—presentation which is available to the public from Lockheed Aircraft.
¹³ Transcript omitted through administrative error; merger talks never materialized.
¹⁴ Meetings consisted of informal reception during Governors' conference; transcript considered inappropriate.
¹⁵ Transcript considered inappropriate.
¹⁶ Transcript omitted through administrative error.
¹⁷ Meeting considered of presentation of study which is available to the public from Institut du Transport Aerien.

CONGRESS OF THE UNITED STATES,
 HOUSE OF REPRESENTATIVES,
 Washington, D.C., December 10, 1971.
 Hon. SECOR D. BROWNE,
 Chairman, Civil Aeronautics Board,
 Washington, D.C.

DEAR Mr. CHAIRMAN: This is in response to your letter and accompanying cover letter of October 21, 1971, offering some answers to the questions which I raised about the Board's procedures in my letter to you of August 5, 1971.

As you note in your letters, we do disagree as to the meaning of *Moss v. CAB* and the propriety of the Board's continued *ex parte* contacts with the carriers. In order for me to assess the consequences of our disagreement and the remedial alternatives, it will be necessary to have some additional information. I would appreciate it, therefore, if you would supply me with the following, before the end of the year:

1. In response to question number 3 in my letter of August 5, you supplied a list of *ex parte* meetings that various groups have held with the Board between October 1, 1969, and October 5, 1971. The list appears incomplete in several respects.

(a) Please supply similar information—i.e., names and titles of persons present; nature of the discussion, method by which notice was given, and to whom; and availability of transcript—with respect to meetings held between individual Board members, or more than one Board member but less than the entire Board, and private companies, groups, or individuals.

(b) Please supply the same information for meetings between the Board's staff and private companies, groups, or individuals.

(c) Please supply the same information with respect to meetings or communications between the Board, Board members, or staff members, and any officers or employees of the Executive Branch of the Government. (As I am sure you are aware, since you are an independent regulatory agency, there is no question of "executive privilege" attaching to such communication.)

2. The newest federal regulatory agency, the Postal Rate Commission, has recently gone into operation with a complete and stringent set of rules barring *ex parte* communications. These rules were drafted by the Civil Service Commission and adopted by the agency at its inception. As I read them, they would prohibit the type of activity which you apparently do not regard as barred by the Board's procedural regulations or the *Moss* case. I would appreciate your comments as to why the Civil Aeronautics Board should have rules governing *ex parte* contacts any less stringent than those of the Postal Rate Commission.

3. Do you believe the Board's duty, as you see it, of fostering ongoing *ex parte* contacts with "adversaries in an adjudicatory proceeding" on various matters is inconsistent with its present adjudicatory functions? If so, I would be most interested in receiving your suggestions for legislative revision of the Board's mandate.

4. I have been told that if any member of the public requests a transcript of the

Board's *ex parte* meetings, he is quoted an extremely high price. Is this the case?

I have asked my attorneys to send a copy of this letter to each domestic carrier subject to the Board's jurisdiction.

Sincerely,

JOHN E. MOSS,
 Member of Congress.

THE MEANINGS OF CITIZENSHIP

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. DANIEL of Virginia. Mr. Speaker, last month it was my privilege to be in my district when the Honorable Andrew P. Miller, Attorney General of Virginia, addressed the Hugh T. Williams Post No. 8977, Veterans of Foreign Wars, on the occasion of that group's ninth annual citizenship award banquet.

Not unnaturally, Attorney General Miller chose as his subject "Citizenship," and the responsibilities the concept entails.

Toward the end of his speech, Attorney General Miller made a statement which should be committed to memory by those who downgrade our way of life, and can

find no good thing to say about our country:

Citizenship is a trust as well as a gift. If we as Americans tend to forget that citizenship is a two-way street, then we must correct that error in ourselves and see to it that our children understand both meanings of the word. Young Americans should learn quite early in their lives the value of the precious gift of citizenship which their country bestows upon them simply because they were born here.

In the belief that my colleagues will find the entire speech uplifting and instructive, I insert it in the RECORD at this point:

THE MEANINGS OF CITIZENSHIP

(By the Honorable Andrew P. Miller)

It is good to be back in the other Capitol of the Confederacy and to have the opportunity to address such a distinguished gathering as this. I doubt whether many VFW posts in the nation could assemble a more illustrious group of citizens than is here tonight.

Without exception, each of your invited guests is noted, in one way or another, for citizenship through his or her contributions to his own locality, to the State of Virginia or to the nation.

As members of the Veterans of Foreign Wars, the members of this post represent those who have offered their lives in the defense of Freedom, fulfilling the most demanding requirement of citizenship.

So, a discussion of citizenship is most appropriate, not only because it is the subject of the award you will present later this evening, but because it is so well represented by the members of the Hugh T. Williams Post and your guests.

There are two meanings to the word Citizenship, and I have a conviction that many Americans today tend to forget one of them. We are taught from childhood that citizenship is a priceless gift to all native Americans by virtue of their birth, and a privilege extended to all those of foreign birth who prove that they are worthy of it when they decide to live in our country.

This is the citizenship that makes us, as individuals, Americans. It is the legal recognition of our identity. It is the privilege conferred upon us by our country to enjoy the rights guaranteed to all Americans by the Constitution of the United States. We do not have to fight to get it, or endure suffering to qualify for it, but too often we forget how much blood was shed, how many privations were endured almost two centuries ago and since to win these rights for us.

That is the first meaning of citizenship; the one we too often take for granted. But there is a secondary meaning to the word. It is much broader than the first, more demanding in its proper interpretation, and, more often than not today, ignored.

It is the meaning that holds that citizenship implies a responsibility accepted in exchange for the privilege of being a citizen. It is the willingness to participate in the Democratic process to maintain it, to defend it and to make it work better. It is the requirement that the citizen contribute, however he can, to the nation that honored him with the title of "Citizen".

It is, as Webster's latest Collegiate Dictionary defines it, the quality of an individual's response to membership in the community.

This is the kind of citizenship that has brought all of us here tonight. This is the kind of citizenship you will recognize tonight as you present, for the 9th time, your annual citizenship award. This is the kind of citizenship that must be redefined in America today because too many Americans have forgotten what it means.

There is a phrase attributed to President Theodore Roosevelt that puts it even more clearly—and with considerable bluntness. It was in 1902 that Teddy Roosevelt said this:

"The first requisite of a good citizen in this Republic of ours is that he shall be able and willing to pull his weight."

It seems to me that Roosevelt's interpretation of what citizenship means is as true today as it was in 1902. We are still obligated by the gift of citizenship to give in return. We should still be haunted by the challenge President John F. Kennedy hurled at the nation in his inaugural address nearly 11 years ago:

"My fellow Americans, ask not what your country can do for you; ask what you can do for your country."

Americans must ask themselves today whether they are pulling their weight, what they can do for their country. Thankfully, many are—just as all of you who have been invited to this banquet tonight have done in justifying your status as American citizens. But the fact remains that many Americans today are failing to accept the challenge of citizenship, failing to accept the responsibilities which the circumstance of birth in this country has imposed upon them.

And the most regrettable aspect of it is that you don't have to be a Hercules to shoulder those responsibilities. The very structure of American Democracy makes participation in it by the citizen far from difficult.

What better example than the use of the ballot? We have just offered to a whole new level of Americans—those between 18 and 21—the privilege of voting in every kind of election. And yet, until after the deadline established by state law had passed, only a small handful of these newly-franchised voters bothered to register. Following the institution of the suit, which was subsequently rejected upon hearing, less than four thousand such persons decided to register. And of their number, it quickly became apparent that more than half of them had been actually eligible to register from the beginning but had simply not taken the trouble.

Here was an opportunity to exercise the responsibilities of citizenship. Here was a means for a group of Americans to pull their weight, but it was, for the most part, ignored. I am not singling these 18 to 21 year old Americans out for criticism to make an example of them. Far from it. They were, after all, in an unusual situation as students at colleges and universities, and they will be heard from at the polls in future elections.

Their failure to take advantage of a historic change in the election laws is a minor infraction of the rules of citizenship when compared to the failure of millions of their elders—who have had the franchise for years—to go to the polls in election after election. For these Americans there is no excuse. They have failed utterly to discharge their responsibility as citizens.

It is not only in disregard for the voting process that so many Americans now show that they have lost contact with the duties imposed upon citizens. There are other transgressions which are equally disturbing.

Take, for example, the question of respect for the Law. American Democracy is founded upon the Law and nurtured by the respect its citizens hold for it. Yet, we are confronted in our nation today with widespread contempt for the Law and those who enforce it, as well as for those who administer Justice in our courts. It is visible in the rising crime rate, the spread of drug abuse and the emergence of civil disorder as a means drawing attention to the ills of society.

It appears as a national disenchantment with the efforts of police officers to maintain order, with the decisions of state and federal courts, and with the Supreme Court of the United States. It is seen in the widespread belief that an overworked judicial system is incapable of keeping the scales of Justice

balanced. It is a feeling that Justice itself has lost direction and often favors the criminal over the victim.

It is a feeling held by millions of Americans that our cherished freedoms are being subverted by the attitude of the courts toward a minority of radicals who are carving out a new freedom from the Bill of Rights: Freedom of Excess.

Where does the citizen's duty lie in this period of real crisis? What can the citizen do beside complain? Is it enough to cry that Someone must do Something? It is not. The objective of the responsible citizen must seek is the correction of the situation before it becomes intolerable. Here is a fertile area for citizenship.

If there are not enough police, then it is up to the citizen to insist upon more police, better trained police and better paid police.

If drug abuse continues to spread, if the dope pushers continue to walk unchecked from city to city, from campus to campus and from one public school to another, then it is the citizen's responsibility to insist that there be more stringent laws and more effective enforcement to control drug abuse. It is the task of the citizen, as parent, to insist that every child be taught in the public schools that narcotics are dangerous and that those who use and sell them are law breakers.

If civil disorder continues to be a threat to public safety, then it is the citizen who must take the lead in demanding that those whose demonstrative techniques are aimed at social reform recognize that freedom of speech and assembly are rights that do not imply the right to disrupt, loot and burn.

And it is the responsibility of the citizen to exert his influence in bringing together those whose disagreements threaten violence so that negotiation, not confrontation, is restored as a means of settling disputes in a Democracy.

If the decisions of federal courts and the United States Supreme Court concern the responsible citizen, he must realize that he cannot abandon the duties of citizenship by supporting defiance of unpopular decisions. But he can and must recognize that the Democratic process provides the means, however slow, to effect constitutional change that will bear on the Law itself.

These are areas of citizen action contemplated by the genius of the men who created this nation. For a Democracy is a government of citizens, responsive if the nation is to endure.

By far the most meaningful contribution the American citizen can make to his government is to serve it directly, whether it be in his own community, or in the state's own offices or in federal service. What so few Americans seem to realize today is that opportunities to assist in the governmental process are vast and diverse. Never before has government needed the dedication, wisdom and energy of responsible citizens on such a broad scale.

Government is no longer the exclusive domain of the career politician. Many of you in this room have found that serving one's local or state government as an appointed or elected official has brought great inward satisfaction and a feeling of service rendered that can be matched in no other endeavor. But the average citizen in the past has confined his political activity to making a choice periodically in the privacy of the voting booth on Election Day.

A change has been taking place, however, in the way government regards its role today. At every level, citizen participation is being sought actively. For government has learned that a huge pool of talent is available to solve its problems; a pool of skilled, knowledgeable Americans, ready to supplement professional public servants by accepting appointment to a myriad of boards, commissions and advisory councils.

Virginia has turned to its lay citizens in greater frequency in the past few years, seek-

ing their help and receiving it in full measure. Now, much that is new and better in Virginia has been influenced to a great extent by the participation of these average citizens in the governmental process. The number of commissions, boards, councils and other groups to which citizens have been appointed in Virginia in the past two years exceeds two hundred. You may be startled to learn that the number of Virginians who serve on advisory groups at the state level exceeds 32 hundred.

There is one more aspect of citizenship on which I would like to touch this evening. It is the American idea of citizenship translated into support of the United States and its policies: "My Country, Right or Wrong."

Many Americans find such an attitude difficult to maintain today. Some say flatly that their country is wrong—wrong in its policies abroad or wrong in its policies at home. The tragedy is that far too many of these who find fault with America offer little in the way of solutions. They sulk in the shadows and talk vaguely of a system that needs to be overhauled or even destroyed. But they offer nothing in its place except the spectre of anarchy.

Theirs are the loudest, most irresponsible voices of protest. They are adept at gaining attention; they have sown, with regrettable success, the seeds of national discontent. Their most unfortunate accomplishment has been to encourage the development of an equally irresponsible counterforce of individuals who are hysterically emotional and so militant as to permit no reasonable voice to be heard. They have forgotten that Democracy permits a free exchange of ideas.

Between these two misdirected groups of Americans stand the great mass of our citizens, devoted to their country, aware of its problems, conscious of the fact that Democracy is imperfect and that the key to its perfection lies in its inherent ability to correct its deficiencies by rational debate and action. These are the Americans who understand, perhaps without even knowing it, what citizenship means.

These are the Americans whose love of country surpasses their concerns for its errors, when they believe it to be in error. These are the Americans who have faith in the continued greatness of their country, even when they are concerned over its involvement in an unpopular war. These are Americans who may not understand why their government seemed ready to accept Communist China as a member of the United Nations, but who will not seek to overthrow that government in protest over its decision.

And this is the aspect of American citizenship that the communist world has not grasped. There is no doubt that many Americans are vehemently opposed not only to the admission of Communist China to the U.N., but the expulsion of Nationalist China from its United Nations seat. To millions of Americans the action was immoral, and they hope for retaliatory action by the United States—at the very least a sharp reduction in the amount of funds provided to the UN from Washington.

It is not unlikely that the Red Chinese anticipate a violent and disruptive debate in this country over their admission to the United Nations and Nationalist China's regrettable departure. But they will look in vain for such an upheaval. Instead, they will see the process of Democracy at work again, generating a debate from the Town Hall to the State House to the Capitol in Washington.

If it is the mood of the majority of Americans that the United States will sharply reduce its contribution to the United Nations, then that will be the result. But there will be no national upheaval, no disruption of the orderly process of government. America's citizens will be heard, their representatives will act, and the United States will remain united.

Citizenship is a trust as well as a gift. If we as Americans tend to forget that citizenship is a two way street, then we must correct that error in ourselves and see to it that our children understand both meanings of the word. Young Americans should learn quite early in their lives the value of the precious gift of citizenship which their country bestows upon them simply because they were born here. But once that is clear to them, it behooves us to help them understand that there will come a time when their country must be repaid for its generosity.

That is when they must learn the other meaning of the word citizenship. And they must learn, for if America's future is to be secured, it will be at the hands of those whom we know today only as children. Now is the time for them to understand the responsibilities and duties they owe to America, for that is the dominant meaning of citizenship.

The late Louis Armstrong was being interviewed on television by Edward R. Murrow some years ago. The commentator asked Satchmo what jazz is. Armstrong looked at Murrow and then replied: "If you have to ask what jazz is, you'll never know." Let us hope that as a result of our efforts no Virginian will ever be uncertain as to what citizenship means.

Thank you.

MISQUOTATION

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. WOLFF. Mr. Speaker, we have all heard a great deal about the need for re-ordering the Nation's priorities. I was pleased to note a brief but telling editorial in this morning's Newsday which incisively points out the confused values which the administration places on its spending policies. I am inserting this editorial for the information of my colleagues in the House at this point in the RECORD:

MISQUOTATION

In vetoing the innovative child development program last week, President Nixon described it as "overshadowed by fiscal irresponsibility, administrative unworkability and family-weakening implications." We disagree vigorously but believe the President can still find an appropriate subject for his quotation: The Vietnam war.

EXCERPT FROM THE 1971 YEAR-BOOK OF AGRICULTURE

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. PURCELL. Mr. Speaker, the 1971 Yearbook of Agriculture, entitled "A Good Life for More People," has just been released by the Department of Agriculture. The Secretary's letter of introduction, which I received with my copy of the book, stated that it "cites programs that will take some of the pressure off the metropolitan centers over the next 30 years." Thus, it is a book of great interest to all of America.

On page 200 of the new yearbook is an

essay discussing "Local Community Development." The essay discusses two highly successful community development programs which it suggests as models for the rest of rural America. The first of these discussions centers on the Four Winds Industrial Foundation, Inc., Quanah, Tex. This foundation, located and operated solely within the 13th District of Texas, is the focal point of as much hard, dedicated, and community inspired work as can be found anywhere in the country.

It is a continuing source of pride for me personally to be able to point to the outstanding leadership of this foundation and their unyielding determination to make something of an area which modern America seems to have forsaken.

I am inserting in the RECORD at this point, Mr. Speaker, this excerpt from the new Yearbook of Agriculture. I hope that every Member will be able to review this essay with communities in their own districts in mind. No finer example can be found.

The excerpt follows:

LOCAL LEVEL COMMUNITY DEVELOPMENT

(By Donald E. Runyon and Donald L. Nelson)

Meaningful community development must begin on the local level, with local people at the helm. Who better than they know their own community, its needs, problems, resources, and potential?

Once a comprehensive plan is formulated, the local leaders should look for all the financial and technical help they can get from whatever sources. This includes State and Federal assistance.

Community development programs in Alabama and Texas are excellent examples of what local people can do with a little help. Perhaps you'll find some ideas from these examples on how to get a project "on the road" in your community.

The Four Winds Industrial Foundation, Inc., Quanah, Tex., tackled an enormous task and then reached out in all directions for help big enough to match its ideas. Representing a new concept in economic development, the foundation welded four counties into a team—counties which formerly had competed on every front.

Prospects seemed dim at the outset. The farm-oriented economy which supported their core communities had been depressed by mechanization, a drop in farm employment, the sale or loss of family-run farms. As trade decreased, more businesses closed their doors permanently—resulting in a weakening overall economy.

Economic stagnation was becoming a widespread problem in Childress, Foard, Hardeman, and Cottle Counties. Many rural north Texas communities faced a dim future. Ninety percent of area high school graduates moved away to find jobs elsewhere.

This depressed economy had to be revitalized if the steady outmigration of people to the cities was to be stopped and, if possible, reversed.

These goals could be accomplished only if the four counties joined in a unified regional development program. This effort would demand the support of all local governments, businesses, and people.

The base of the area economy had to be broadened by attracting new industries and payrolls, strengthening and expanding remaining small businesses, and arranging for location of government facilities in the area. Potentials for tourism and commercial recreational facilities had to be exploited. New methods for attracting income-making projects had to be created.

The Four Winds Industrial Foundation was organized to:

Help develop and finance area businesses and industries;

Speed up cooperation between public and private agencies;

Involve the wholehearted commitment of area people at all levels.

Plans of the foundation included expansion of existing industry and obtaining new industry. Among the goals were reviewing land use, seeking an industrial water supply, surveying area recreational possibilities, and establishing financing sources—public and private. Other objectives included developing a regional information and marketing service system, expanding water and sewer systems, improving and broadening vocational training, providing facilities for higher education, and improving transportation facilities. Developing a program for repair and construction of housing was another target.

R. A. Yarbrough was elected executive director of the foundation. He is manager of the Gate City Electric Cooperative, a Rural Electrification Administration borrower, in Childress.

He is also field coordinator for the NorTex Regional Planning Commission; a member of the Reclamation, Conservation and Development Board; and serves on the Governor's Economy Task Force: "Goals for Texas."

The Gate City co-op encourages board and staff members to take active roles in local development programs. For example, O. T. Holmes, president of the co-op board of directors, works with soil conservationists and is active in building rural water systems.

The Foundation was chartered in 1967 as a nonprofit organization. It depends solely on donations from citizens and businesses within the four-county area for its support.

Programs of the Four Winds Industrial Foundation are directed and managed by a 16-member board of directors. Four directors are elected from each of the four counties.

The group conducted educational meetings in each of the area communities. Once they obtained temporary financing and informed the public of their aims and purposes, the Foundation reached out for the support of private industry and private groups. The West Texas Utilities Company, Lone Star Gas, Frisco Railroad, Southwestern Bell Telephone, the Burlington Railroad, local banks, and the West Texas Chamber of Commerce joined actively in the program.

The Foundation now reached out to State and national legislators for support. Further widening their aim, they obtained assistance from REA and other agencies of the Department of Agriculture, from the Department of Housing and Urban Development, and the Small Business Administration.

They made use of the Office of Economic Opportunity Job Corps training programs. They received the cooperation of the Texas Highway Department, the Greenbelt Water Authority, the Red River Authority, the Texas Water Quality Control Board, the Texas Employment Commission, and the Texas Pollution Control Board.

Washington-level coordination of the program is handled by the Community Development staff of REA. Technical assistance is provided on the spot by Extension Service and other USDA field personnel in the project areas.

The Foundation compiled and printed industrial data and statistics concerning the four-county region. These booklets are presented to industries and businesses interested in locating in North Texas.

Industrial parks on selected sites are in the works. The Foundation is working with the Farmers Home Administration on an adequate water supply for the region.

The foundation has attracted industries difficult to locate because of odors such as

tanneries to take advantage of hides and by-products from feedlots and packing houses. A project involving Federal funds and research is underway to eradicate the mesquite which infests the area.

The foundation has a forward-moving program with the Farmers Home Administration on promotion of housing projects for low-income families, for community buildings, and sewage plants.

Results of the combined efforts steadily and continually accrued as the Foundation entered the decade of the 1970's.

A large mobile home manufacturer opened a factory near Childress, employing more than 100 semi-skilled local workers. A water conservation program, the Thirsty Water System, is in operation. Other projects, the Readl-Rain Water System and the North Wichita River Water Association, have Farmers Home Administration approval and aid. Labor and health surveys have been conducted through the four counties.

The foundation is proceeding with its work with cooperation of the Texas Industrial Commission in contacting, informing, and attracting industry.

CAROLINIAN CONTRIBUTES PRESIDENT'S TREE

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. QUILLEN. Mr. Speaker, much attention has been given the tree recently transported from North Carolina to the Nation's Capital for the Blue Room in the White House.

We in east Tennessee are proud that this tree came from a growth bed atop Roan Mountain in the First District of Tennessee. The 18-inch seedling was taken from Roan Mountain in 1950 to Crossnore, N.C., where it remained until earlier this month when it was brought to Washington for the First Family.

I make the following article from the Johnson City Press-Chronicle available for readers of the RECORD:

CAROLINIAN CONTRIBUTES PRESIDENT'S TREE

For 21 years this majestic Fraser fir grew in the front yard of B.R. Farmer's residence near Crossnore, N.C.

Yesterday it was felled—the one tree of millions grown in this nation will grace the Blue Room of the White House during this Yuletide.

Thursday birds nested in its fragrant branches.

Soon, President and Mrs. Nixon will nest glittering ornaments and lights in its boughs as they, along with millions of their countrymen, herald the most joyous season.

Iva Johnson, Farmer's father-in-law, brought the tree to its growth bed from Roan Mountain in 1950 as an 18-inch seedling. Johnson died in 1954.

But for 21 years the tree endured and grew, oblivious of fate's workings and its subsequent special recognition.

A neighbor of Farmer's is responsible for its selection.

Last year Kermit Johnson was acclaimed national grand champion Christmas Tree grower for the nation during the Christmas Tree Growers' Association convention.

His title carries the right to select the 1971 Executive Mansion tree.

And Farmer's Fraser fir was his choice after examination of specifications provided by the White House.

Nature readily complied with the task at hand yesterday morning as crystalline snow quickly sugar-iced the fir and its neighbors.

As the chain saw whirred to life for its unique cutting chore around 10 a.m., over five inches of snow had accumulated, adding a touch of winter's dignity for the occasion. And the flakes filtered throughout the selection and cutting activity until nearly eight inches formed a feather mattress when the fir was carefully lowered to earth.

Cloaked in burlap, its boughs secured by nylon cord, the Fraser was transported to the town square in Crossnore for reloading on a larger vehicle.

From there it will slowly travel to the District of Columbia where Hunter will later present it to the presidential family.

Soon its evergreen incense will kindle those Yule thoughts and memories, most cherished and polished to a sheen by thought's handling, in the minds of the President, his wife and children and their guests and friends.

A most noble service from a most noble tree. . . .

INTRODUCTION OF PENAL REFORM BILL

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. WALDIE. Mr. Speaker, in the past 2 or 3 years we have seen a new recognition of the need to reform our basic institutions.

Our schools, legislatures, and even our churches have felt the effects of the reform movement.

One institution that is sadly lagging behind in this reform effort is the prison system of this Nation.

Mr. Speaker, the tragedy of Attica horrified and angered the Nation—and rightly so.

Recent hearings by the Select Committee on Crime revealed some of the sources of the situation, not only at Attica, but at many, many of the prisons and penal facilities in every State of the Union.

It is hoped that the attention aroused by Attica will aid the effort to reform the outmoded and stifling penal institution as it exists today.

Mr. Speaker, today I am pleased to introduce legislation designed to improve Federal, State, and local correctional facilities by setting minimum standards and by providing increased Federal assistance in the form of correction centers to be built, operated, and eventually turned over to the States.

Mr. Speaker, the correctional center to be constructed under the provisions of this bill will bring about a dramatic and vitally necessary shift in correctional attitudes.

The huge prisons with overworked and underpaid staff personnel and insufficient training and rehabilitation facilities are dangerously outmoded and unsatisfactory to the needs of our society.

I hope that the Congress gives this legislation its full consideration. We must do something to bring about prison reforms.

OHIO NATIONAL GUARD,
COMPANY C**HON. CLARENCE J. BROWN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. BROWN of Ohio. Mr. Speaker, I would like at this time to bring to the attention of my colleagues an outstanding unit of the Ohio National Guard, Company C of the 216th Engineer Battalion, stationed in my district at Springfield, Ohio. In addition to disaster and civil disturbance duty, Company C has a proud record of environmental and community development. Road construction, bridge building, and drainage correction were part of the assistance given to the Ohio Resource and Development Center, aiding in the reclamation of land left barren by strip mining methods. Charlie Company has also been instrumental in providing a local community with needed manpower to conduct a "glass drive" to clean up our roads and countrysides, aiding projects by local environmental groups to promote recycling of our used bottles and jars.

This active unit has also found time to develop a Boy Scout Camp Service Center, assisted in construction projects for playground areas in the city, of Springfield, and to develop bicycle trails and other recreational areas in the Clark County area.

Recognized by the State of Ohio for its record of community service and development, Charlie Company can be proud of its worthwhile contribution to the people of the Clark County area. I would like to add my congratulations to Capt. John S. Wagner and his men for their impressive contributions to our community and State.

DAVID VERSUS GOLIATH AGAIN

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. GOLDWATER. Mr. Speaker, hardly a day goes by that some aspect of the Israel-Arab situation is reported in the news media. I am very concerned that not enough emphasis is given to the critical Israeli-Russian situation, as Russia compounds the threat being made daily toward Israel. For my colleagues' information, I present an article from the Kansas City Star concerning this critical situation:

DAVID VERSUS GOLIATH AGAIN

(By Ernest Cuneo)

WASHINGTON.—The Kremlin's new declaration that it "will further strengthen the military might of Egypt" is interpreted, particularly in London, as a lead from weakness. More particularly, the Kremlin has suffered a series of stunning diplomatic reverses in the Arab world, especially in the crushing of Soviet power in the Sudan.

This has reverberated throughout the North African states. Rich but weak and underpopulated Libya was shaken; the Moscow-oriented government faces considerable opposition in the small armed forces. In fact

there has been a noticeable popular movement for peace with Israel.

Since the war with Israel is the Russian pretext for maintaining a presence in the Middle East as protector of the Arabs, it becomes reasonably obvious in view of the deteriorating diplomatic posture of the Russians in the Arab world why it was necessary to rattle the sword a bit.

The answer of Secretary of State Rogers that the United States would reconsider its military commitments to Israel is standard operational procedure under the circumstances and really doesn't mean very much. The United States has sent no planes to Israel since June.

Hence the Tel Aviv government's arms negotiations with Washington are wanly reminiscent of that scene in Alice in Wonderland when the Mad Hatter asks if Alice will have some more tea. Alice, piqued, asks how she can have more tea when she hasn't had any. The Mad Hatter severely takes her to task. "You means," he says, "how can you have any less?"

As far as legal and moral obligations go the United States is already fully committed to the defense of Israel.

Accordingly for Secretary Rogers to declare that the United States will "carefully reconsider" its military commitments to its ally, is about as comforting as an assurance from the issuer of a bounced check that he will think about honoring his obligation.

The truth is that the United States has imbalanced Middle East forces against Israel in dangerous fashion by yielding the magnificent airfield at Wheelus Base in Libya to the Arab forces and by permitting the Russian Mediterranean squadron to reach parity with the U.S. 6th Fleet, the only plausible deterrent in the area.

Further the continued attrition of the U.S. Navy is progressively resulting in its being outranged and out-missiled in the eastern Mediterranean. It is an open secret that even with the Atlantic battle force moving up in reserve, the 6th Fleet can maintain a "surge" for only six months under combat conditions.

It is fatuous therefore to speak of an imbalance of arms in the Middle East, when Russian technicians in Egypt number 42,000, where Russian air patrols sally from a series of complexes, containing four air bases to which not even Egyptians are admitted, and whose pilots have fought engagements with Israeli pilots.

Further, there is an almost maddening misconception of the capacity of the small Israeli air force based on the extremely high capability of the Israeli fighter-pilots. War, even air war, is a matter of attrition, and the Russian air force has over 300 times more reserves than the Israeli air force.

To assume that David can fight 300 Goliaths from dawn to dusk, without rest and sometimes several at a time, is suicidal thinking—not for Israel, which is perfectly aware of the odds—but for the West.

So as Secretary Rogers "carefully reconsiders" U.S. military commitments to Israel, it is ardently to be hoped that he will also consider the fact that Israel alone holds the Middle East and Suez for the West.

U.S. POSTAL SERVICE ASKS FOR
EXCEPTION ON RATES**HON. THADDEUS J. DULSKI**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. DULSKI. Mr. Speaker, I was interested to read the other day that the U.S. Postal Service has renewed its effort to increase postal rates.

But I am really shocked to learn that it has followed up its latest request with an application for complete exemption from price controls.

How can the credibility of the Government's price control program survive if it gives a blanket exemption to one of its own independent agencies.

Clearly, the Cost of Living Council needs to retain control over postage rates, just as it does other items in the economy. What is good for private business is good for Government business.

Incidentally, I am dismayed at the inaction on another matter concerning the Postal Service which has been dangling since last spring.

That is the bill, S. 1681, which the House amended to require that the Postal Service make payments to the civil service retirement fund for increases in unfunded liabilities of the fund resulting from postal pay raises. The Office of Management and Budget has given its unqualified support to this amendment.

Mr. Speaker, with regard to the Postal Service's request on postal rates, following is the text of a telegram which I addressed today to the Director of the Cost of Living Council:

HON. DONALD RUMSFELD,
Director, Cost of Living Council, Washington,
D.C.:

The Postal Service has a special responsibility to provide an example of compliance with price controls. Now they are seeking 24% increase in third class postal rates. The Price Commission has held up this increase.

Now the Postal Service is seeking to have the Cost of Living Council totally exempt from the price controls. This would be damaging to the federal government's credibility in asking for public cooperation and support for the control program.

As a minimum, the Cost of Living Council should retain jurisdiction over postal rates until it receives assurance the anti-inflation guidelines of the President's price stabilization program will be followed by the Postal Service.

This can best be accomplished by requiring the Postal Rate Commission to apply these guidelines in the same manner as the CAB, ICC and other regulatory agencies are doing.

One of the basic points of the 1970 Postal Reform legislation was to create an independent regulatory body to control postal rates.

T. J. DULSKI,

Chairman, Post Office and Civil Service
Committee.PITT PROFESSOR AGAINST
FOREIGN AID CUTS**HON. WILLIAM S. MOORHEAD**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1971

Mr. MOORHEAD. Mr. Speaker, in late November, I received a paper on the implications of congressional action on foreign assistance from Dr. Donald C. Stone, distinguished professor of public and international affairs at the University of Pittsburgh. He has made a number of interesting comments and suggestions worthy of thoughtful consideration by Members of Congress and, therefore, I

welcome this opportunity to call them to your attention:

IMPLICATIONS OF CONGRESSIONAL ACTION ON FOREIGN ASSISTANCE

The frustrations of the Congress are easily understood in its response to Presidential and other pressures in processing foreign assistance legislation, notably in respect to such matters as military aid to Greece and Cambodia which with all military programs it should have separated long ago from U.S. and U.N. development assistance and relief efforts.

Nevertheless the action of the Senate in killing the current foreign aid bill in the wake of the U.N. resolution of the China issue has had ominous reverberations both here and abroad. The subsequent passage by the Senate of economic assistance (in a more limited form) and military assistance authorizations has only partially offset the damage.

These comments focus on development assistance administered through the Agency for International Development (AID) or United Nations agencies.

1. The Senate action signaled a direct linkage between the granting and withdrawal of assistance to the way a country votes in the U.N. and accords other support for U.S. purposes. A sufficient number of Congressmen responded in pique to the U.N. vote on China to give a worldwide impression that development assistance and other foreign aid was in fact extended primarily to gain support—rather than to help economic and social development among impoverished nations.

2. Most of our bilateral and multilateral economic and technical assistance has been developed on the basis of matching and cooperative efforts of national governments and international agencies. A worldwide network of matching funds and joint ventures has been a keystone of the U.S. contribution: U.N. Development Program, the Children's

Fund, Palestine Refugees, U.N. Program in Population Control, World Food Program, and many others. Thousands of agriculture, health, education, and other government agencies, universities, and voluntary associations all over the world are engaged in development efforts and reforms made possible by this network of assistance efforts. To pull out or impair the critical U.S. element without careful phasing will cripple the total effort. Millions of persons involved and affected will be resentful about the U.S.

3. Precipitous ending of the program would result in irreparable waste of institutional capabilities and human assets developed over a long period of time. Granted that the performance of U.S. and international agencies is not of the highest standard, the solution is not to destroy the system and start over. Administration of assistance and of development programs is exceedingly difficult. A company desiring to improve its product or methods doesn't disband and start from scratch. Intensive planning and development are necessary to phase into new approaches. AID is continuously diverted from implementing to rescuing its program and to maintain morale.

4. Officials in Moscow and Peking must be exultant. It should be obvious that their aim is to foment U.S. withdrawal from international cooperation and involvement. They will be glad to take over our place as partners of the third world, offering aid with no overt strings. They are already doing this. The People's Republic of China has already started to champion the cause of small nations at the U.N. Whatever the final outcome of Congressional action in salvaging the program, much psychological damage has been done, as well as considerable reduction in assistance. As the U.S. increasingly stands alone, the advocates of higher defense budgets will gain support. The ultimate cost to the U.S. is incalculable.

5. Part of the opposition to development assistance is based on the allegation that the U.S. carries an excessive burden—that we should care for our domestic needs before assisting low-income countries. The first fallacy is that 11 other countries allocate a higher percentage of their GNP to foreign assistance. Our percentage has been steadily decreasing. With the highest per capita income—30 to 40 times that of many countries—our allocation to economic and technical assistance can hardly be called scarificial, especially since over 80% of the dollars are used to purchase U.S. goods and services. The second fallacy is the assumption that a person or nation should take complete care of his own needs before helping to meet those of others, whether in a local, national, or world community. This is a self-destructive and morally reprehensible assumption.

These five factors or consequences are surely sufficient grounds for the Congress, hopefully with accommodated support by the President, to revive the foreign assistance program at a creditable level and now to speed appropriations. The year to which the legislation applies is already one-third over. This is no justification for such delinquency in operating a program.

If this is accomplished, we can face the third world with less embarrassment. We can also secure time to work out those improvements in the assistance system which are long overdue. One of the first steps, now initiated by the Senate is to separate military aid from development assistance and relief. Another is to channel an increasing proportion of development loan funds through international agencies. A third is to press for better administration by AID and U.N. agencies. And above all our officials should stop manipulating development assistance for short-run political purposes with the expectation that other countries should be grateful for what we do in our self-interest.

HOUSE OF REPRESENTATIVES—Tuesday, December 14, 1971

The House met at 11 o'clock a.m. Rev. George M. Perry, pastor, Bethany Church, Inc., Bronx, N.Y., offered the following prayer:

God is our refuge and strength, a very present help in trouble.

We come before Your throne of grace and mercy, O God, in behalf of the people of this great Nation, and in behalf of these Representatives chosen by the people. We look to You, Lord God, for strength and help in these uncertain times. Each one of us, here and now, commit ourselves to you, whom we honor as the Governor of the universe.

We look to You today also for divine wisdom to deal with the complex problems of our society and our world.

We look to You today for courage and strength to make the kinds of decisions that will ultimately bring answers to the needs of humanity, and that will bring glory to God.

We look to You today in behalf of our troubled Nation. Help us to realize that "righteousness exalteth a nation, but sin is a reproach to any people."

In these closing days of this session, may we understand that it is Thy leadership that we need and want. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's pro-

ceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

FURTHER MESSAGE FROM THE SENATE

(OMITTED FROM THE PROCEEDINGS OF DECEMBER 13, 1971)

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 9961) entitled "An act to provide Federal credit unions with 2 additional years to meet the requirements for insurance, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S.J. Res. 176) entitled "Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes."

MESSAGE FROM THE SENATE

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

H.R. 701. An act to amend the Migratory Bird Hunting Stamp Act to authorize the Secretary of the Interior to establish the fee for stamps issued thereunder, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2891) entitled "An act to extend and amend the Economic Stabilization Act of 1970."

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

S. 1938. An act to amend certain provisions of subtitle II of title 28, District of Columbia Code, relating to interest and usury.

REV. GEORGE PERRY

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

Mr. BINGHAM. Mr. Speaker, we have had the privilege today of having prayer