FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The Senate continued with the consideration of the bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, what is the pending question before the Senate at this time?

The PRESIDING OFFICER. The amendment of the Senator from Mississippi (Mr. STENNIS), No. 1175.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. President, at the time the Chair lays before the Senate the unfinished business on Monday next, amendment No. 1175, offered by the distinguished Senator from Mississippi (Mr. STENNIS), will be the question pending before the Senate.

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. Mr. President, I thank the Chair.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Monday is as follows:

The Senate will convene at 12 o'clock noon. After the two leaders have been recognized under the standing order there will be a period for the transaction of routine morning business for not to exceed 30 minutes with statements limited therein to 3 minutes.

A resolution authored by the distinguished Senator from New York (Mr. JAVITS), submitted during morning business today, will go over under the rule, and will be placed before the Senate at the close of morning business on Monday. If debated until the hour of 2 p.m., that resolution automatically will then go on the calendar. It may be that the distinguished Senator from New York (Mr. JAVITS), would be willing on Monday to agree by unanimous consent that the resolution be placed on the Calendar, which would save the time of the Senate. But, in any event, Senators could debate that resolution if they wish to do so until the end of the morning hour.

Of course, there possibly could be a rollcall vote on that resolution on Monday, but I doubt that Senators will want to act on it that day.

When the unfinished business is laid before the Senate, the pending question will be on the adoption of amendment No. 1175 of Mr. STENNIS. It is impossible, at this point, to say whether or not there will be rollcall votes Monday on the unfinished business. Of course, any motion to table an amendment or the bill itself would be in order, and rollcall votes could occur in such event.

Conference reports, if and when ready, are privileged matters and may be called up at any time.

ADJOURNMENT TO MONDAY, MAY 8, 1972

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and at 3:21 p.m., the Senate adjourned until Monday, May 8, 1972, at 12 noon.

CONFIRMATION

Executive nomination confirmed by the Senate May 5, 1972:

IN THE AIR FORCE

The following officer to be assigned to a position of importance and responsibility requiring the rank of general, under the provisions of section 8066, title 10, United States Code:

Lt. Gen. Russell E. Dougherty, xxx-xx-xxxx XXXX (major general, Regular Air Force) U.S. Air Force.

EXTENSIONS OF REMARKS

SHALL THE SWORD DEVOUR FOREVER?

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Friday, May 5, 1972

Mr. JAVITS. Mr. President, quoting from the Book of Samuel in the Bible—"Shall the sword devour forever?"—Dr. Isaac Lewin, distinguished Yeshiva University professor, spoke before the United Nations Commission on Human Rights on behalf of the Agudas Israel World Organization making a strong appeal for peace in the Middle East.

The quotation cited by Dr. Lewin has implications beyond the turmoil in the Middle East:

Abner called Joab and said: "Shall the sword devour forever? Knowest thou not that it will be bitterness in the end? How long shall it be then until you bid the people to return from fighting their brethren?"

I ask unanimous consent that Dr. Lewin's remarks be printed in the RECORD.

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

STATEMENT BY DR. ISAAC LEWIN ON BEHALF OF THE AGUDAS ISRAEL WORLD ORGANIZATION BEFORE THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS, MARCH 22, 1972

My organization—the Agudas Israel World Organization—is no stranger to the Commission on Human Rights.

For many years it has been our great honor and privilege to enjoy consultative status with the Economic and Social Council, and we have not failed to assiduously attend the sessions of the Commission on Human Rights during the past years and to endeavor to contribute constructively to its work.

It is in this tradition that I now address the Commission.

The Agudas Israel World Organization, now almost sixty years old, is primarily a Jewish organization. It represents an important segment of world Jewry and looks at life and the world with the eyes of an ancient people whose roots are deeply imbedded in the history of our people and its Biblical origins.

In this respect we have been the carriers of an abiding ethic and of moral principles which have been the source of our concept of human rights in the most universal dimensions. Every violation of human rights, anywhere, to any people, is a matter of great concern and deep sorrow to our people.

For this reason we reject categorically such concepts as racism and apartheid, which manifest themselves so flagrantly today in many parts of the world. Our people have always supported and will continue to support all United Nations efforts to eradicate this anachronism from a world that is surely moving to greater humanity and justice in the relations of all men.

It is also natural for us as Jews to have our own concerns in this area, having been the victims of discrimination for many centuries.

Now, in this forum, the State of Israel is accused of practicing discrimination against Arabs. We heard the representative of Israel deny such allegations. Allow me to say a few words on this problem.

For many centuries, Arabs and Jews understood each other thoroughly. In the Middle Ages—and even in modern times—when Jews were exiled from European countries, Moslem states accepted them as brothers. Through the common efforts of Jews and Arabs, a Judeo-Arab culture developed which was, and remains today, the pride of both the Judaic and Moslem traditions.

When, in 1947, the United Nations established the State of Israel, we hoped that it would be built on a solid foundation of Arab and Jewish friendship.

To the United Nations and to all governments, Israel is just one more state. To the Jewish people it has meaning beyond this merely political concept. Biblically and traditionally our people have viewed the emergence of this state as a historic symbol. We have seen it as reflective of a triumphant renaissance—as an emergence from the despair that engulfed our people during the abysmal period of World War II.

We have always believed that this state can make a great contribution to the international community, and I know that that is its profoundest aspiration.

But we also know that this hope of ours cannot be realized but with peace in the entire Middle East.

Peace—as we all know—is the indispensable condition of all human rights. During a period of war and truce, such rights become the first casualties. We submit this thought to the distinguished members of the Commission on Human Rights regarding the difficult task that confronts them.

I would like to remind you, for a moment, of a Biblical story.

The Second Book of Samuel (II:26) tells of how two great generals who were brotherly enemies, Abner the son of Ner and Joab the son of Tzeruya, confronted each other on a battlefield. And the Scriptures report as follows:

"Abner called to Joab and said, Shall the sword devour forever? Knowest thou not that it will be bitterness in the end? How long shall it be then until you bid the people to return from fighting their brethren?"

These words—"Shall the sword devour forever?" (in Hebrew: *"Halanetzach tochal herev?"*)—I place now on the table of this distinguished Commission on Human Rights.

Peace in the Middle East is the best guarantee for human rights. Mountains of paper filled with accusations and recriminations engulf us because of the horror of war in the Middle East.

May I, in conclusion, recall the words of a great American President, Woodrow Wilson, who said on January 22, 1917:

"It must be a peace without victory . . . Only a peace between equals can last. Only a peace the very principle of which is equality and a common participation in a common benefit."

These words of Woodrow Wilson can serve as the platform for securing human rights in the Middle East: *"Peace without victory."*

INFORMS CONSTITUENTS OF CONGRESSIONAL ACTIVITIES

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 1972

Mr. SCOTT. Mr. Speaker, since coming to the Congress I have sent periodic newsletters to constituents to help keep them informed of congressional activities. Our May newsletter has just been completed and I would like to insert it in the RECORD for the information of our colleagues:

BILL SCOTT REPORTS—MAY 1972

COMMUNIST APPEAL

You may have read that Madam Binh, Communist negotiator at the Paris Peace Conference, has written to Members of the Congress and requested our assistance in terminating the war in Vietnam. Frankly, I believe the American public have a strong desire for the conflict to be ended as promptly as possible. Nevertheless, it seems improper for a representative of a foreign nation with which we are in armed conflict to write Members of the Congress and seek our help. You may be interested in my response: "I have your letter of April 20 to Members of the Congress of the United States. Of course you know that foreign affairs are handled by the Department of State. Let me assure you of my confidence in the action taken by the Executive Branch of our government in relation to the aggressive action of the government of North Vietnam. If your government in fact wants peace, all you need to do is to withdraw your troops from the soil of another nation and to keep them within your own boundaries. When this is done and prisoners of war are exchanged, I feel sure that bombing will cease. But if you continue your aggressive tactics you have only yourself to blame for whatever recourse is necessary to protect American lives and to comply with obligations. It would seem preferable in the future for you to go through established diplomatic channels and not attempt to compromise the interest of this Nation by writing to its elected representatives to the Congress."

HEALTH BENEFITS

The House recently passed a measure to increase the government's contribution for Federal employees' health benefit insurance from 40% to 55% in 1972 with an additional 5% increase each year thereafter until 1976 when the government contribution would reach 75%. Indications are that the President will veto the measure partly because of the cost and partly because postal workers are included even though under present law their salaries and fringe benefits are negotiated by long term contracts between the government and employees' union representatives. Health benefits legislation for Federal employees was originally enacted in 1960 with an equal sharing of the cost between the government and employees. This was on a dollar basis and as medical costs increased, premiums also increased and the government's contribution was reduced to 24%. During the 91st Congress, the House passed a measure to again provide equal sharing of cost but this was reduced to a 40% government contribution in conference with the Senate. In view of this history, and the prospects of a veto, I offered an amendment to the bill to provide equal sharing of cost, 50% by the government and 50% by the employee. My amendment carried on a standing vote of those in the Chamber with 47 yeas and 36 nays but was defeated upon demand for a recorded vote by 219 nays and 124 yeas. As a co-sponsor of the legislation, I voted for the final passage but am informed that it will be vetoed if passed by the Senate in its present form.

MEMORIAL DAY

Under a recently enacted law, Memorial Day will be observed on May 29 and I have the privilege of placing the National Wreath at the Tomb of the Unknowns, at 11:00 a.m. and delivering the principal address at the Arlington Amphitheater. This is a time when we need to honor those who have sacrificed for the Nation in the past and to recognize that few enjoy the freedoms guaranteed us by the Bill of Rights nor are many people better fed, better housed, or better clothed.

ANOTHER COMMUTER TAX

Under the guise of pollution control, the District of Columbia has proposed to tax each car parked for a period of hours in a downtown commercial parking lot. This seems to be another version of the commuter tax, meant to tax persons living in the suburbs but working in the city, and the District Government has no taxing power except that given by the Congress. But, to remove any doubt, I introduced a bill to prohibit the imposition of this tax. Parked cars do not pollute and no tax is suggested for cars which are in operation. Traffic congestion in the District is a problem and the subway must be completed. However, until a satisfactory substitute is in operation, people are going to have to continue using their automobiles to get to and from work.

PUBLICATIONS AVAILABLE

The following pamphlets are available for distribution upon request: 1. Exterior Painting, 2. Protection of Wood From Insects, 3. Lightning Protection on the Farm, 4. Vegetable Gardening, 5. Family Planning Digest, 6. Consumer Protection Information Index (lists publications available on how to buy, use and care for such items as appliances, seafood and heating and cooling systems.)

TRANSPORTATION CONFERENCE

Traffic congestion in Northern Virginia is continuing to be a major problem which needs to be resolved. To this end, a conference has been arranged in my office on May 15 to be attended by Under Secretary of Transportation, James M. Beggs; Federal Highway Administrator, Francis C. Turner; Virginia Commissioner of Highways, Douglas B. Fugate; and White House Aide, Dr. Charles Clapp. The overall traffic picture will be reviewed, and an effort made to determine whether some interim measure can be adopted to relieve congestion until more permanent relief can be afforded, such as completion of the planned metro and highway systems. Among other ideas, I am hopeful that further consideration can be given by the Department of Transportation to a pilot project to utilize existing rail lines for commuter traffic.

REVENUE SHARING

Citizens throughout the country are concerned with increased taxes at all levels of government; yet tney continue to demand additional services. Governors and Mayors indicate that sources of revenue at State and local levels have been exhausted, and they almost uniformly endorse some form of federal revenue sharing. As you know, the President for a number of years has spoken of decentralizing the federal government and returning many functions to the states and localities. Revenue sharing is a part of this program, and I have joined with other members of Congress in co-sponsoring legislation of this nature as a substitute for the categorical grants-in-aid. It seems desirable for the federal government, which obtains a major portion of the tax dollar to assist the states through revenue sharing in such fields as education and health services. The present system of grants often-times encourages states and local governments to promote marginal programs partly because a major part of the cost is borne by the federal government. Proponents of revenue sharing feel that if responsibility for entire programs is shifted to the states and their political subdivisions through a form of revenue sharing, the programs will be more economically administered.

A revenue sharing bill has now been favorably reported by the House Ways and Means Committee and is expected to be brought before the entire House for consideration within a few weeks. The reported bill, however, differs from the proposals of the President; and if the usual custom of the House is followed, it will be considered under a closed rule which will not permit any amendments to be offered. We realize, of course, that there is no magic formula for solving conflicts between the various levels of government and that government at all levels look to the same taxpayers as the source of revenue. We also know that the existing National Debt is more than $425 billion dollars, and that over the past years there has been a deficit in the federal government budget. So the program will amount to the federal government borrowing money under a system of deficit financing to make it available to states and localities. Some critics have been said that state and local officials will reduce their taxes when federal funds are made available through revenue sharing.

An alternate method to accomplish a similar result suggested by some members of the Committee is to allow full credit on individual federal income taxes for the amount of taxes paid to state and local governments. This would permit state and local governments to collect the same amount in taxes from the individual citizen as he now pays to them and the federal government combined without any increase in the individual tax burden. It is very probable, however, that the House will pass the revenue sharing bill brought before it by the Ways and Means Committee but the subject is presented so that you can see an example of the dilemma with which we are faced on these matters.

MULTIPLE SCLEROSIS

Improved health for all has been a major bipartisan goal of this Congress, as measures have been passed by the House to fight cancer, sickle cell anemia, drug addiction, etc. Now legislation has been introduced to combat multiple sclerosis, the giant crippler of young adults. The measure would provide for a study to identify the best approaches to finding causes, cures and treatments.

AMNESTY

A number of constituents have contacted the office with regard to the granting of amnesty to draft evaders. In my opinion, the question should not be considered as long as our troops are being injured and killed on the battlefield. There is time enough to consider the issue after all the members of our Armed Services have left Vietnam and our prisoners of war have been returned.

APPOINTMENTS TO SERVICE ACADEMIES

Again this year we were fortunate in the placement of 8th District young people with the nation's service academies. Six young men have been appointed to the Naval Academy, three to the Military Academy at West Point, four to the Merchant Marine Academy, and three to the Air Force Academy at Colorado Springs. They came by the office on Friday to meet each other and to attend an informal reception in their honor.

SOMETHING TO PONDER

There is a tendency among some groups to promote a scrap between "big business" and the "working man". However, in a recent speech, Secretary of the Treasury Connally points out that business payrolls and the taxes benefit the "working man". Using the biggest business of them all—General Motors—as an example, he noted that in 1971 GM took in $28,328,000,000. Where did this money go? Suppliers got $13.5 billion, employees got $9.5 billion, taxes took $2.5 billion, depreciation of plants cost $878 million modernization took $950 million and the stockholders were paid $985 million. The stockholders got 3.5 per cent of the GM "pie", with workers getting ten times that amount.

SBA COMMENDED FOR CUTTING REDTAPE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 1972

Mr. RARICK. Mr. Speaker, it has been the small business, the individual entrepreneur, who has built this country and made it great. For this reason, I have always supported legislation fair to the small businessman.

Unfortunately, the small businessman is now threatened by continued inroads of multinational corporations, an unequal tax structure favoring the rich and super rich, and unrealistic guidelines promulgated and enforced by Federal bureaucracies who have failed to realize that there is a difference between running and maintaining a small business or an international corporation.

The Congress has, in its wisdom, recognized the plight of the small businessman or the individual who wants to set out on his own by creating the Small Business Administration to aid in the development of the small business concern through Government loans to deserving individuals who, in the great American tradition, want to be their own boss.

The Independent Bankers Association of America, at its 1972 convention in Bal Harbour, Fla., has passed by unanimous vote a resolution commending the SBA and its Administrator, Mr. Thomas Kleppe, a former colleague, for its contributions to the economic life of American communities.

I insert a copy of this resolution in the RECORD at this point:

RESOLUTION OF INDEPENDENT BANKERS ASSOCIATION OF AMERICA

(The following resolution was unanimously adopted by the Independent Bankers Association of America at their National Convention held in Bal Harbour, Florida on March 10–13, 1972:)

SMALL BUSINESS ADMINISTRATION

Through the years of its existence, the Small Business Administration has played an important role in the economic life of our respective communities.

In recent months, the adoption of certain measures whereby the programs offered by the SBA has made the processing of certain forms and reports much less cumbersome for the applicant and the banker, thereby resulting in a much more enthusiastic interest and acceptance by the borrower.

The forward thinking programs offered by the SBA have had a most beneficial effect on the economic life of the community.

Therefore the Independent Bankers Association of America commends the SBA for its progressive efforts, and directs a copy of this resolution be forwarded to Mr. Thomas S. Kleppe, Administrator, Small Business Administration, Washington, D.C.

OCCUPATIONAL SAFETY AND HEALTH ACT

HON. RICHARD W. MALLARY

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 1972

Mr. MALLARY. Mr. Speaker, not infrequently when a good piece of legislation becomes law and is implemented, we find that language in the law permits or requires certain actions to be taken which may be contrary to the original purpose of the law. The result can be unfair, burdensome, and apparently capricious bureaucratic procedures which distort the original intent of Congress and place an unfair and unnecessary burden upon our citizens.

In my opinion, this is at the root of much of our citizen dissatisfaction with big government, more government for government's sake and redtape for no discernible purpose.

One such law—a good law in concept—is the Occupational Safety and Health Act of 1970. Unfortunately, one effect of this act was to take various criteria and guidelines which had been set forth by several organizations and make them into inflexible rules with the effect of law. These so-called "National Consensus Standards" were not meant to be any more than guidelines. Some of them are written in the form of general standards and some as instructions, often so specific and complex as to be absurd. For example, under these "National Consensus Standards" which the Secretary of Labor was required to adopt as rules, employers must color code certain switches using red and green even if they have successfully trained their employees to use another color coding system. There are other specific requirements ranging from roll bars on tractors to coat hooks in restrooms to the design of stairways. What these rules aim to achieve is certainly worthwhile. What they fail to recognize is that there is more than one way to achieve a safe working environment and that something that presents a safety hazard in a crowded busy plant, may not present a significant hazard in a different working environment.

There have been several amendments proposed to provide specific exceptions and relief for various types of employers. I am introducing a bill which does not propose to add loopholes to the present law. It would simply insure that a small employer who does in fact provide a safe working environment would be free from prosecution under this law even if he technically violates the law in achieving this safe working environment using procedures that are different from those spelled out in the lengthy, complex regulations.

The small businessman—including the small farmer—faces substantial difficulty in complying with the Occupational Safety and Health Act. The act applies throughout the whole spectrum of the American economy and to every kind of employer and the small businessman is required to abide by an extremely complex and lengthy code of regulations which he has no practical way of mastering—and much of which may not be applicable to his situation. Under existing law, it is no defense to a charge of violating the regulations to argue that the violation caused no safety hazard; the mere violation of the regulation in and of itself creates the offense. My bill deals directly with this problem. As long as the small businessman provides safe and healthy conditions of employment, he does not have to fear a charge under the act; he does not have to worry about the complexity of the regulations as long as the employment he provides is in fact free from hazard.

Thus this bill deals with the legitimate complaint of small businessmen that they cannot find out what they are supposed to do, or that they are required to comply with regulations which do not in fact protect their employees. On the other hand, the bill is also fair to the employees of small businessmen. The life and health of these employes is just as valuable and deserving of protection as that of their fellow workers working for larger firms. My bill does not remove them from the protection of the act; instead it adapts their protection to the realistic capacity of their employer.

Present law also requires the correction of every violation of the regulations regardless of the cost involved or the degree of hazard caused by the violation. This may, on occasion, require the expenditure of large sums to correct situations which pose only a marginal hazard. While the law makes special provision for small business loans for employers needing them in order to come into compliance with the act, it contains no provision to deal with expenditures which are exorbitant in relation to the risk corrected. The bill deals with this situation by permitting violations of the regulations to continue if the expense involved in correcting them is exorbitant in light of the benefit achieved and if the small-business employer takes other appropriate steps to ameliorate the condition.

In brief, my amendment to the Occupational Safety and Health Act would give small businessmen two types of reasonable relief from the act:

First, it would excuse noncompliance with issued safety regulations where the small employer was in fact providing

safe and healthful conditions of employment.

Second, it would not require the abatement of safety and health violations if the cost of such abatement was unreasonable when viewed in the context of the extent of the danger and if the small employer took the other reasonable steps to protect his employees against the hazard.

The bill follows:

H.R. 14800

A bill to amend the Occupational Safety and Health Act of 1970, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Occupational Safety and Health Act Amendments of 1972".

SEC. 2. Section 9 of the Occupational Safety and Health Act of 1970 (P.L. 91-596) is amended by adding at the end thereof the following new subsections:

"(d) In the case of an employer operating a small business as defined in section 3(f), no citation shall be issued for the violation of any standard, rule or order promulgated pursuant to section 6 of this Act unless the employees of such employer are exposed to working conditions which are in fact unsanitary or hazardous or dangerous to the health or safety of his employees.

"(e) No citation issued to an employer operating a small business shall require the abatement of a violation if (1) the abatement would be unreasonably burdensome to the employer taking into account the degree of risk involved to the employees and the expense of abatement and (2) the employer agrees to take such appropriate steps to minimize the hazards included in the citation as are reasonable under the circumstances."

SEC. 3. Section 3 of the Occupational Safety and Health Act is amended by adding at the end thereof the following new paragraph:

"(15) The term "Employer operating a small business" shall mean an employer who, on the average, had no more than 25 employees in his employ in the previous calendar year, or, in the case of employers not in business for the full previous calendar year, such other appropriate period as the Secretary may prescribe."

TAX EQUITY FOR SINGLE TAXPAYERS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 1972

Mrs. ABZUG. Mr. Speaker, I have had the pleasure of presenting my views on the problem of the current inequities in the Federal income tax structure before the Committee on Ways and Means during the recent hearings. I would like to present them here in full:

BELLA ABZUG: STATEMENT TO THE COMMITTEE ON WAYS AND MEANS ON LEGISLATION CONCERNING TAX EQUITY FOR SINGLE TAXPAYERS AND WORKING MARRIED COUPLES

Mr. Chairman, Members of the Committee, it is a pleasure to have the opportunity to present my views on H.R. 14193, of which I am a sponsor under number H.R. 14550. This legislation would end varous discriminations against single persons and against married persons where both are working by establishing a single uniform rate structure for all taxpayers whether married or not.

Prior to the enactment of the Tax Reform Act of 1969, the principle inequity in this area was the fact that a single person with a certain income paid far more—as such as 40.9 percent more—in income taxes than a marred couple with the same total income. The 1969 act rectified this problem in part by reducing the tax rates for single individuals to the point where this differential could not exceed 20 percent—still not an equitable situation, but clearly an improvement.

In attempting to provide some equity for single taxpayers, however, the drafters of the 1969 act disadvantaged married couples in which both spouses worked. The result of all of this is that although a married couple wherein only one spouse pays less taxes than a single person with the same taxable income, a married couple wherein both spouses work pays more taxes than two single individuals living together.

Mrs. Florence Donahue, who testified before this committee earlier, included in her statement a number of examples of the present state affairs:

Example 1. Bill and Mary are married and have two children. They are unskilled workers and each makes $4,000 a year. If they file a joint return, they will pay a tax of $672. On separate returns, they would each pay a tax of $339, for a total of $678, if each claims one child. If they were not married, each would pay a tax of $246, for a total of $492. This low income family would pay a marriage penalty of $180. If one qualified as head of household, there would be an additional $6 saving if they were not married.

Example 2. Bert is a young accountant and makes $12,000 a year. His wife Susan teaches school; her salary is $10,000. Assuming they have no children and use the standard deduction for 1971, their tax on a joint return is $4,142. If they file separate returns, because they are married, their tax would be $4,165. But if they weren't married at all, the combined tax Bert and Susan would pay would be $3,642.50. So they are paying between $499.50 and $522.50 more taxes because they are married.

Example 3. John and Julia are both attorneys. They are in partnership together, and each partner's share of the partnership income is $20,000. If they are single, they will each pay a tax of $4,450.50, for a total tax of $8,901. If they got married in 1971, their total tax bill went up to $10,857.50.

Example 3 above assumes the standard deduction of $1,500 available for 1971. The 1972 maximum standard deduction of $2,000 will increase the tax penalty even more.

Example 4. Jim is a young widower with two children aged 8 and 10 who live with him in his household and are his dependents. He makes $20,000 a year and itemizes deductions of $4,000. He contemplates marrying a young woman who is an accountant and makes $13,000 a year. She presently takes the standard deduction and intends to go on working. If they do not marry in 1972, Jim's tax bill will be $2,912.50, and the girl's will be $2,171, for a total of $5,083.50. If they do marry, their tax on a joint return, assuming the total itemized deductions remain $4,000 will be $6,380. The difference—the penalty for getting married—is $1,296.50.

I am not particularly concerned over the question of whether a couple living together are married or not, but I am interested in seeing to it that individuals—whether married or single—are taxed on an equitable basis. The argument which has traditionally been made in favor of lower tax rates for married persons—namely, that they usually have children and therefore, greater expenses—is a sound one, but granting lower tax rates to married individuals is not the proper way to adjust for this.

The most obvious reason for this is that not all married couples have children; even those couples that do have children have different numbers of them. The proper way to account for the additional expenses of children is to provide realistic exemptions for them as dependents—not $650 or $675 or even $700, but exemptions which bear some relevance to the actual expenses. Going about it in this manner would be far more fair than the present approach; instead of giving a break to married couples without regard to whether they have any children at all, it would give credit where credit is truly due.

The problem of the working married couple who must pay higher taxes than two single working people living together is a different one in that there does not appear to be any rationale which could or might justify it; rather, as has been stated previously by myself and many others, it appears to be the result of an oversight in the drafting of the Tax Reform Act of 1969. In addition, it has a substantial negative aspect which is especially damaging to the growing role of married women as members of the American work force. Right now, the most heavily taxed income in our internal revenue scheme is that of the married woman who works to bring in a second income.

In my opinion, the solution proposed in H.R. 14193 is a sound one. Under this legislation, there would be a single rate for all taxpayers without regard to whether they are single or married. Any inequities created due to the fact that married couples have children should then be rectified by increasing the dependent exemption.

I thank you for hearing my views, and urge favorable action on the legislation before you.

ONE BANKER WHO IS AN AMERICAN AND WHO IS CONCERNED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 1972

Mr. RARICK. Mr. Speaker, at long last I have received correspondence from a banker who not only is concerned over the fiscal policies that this Congress is supporting by acquiescing in, but who also states:

I am concerned for the welfare of my family, my employees, my customers, and my country.

The banker, Mr. John R. Montgomery III, president of Lakeside Bank, Chicago, Ill., is not a constituent of mine, but my people and I would be happy to have a banker like this in our midst.

Mr. Montgomery hits the nail on the head when he says:

If, in fact, we have a concern for minorities, for the poor, the aged or persons otherwise handicapped, we must stop this excessive government spending. *No amount of government spending for the very groups we say we care most about can replace the purchasing power lost through deficit-created inflation.*

I include Mr. Montgomery's letter, as follows:

LAKESIDE BANK,
Chicago, Ill., May 1, 1972.

Hon. JOHN R. RARICK,
Longworth House Office Building,
Washington, D.C.

DEAR MR. RARICK: The Federal Reserve Board in its annual report for the year 1971 stated that economic recovery "will depend importantly on a strengthening in consumer demands". We are told that personal income is at an all time high and yet consumer savings continues at an historically high rate.

How likely is it that the consumer will spend more money and incur more debt in 1972 to spur an economic recovery?

I thought you might be interested in the results of a study we initiated recently in our bank. We have 47 employees. Except for promotional raises (2), no officer or employee received more than a 5% increase in pay in 1972. After adjustment for these promotional raises and terminated employees, our average raise from December 1971 to January 1972 was 4.14% on a comparable basis, well within the Federal guidelines. With the expiration of the surtax, 1972 federal income tax rates are less than the 1971 rates. There has also been an increase in the personal exemption. These will have an impact on taxes payable in 1973. However, as a result of insufficient withholding last year, many people have an unusually large out-of-pocket liability to meet by April 15 this year. To prevent a recurrence of this situation, tax withholding rates were increased in 1972. In our bank, without considering F.I.C.A. taxes, federal income tax withholding increased from December 1971 to January 1972 by 17%. *Thus, not only do many people have significant cash tax liabilities to meet this April, but the effect of increased withholding is to limit the raise for my average employee to only 0.8%*

Now we are told by leading economists across the country that inflation is to abate in 1972 and the rate of inflation will approximate 2½% to 3½%. *Well, the employee whose average salary increase was 0.8%, if the rate of inflation is 3%, will actually be making 2.2% less this year than he did last year.*

Our bank hosted its Sixth Annual Business Forecast Luncheon in February. At that time we distributed questionnaires to our guests so they could prognosticate what sales profits, demand for loans, etc. might be during the coming year. We had about 100 local businessmen in attendance. *The composite guess on the rate of inflation for 1972 was 5.3%!* This, of course, seems high until we read that in February the wholesale price index went up (adjusted for seasonal variations) 0.7%. Should this monthly increase in prices continue at the same rate during 1972, the annual rate would be 8.4%!! Naturally, we hope this will not happen, but it does seem apparent that the annual rate of inflation in 1972 will exceed the 2½% to 3½% forecast earlier. *If the increase is 5.3%, which does not now seem at all unrealistic, my average employee will face a loss of spending power of 4½% in 1972!* Facing the prospect of higher Federal income taxes (or a value added tax) in 1973, increased Social Security taxes, higher real estate taxes, probable further devaluation of the dollar which will have the effect of increasing domestic prices, together with continued and possibly more pervasive economic controls, can the consumer be expected to trigger an economic recovery? Or, given the uncertainty the future holds, is he likely to continue his high rate of savings and shy away from increased debt?

With this continued increase in prices, it is apparent that controls are "not working". Since Congress has shown no historic propensity for self-incrimination I am sure it will feel that the obvious answer is to make controls more pervasive and more mandatory. But how can controls possibly work when it is Congressional spending itself which continues to create these gigantic inflationary pressures?

We ran a $25 billion deficit on top of a full employment economy in 1968. In 1971, we ran a $23 billion deficit. In 1972, it looks like $40 billion. Budgeted for 1973 already is $25.5 billion!! We are being asked to pay the price for government excess. Who is controlling the government?

If, in fact, we have a concern for minorities, for the poor, the aged or persons otherwise handicapped, we must stop this excessive government spending. *No amount of government spending for the very groups we say we care most about can replace the purchasing power lost through deficit-created inflation.*

Is there some way we, as bankers, while still remaining responsible to our stockholders can help you return a measure of sanity to our monetary affairs? I am concerned for the welfare of my family, my employees, my customers and my country.

Cordially yours,

JOHN R. MONTGOMERY,
President.

TODAY'S VD-CONTROL PROBLEM

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 1972

Mr. HALPERN. Mr. Speaker, reported cases of infectious syphilis continued to climb upward during fiscal 1971 with a rate of increase twice that of 1970. The problem of VD has not been remedied in the United States, and despite allocation of millions of dollars on task forces, comprehensive health plans and the creation of a National Commission on VD, this dreaded disease has continued to spread.

National awareness of the dangers of this affliction must be intensified in this country. Our attitudes must be changed, education must be intensified and medical efforts must be supported to meet the challenge.

Recently I came across an excellent article published by the American Social Health Association entitled, "Today's VD-Control Problem." The sponsors of the publication: the American VD Association, the American Public Health Association, the American Social Health Association and the Association of State and Territorial Health Officers should be commended on a job well done. The remarks appear below:

VENEREAL DISEASE EDUCATION

VENEREAL DISEASE EDUCATION IN SCHOOLS

Replies to the Joint Statement questionnaire show that in FY 1971, 73% of the 5,013 junior and senior high schools in 109 counties and cities included venereal disease information in the curriculum.

Teachers require special training to teach about the venereal diseases. Colleges and universities with teacher training programs include venereal disease education in the curriculum in 29 of the 50 states responding and in Puerto Rico, and in 57 out of 145 counties and cities.

Some states have legal restrictions imposed upon VD instruction. However, 40 states responded that there was state approval of the inclusion of venereal disease information in the school curriculum. Massachusetts said that it was a "local decision." In California, the state department of education developed a "Framework for Health Instruction, Kindergarten through Grade 12." VD instruction was recommended for classes covering diseases, especially communicable diseases.

The following nine states replied that there was no approval of the inclusion of VD information in the school curriculum: Alabama, Connecticut, Louisiana, Mississippi, Nebraska, Nevada, Rhode Island, Tennessee and Virginia. Of the 147 counties and cities responding, 79% said that there was local approval of such instruction. The response is somewhat below the approval indicated two years ago by the questionnaires and is the same percentage as last year. There has apparently been very little recent progress in gaining such approval.

Cooperation between health departments and community groups to secure or strengthen inclusion of VD information in the curriculum did, however, improve between FY 1970 and FY 1971. According to replies from 50 states and 150 cities and counties, over 80% of their departments of education, other educational programs, operations or agencies, and citizen groups or committees worked with health departments to secure or strengthen inclusion. Improved cooperation was reported, especially between health departments and citizen groups or committees.

Table P shows when and where VD information was presented during the high school years in 109 counties and cities during FY 1971.

TABLE P.—VENEREAL DISEASE EDUCATION IN JUNIOR AND SENIOR HIGH SCHOOLS

[Replies from 109 counties and cities]

Grades that included VD education	Number of times included	Percent of total times included
6th	40	3.8
7th	92	8.7
8th	128	12.1
9th	187	17.7
10th	217	20.5
11th	199	18.8
12th	195	18.4
Total	1,058	100.0

Courses that included VD education	Number of times included	Percent of total times included
Biology	166	15.7
Famil life education	207	19.6
Health education	291	27.5
Physical education	256	24.2
Science	138	13.0
Total	1,058	100.0

Source: Joint statement questionnaire.

(Other courses mentioned, but not tabulated because of insufficient data, include the following: driver's education; English; general assemblies; government; homemaking; human growth and development; life science; physiology; psychology; religion; senior problems; social science and sociology.)

Venereal disease instruction was given most often in health education and physical education courses, usually in grades 9–12. Some form of VD education or information was presented an average of 9.7 times during the high school years in these counties and cities, which listed a total of 1,058 instances by grade and course. Parental demand, as well as cooperation between departments of health and departments of education, was crucial in achieving the amount of VD teaching reflected here.

The need for instruction in the sixth grade has often been emphasized by authorities on the venereal diseases. Only 3.8% (40 out of 1,058) of the grades and courses listed by the counties and cities as including VD information were on the sixth grade level. According to the Public Health Service, the 10–14 age group (which would have a high percentage of sixth graders in it) had a 19.7% increase in gonorrhea from calendar 1969 to 1970, with 5,289 cases reported in 1970.

The proceedings of the 1971 International Venereal Disease Symposium (See next column.) summarize the recommendations made by its workshop on education, stating that "venereal disease information should be in the communicable disease curriculum . . . high school or junior high school courses should stress that venereal diseases do exist,

that they are epidemic, that some students may be affected by them, and that we can and should do something about them. If any student has the slightest suspicion or is for any reason worried that he may have a venereal disease, he should be advised to get a medical examination. Contacts must be brought in, in order to eliminate the disease from the community."

"The subject of VD should be taught in regular classrooms by classroom teachers, who could be specially trained—perhaps by public health organizations—through credit courses."

EFFECT OF VD EDUCATION ON VD INCIDENCE

This year's questionnaire asked whether any method of evaluating the effect of VD education on the teenage VD rate had been established. A majority of replies said that increased self-referrals for treatment by the young were the best evidence of the effect of VD education. The Monterey County (California), health department stated that, "There is no evidence that VD education has lowered our county VD rate, but it has greatly facilitated earlier diagnosis through self-referral and speeded up contact follow-up and immeasurably increased community awareness and interest in finding out the extent of the problem."

Self-referral patients in one city were asked routinely why they had come to the clinic. Records kept of their replies showed that over 35% mentioned school VD education programs or radio and TV announcements.

Increased knowledge shown by young patients about gonorrhea and about its lack of symptoms in females was often cited as evidence that VD education had been effective.

VD INFORMATION IN THE COMMUNITY

A publication of significance which received wide distribution was *The VD Crisis*, from the proceedings of the International Venereal Disease Symposium, St. Louis, Missouri, 1971, co-sponsored by ASHA and Pfizer Laboratories Division, Pfizer, Inc.

The Southern Medical Association devoted the entire April 1971 issue of its *Bulletin* to the subject of gonorrhea.

Among publications with special issues on venereal disease were: *American Pharmaceutical Association Journal* (August 1971); *Maternal and Child Health* (November 1971) and *Ohio's Health* (September–October 1971).

The Joint Statement questionnaire asked health officers to describe the most effective VD education and public information programs carried on in their jurisdiction in FY 1971. The following replies reflect the wide variety of community groups and activities involved in promoting awareness of the venereal diseases:

"There were three statewide associations accepting VD as a main health project during the year: California Federation of Women's Clubs, Junior Membership; the California Jaycees.

"Some California Pharmaceutical Association activities were: 1. Three VD 'Teach-Ins.' 2. A VD counter display placed in all pharmacies in the state. 3. Press conferences. 4. Promotion of legislation that enables pharmacies to display prophylactics when accompanied by VD literature. 5. Development of a VD message for prescription bags.

"The California Jaycees plan first to educate their membership and then involve the local Jaycees with the youth VD education program.

"The 'Juniors' were very much involved with projects during the year. A VD song was written and recorded into VD radio spots. One high school planned and built an exhibit and then donated it along with 100 different poster ideas to their county health department.

"Organizations similar to the Bay Area Venereal Disease Association appeared in Ventura, Fresno, Sacramento and Bakersfield. BAVDA was extremely active during the year. Its main thrusts were sponsorship of a seminar for physicians; the April VD Awareness Month; a new TV spot, along with numerous TV and radio programs; and a rock concert.

"The Alameda-Contra Costa Medical Auxiliary sponsored a VD seminar that was well attended by local educators.

"In January 1971, the state board of public health created the California Task Force on Venereal Disease, composed of 27 professionals and private citizens within the state charged with the responsibility to review the extent and nature of the VD problem in California and make recommendations. The task force reported its findings and recommendations to the state board of public health. The recommendations were acted upon favorably by the board and the state legislature. As a result, $238,000 was set aside to carry out the recommendations."

"During the Spring of 1971, a group of University of Denver graduate students undertook an intensive VD awareness campaign in the Denver metropolitan area. The 'VD, Silent Epidemic' drive, sponsored by our agency, consisted of an eight-week effort which utilized all forms of media, various professional and citizen groups.

"Purpose of the campaign was to inform the general public of the growing problem and to refer individuals 15–25 years old to clinics and physicians for VD examinations. Referrals were encouraged to a specific phone number set up to give general and clinic information.

"During the campaign, 2,733 phone calls were received by the 'hot line' and 1,632 new patients were seen in area clinics, with 409 cases of VD treated by these clinics.

"February, 1971, was 'VD Awareness Month' in Connecticut. Mass media campaign sponsored by state department of health, ASHA, Connecticut Pharmaceutical Inc., Pfizer Co., and Connecticut Junior Women's Clubs. Theme of campaign was 'VD: It's a Bummer.' Utilized radio spots, billboards, pamphlets, television programs, in addition to mailing information packets to 2,300 schools, colleges, libraries and youth serving agencies. Campaign was endorsed by Connecticut State Board of Education, Connecticut State Medical Society, Connecticut Broadcasters Association, Connecticut Business and Industry Council and Connecticut Public Health Association."

"The most significant public awareness program was set up by the New York Alliance for the Eradication of VD entitled 'Partners in VD Prevention.' Led by the alliance and with the cooperation of the New York City Department of Health, the services of some 200 Neighborhood Youth Corps personnel and other community people were utilized for a door-to-door VD information campaign. The program successfully accomplished its two main objectives—as well as reaching 25,000 people with VD information: (a) public recognition of the concept of VD prevention and the use of prophylactics as an acceptable solution to the VD problem; (b) publicity on the VD problem. Some 400 newspapers covered such events as the corner distribution of 'Fight Love Pollution' matchbooks and New York City's 'VD Light-In'—a flashlight parade of about 100 teenagers down Fifth Avenue. The program also created and introduced a VD newsletter entitled *Rx for VD*, designed for professionals in the medical and pharmaceutical fields."

"The Second Conference on Venereal Disease Among Teenagers was held in Philadelphia October 7, 1970. It received the most widespread community support and mass media coverage of any effort to date. Two major results of the conference were the establishment of Operation Venus and the Counterattack Committee.

"Operation Venus is the most effective program for public awarenese and information in Philadelphia. The program was established by the Community Service Corps (an organization of high school students.) The two basic elements of Operation Venus are a 'hot line' and a transportation service to private physicians and public clinics. The program has received wide publicity."

"Governor Frank Licht (of Rhode Island) today announced a statewide effort to reduce venereal disease, which has reached panic proportions in the state, and 'is probably doing far more physical and mental damage to our citizens than the drug problem.'

"A three-month program, beginning immediately, will emphasize the state's ongoing program of free and confidential medical assistance to persons affected by a venereal disease. People suspecting that they have the disease only need telephone 421–9836 to arrange an examination and treatment.

"The theme of the program, *Let's Get V.D.*, will be particularly directed to the 14–25 age group, where incidence of venereal disease is the greatest. A key to the campaign is that young adults can be treated without parental approval, and in strict confidence.

"The program will be executed with the cooperation of all the news media, the neighborhood health centers, hospitals, private physicians, public assistance employees, schools, and many other organizations and groups.

" 'We intend to blanket the state with our messages to be sure that we sufficiently impress on the minds of all people the seriousness of this disease,' Governor Licht said." (from a December 16, 1970 press release)

"Approximately 35,000 males visit barber shops in Houston each day. For this reason, the Texas Alliance for the Eradication of VD asked 832 barbers in Houston to set up VD information centers in their shops. Each received a specially designed poster appropriate for display, along with a supply of bumper stickers and pamphlets that they were asked to distribute. The Texas Alliance also sponsored a billboard campaign. The Harris County Medical Society launched a 'Stamp Out VD' campaign which encouraged doctors to report all cases to the health department and which also promoted classroom VD education."

"The VD control program distributed over 3,000 VD information resource kits to school teachers and others who are involved in teaching about the venereal diseases. Nearly 500,000 pieces of literature were provided to schools and other organizations for distribution to students, employees, etc. Ten VD films were shown 4,178 times to audiences which included students, physicians, paramedical groups—an estimated 156,000 persons." (Texas)

"We undertook a program to educate male homosexuals in the southern Wisconsin area. Main thrust of program was the distribution of posters and leaflets describing venereal disease among male homosexuals. Volunteer rate of male homesexuals at Milwaukee Social Hygiene Clinic increased markedly as a result of this effort."

FEDERAL FUNDING

The project grant mechanism has been used by the federal government to assist state and local health departments in the control of the venereal diseases since 1953. Prior to the implementation of the Partnership for Health legislation in July 1967, project grant support was provided from categorical funds appropriated specifically for venereal disease control.

The Partnership for Health legislation provided, in Section 314a of the Public Health Service Act, for grants to assist the states in developing comprehensive plans for all health needs, under a designated Comprehensive Health Planning agency. Section 314b of the same act provided grant assistance for the development of area-wide plans in approved regional or metropolitan local areas. Section 314c provided grant funds which are now administered by the National Center for

Health Services Research and Development, for the development of new methods or improving existing methods of organizing, delivering and financing health services.

Section 314d of the Public Health Service Act established a mechanism for block ("formula") grants to states for the delivery of health services. Each state has an entitlement under Section 314d which is based on population. States submit a program plan for each health activity for which they propose to use 314d funds, and must pay a proportionate share of the cost of the plan based upon per captia income. The 314d grants replace many previous categorical formula and project grants. States now, as in the past, do not use significant amounts of the "formula" grants for venereal disease control.

Prior to FY 1963, venereal disease project grant funds amounted to less than $3,000,000 each year. After the report of the Surgeon General's 1962 Task Force on Eradication of Syphilis, project grant funds for venereal disease increased to a high in FY 1965, FY 1966, and FY 1967 of $6,229,000 per year. As recommended by the task force, these funds were limited to syphilis control programs.

Beginning with FY 1968, both ongoing and new venereal disease control projects have been awarded to state and local health departments from funds appropriated under Section 314e of the PHS Act. These grants have continued to be limited almost entirely to syphilis control programs. This section replaced several sources of authority for a variety of categorical project grants, including venereal disease. Although venereal disease project grant requests have had to compete with a wide variety of grant requests for many kinds of health services, project grant support continued through FY 1970 at a level approximately equivalent to that of the years before the Partnership for Health legislation was enacted. However, inflation (particularly increasing personnel costs) has decreased program activities.

FY 1971 and FY 1972 have seen a change in the pattern of federal grants to state and local health departments for venereal disease control under Section 314e. A total of $6,300,000 was "set aside" for spyhillis grants in each year. Eligibility for grants was established with respect to the extent of the early syphilis problem. Since many states did not meet the criteria for support at a level equivalent to prior years, grant support was drastically curtailed in some areas and eliminated in others. Areas with increased problems received increased grant support. Some states in which special efforts had achieved a reduction in reported infectious syphillis had federal project grants cut almost immediately.

The federal government actually provided $8,245,840 to states and cities for venereal disease control activities during FY 1971, and $24,357,000 has been spent. or is currently programmed to be spent, during FY 1972. According to the Public Health Service, these funds break down as follows:

	Fiscal year 1971	Fiscal year 1972
314e project grants	$6,300,000	$6,300,000
317 project grants		16,000,000
CDC supported personnel provided directly to States and cities	1,311,200	1,657,000
CDC supported gonorrhea control pilot studies (fiscal year 1972 estimated)	634,640	400,000
Total	8,245,840	24,357,000

The program envisioned by the planners of Partnership for Health legislation is not yet fully operational in all states. Since all project grants for VD control are now funded through the appropriation for Comprehensive Health Planning (even though they are continuations of grants formerly awarded by the VD Branch of CDC), the only source of information from which total funds expended for VD control can be ascertained is state and city health departments. Replies to the Joint Statement from 45 states, the District of Columbia and Puerto Rico show that state funds made available to health departments for VD control increased by 21.7% from FY 1971 to FY 1972. Increased state funding was reported by 30 of the states responding, with four states (Georgia, Pennsylvania, Tennessee and Texas) and the District of Columbia accounting for over half of the increase. The 15 largest U.S. cities reported that local funds appropriated for VD control increased by 10.3% from FY 1971 to FY 1972.

Public Law 91-464, "The Communicable Disease Control Amendments of 1970," was enacted in October 1970. It provided appropriation authority for FY 1971 and FY 1972, to make grants to state and local health authorities for the control of tuberculosis, venereal disease, rubella, measles, RH disease, poliomyelitis, diphtheria, tetanus, whooping cough or other communicable diseases, amenable to reduction and determined by the Secretary of HEW on the recommendation of the National Advisory Health Council to be of national significance.

A small appropriation was made under this legislation for FY 1971, all of which was used to fund tuberculosis control activities. The appropriation in August 1971 of $20,000,000—$16,000,0000 of it for venereal disease control—was made under this authority and represents a renewed commitment by Congress to eradicate syphilis and its first real commitment to the control of gonorrhea. The status of these funds is discussed in the Progress Report.

In an attempt to discover the effect that changes in federal funding have upon state control programs, health officers were asked to comment upon such changes in FY 1971 and to anticipate the situation in FY 1972. Most states said their control programs had been curtailed. The following selection of comments from health officers documents the problem:

"Arizona had requested $30,096 federal financial assistance in FY 1971. The amount approved was none. An emergency special state appropriation was granted by the state legislature to support in FY 1971 the personnel and related costs of the two Navajo Indian investigators and one clerk, as well as the in and out of state travel costs previously supported by federal funds. Federal financial support in FY 1972 totals $1,875 for communications equipment, out of state travel and educational materials."

"Federal budget restrictions have created a cutback in personnel and California is experiencing a rapid increase in infectious syphilis cases. Cost of living increases will cause a further cutback in FY 1972 in that budget levels were not increased."

"VD control is no longer a categorical program in Georgia. It has become a part of the department's Comprehensive Health delivery plan and all former categorical health program representatives have become generalists assigned to the district directors of public health.

"Our program has suffered during FY 1971 from reduced federal funding, but our federal budget grants for FY 1972 for Fulton County have been increased and should result in a considerably improved program in the Atlanta area."

"Since FY 1968 we have lost five Public Health Service assignee positions. The cutback in CDC operating money for assignees has placed the higher paid PHS assignees on grant monies which results in less money for other services. Travel monies are severely limited. None of the 314d funds could be used for venereal disease control in Louisiana."

"We have applied for 314d funding but have not received funds from this source. Our project grant funds (314e) have been cut by almost 75% over the past five years. Personnel staffing is less than half the level of five years ago. Unfortunately the venereal disease problem remains serious and we cannot afford this reduction in assistance without losing some degree of program effectiveness." (Missouri)

"New York State did not receive the number of public health advisors we considered necessary to carry out our venereal disease control program. As a result, we are now showing increases in our syphilis incidence and gonorrhea is reaching epidemic proportions."

"FY 1971: Reduced cash and personnel, coupled with almost twice the primary and secondary syphilis morbidity of previous years, forced reduction of most program activities other than early syphilis epidemiology. FY 1972: More of the same." (Washington)

EXECUTIVE ORDERS IN A STATE OF NATIONAL EMERGENCY—RARICK REPORTS TO HIS PEOPLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 1972

Mr. RARICK. Mr. Speaker, I recently reported to my people on Executive orders in a state of national emergency. I insert the report at this point:

RARICK REPORTS TO HIS PEOPLE ON EXECUTIVE ORDERS IN A STATE OF NATIONAL EMERGENCY

The Founding Fathers who wrote the U.S. Constitution giving us a Constitutional Republic divided the functions to be exercised by the federal government among the three branches which were intended to act as agents of the principals—the sovereign States and the people thereof. Every American student is or should be familiar with this concept known as "separation of powers." The Legislative Branch legislates or writes the laws; the Executive Branch executes or enforces the laws; and the Judicial Branch judges or interprets the laws passed by the Congress.

Being aware of the power-seeking trait in human nature, the wise and prudent architects of the U.S. Constitution provided a system of checks and balances whereby each branch of government could restrain usurpations or encroachments by each of the other branches outside of its limited powers. Should any branch fail to rectify a breach of the Constitutional contract, it was then incumbent upon the States as principals to the contract to restore order.

Today we find the Constitution in disrepair. The Congress has delegated many of its assigned functions to the Executive Branch, to bureaucrats, to independent groups and even to international organizations—to regulate commerce with foreign countries, to issue money, and to declare war, to mention only three examples.

Federal judges occupying the Judicial Branch have taken on the functions of making and executing laws based on sociological concepts while the Executive Branch has become lawmaker as well as judge. And while usurpation runs rampant, neither the separate branches nor the sovereign states and the people thereof exercise their Constitutional prerogatives and duties to preserve and defend the Constitution.

A cause for considerable concern in the Executive Branch of the present administration is the skyrocketing growth in both size and power of the Executive Office of the President making it a veritable Palace Guard.

The expanding size and power of the Executive Office of the President in conjunction with the Presidential use of executive orders to bypass the Congress, to make laws

and the continued existence of a state of national emergency provide the framework and mechanics for dictatorship in America. So, I thought we'd consider today the threat posed by these political realities both to our individual liberties and to our Constitutional Republic.

EXPANDED POWER OF THE EXECUTIVE OFFICE OF THE PRESIDENT

Candidate Nixon in 1968 declared that "the best government is closest to the people." He spoke of the need to decentralize the powers exercised by the federal government so that people at the local level could make in accordance with the U.S. Constitution those decisions which so greatly affect their lives. Yet, during over 3 years in office, President Nixon has taken actions to the contrary which have centralized policy planning and decision making powers in a super-cabinet White House bureaucracy.

According to official government sources, the number of permanent personnel to staff the White House office and the special executive agencies established to serve the President increased from 1,992 under LBJ to 2,419 in December, 1971, or 21% during the first three years of President Nixon's tenure; and the cost to taxpayers of this growth in White House bureaucracy is estimated to reach $63.3 million for the Fiscal Year ending June 30, 1972—a 105% increase over the $30.9 million cost for Fiscal year 1969.

A report dated April 24, 1972, of the House Committee on Post Office and Civil Service and entitled "A Report of the Growth of the Executive Office of the President, 1955–1973" presents data showing that from the middle of the Eisenhower Administration (1955) through the middle of the Johnson Administration (1965), the EOP grew by 12 percent; and that during the five-year period 1965 to 1970, the EOP increased in size an additional 12 percent. In less than three years since 1970, the size of the EOP increased by 25 percent. More than 50 percent of the increase in the Executive Office of the President over its size in 1955 has occurred since 1970.

The White House, which once provided office space for nearly all of the Presidential assistants, now is the center of a cluster of buildings which house the increasing number of aides to the Chief Executive. This enlargement of the White House entourage has resulted from the establishment by President Nixon of 124 groups—councils, commissions, committees, and task forces—of which 99 still exist. Thirty-nine of these organizations, including the Office of Intergovernmental Relations, and the Cost of Living Council, were created by executive orders.

EXECUTIVE ORDERS

The authority to issue executive orders allows the President, in effect, to make laws. Over 11,000 executive orders or laws by the President have been issued since 1907 when the numbering of Presidential executive orders was begun. The number of unnumbered orders issued is undetermined with estimates ranging from 15,000 to 50,000. The scope of executive orders has ranged from the appointment of a charwoman in a local post office to the seizure by the federal government of the steel industry.

While the executive order appears to constitute an unconstitutional usurpation by the Executive Branch of the lawmaking function of the Legislative Branch, Congress has never delineated the scope of the executive orders. What is the source of authority for executive orders?

The U.S. Constitution vests the President with the executive power of the Government (article II, Section 1, Clause 1), the power to preserve, protect and defend the Constitution (Article II, Section 1, Clause 8), and the power to see that the laws are faithfully executed (Article II, Section 3). It is from these powers that the authority to issue executive orders is derived.

The executive order has been used by Presidents from the time of President Washington up to the present. In the early days of the Republic, the executive order was used primarily for the disposition of the public domain, the withdrawal of lands from federal reservations, to promulgate rules for civil service and administrative matters.

It is understandable that the Chief Executive should issue orders so as to fulfill his duty to see that the laws are faithfully executed. The danger lies in orders which go beyond the intent of Congress and attempt to accomplish some end not intended by legislation. An example of this is the 1962 executive order of President Kennedy—as he said, "by the stroke of a pen" I am banning racial discrimination in all federally aided housing. This action was taken even though Congress had refused to include language authorizing it in housing bills.

One current example of legislation by executive order a quasi-executive order by H.E.W.—is a little publicized notice which appeared in the Federal Register of April 18, 1972. Executive orders and regulations of the various federal departments and agencies which appear in the Federal Register have the force of law. The notice to which I refer is entitled "Medical Services for Persons Unable to Pay: Nondiscrimination." The final promulgation date is given as May 18, 1972, and will affect us all. All hospitals in the country that have received any federal funds are to budget for free hospital services for persons unable to pay to the extent of 25 percent of net profit or 5 percent of operating expenses whichever is higher. There is nothing that is free, so the effect of this new executive order can be but to raise the price of health services to all paying patients who will now be compelled to give "ordered charity" to pay the hospital bills of others. And the cost to hospitals to prepare the required federal reports and forms as well as free services will be reflected in increased hospitalization costs to patients.

Even more serious are executive orders which do not implement any law and are thus of a dictatorial nature. An early example of this is Washington's Neutrality Order of 1793, declaring U.S. neutrality in the war between France and England. The attitudes of Jefferson and Hamilton toward the order of neutrality exemplify two distinct points of view regarding executive orders. Jefferson felt that the power not to declare war as well as the power to declare war belonged to Congress; while Hamilton, on the other hand, reasoned that the constitutional provision of executive power gave the President broad powers to take actions he deemed to be in the national interests.

While the courts have on many occasions rendered decisions in suits challenging the legality of specific executive orders, neither the courts nor Congress has issued a clearcut ruling as to the extent or degree to which the President may use an executive order.

The U.S. Supreme Court, for example, held in the 1952 Youngstown Co. vs. Sawyer case that the executive order calling for seizure of the steel industry was without Constitutional or Congressional authority since the power sought to be exercised under the order was a lawmaking function which the Constitution vested in Congress alone. The court reasoned: "Nor can the seizure order be sustained because of several constitutional provisions that grant executive power to the President. In the framework of our Constitution, the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his functions in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad."

In his concurring opinion in this case, Justice Frankfurter quoted a statement made by Justice Brandeis as follows: "The doctrine of the separation of powers was adopted by the Convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was, not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy."

In this case, the court ruled that the "inherent powers" doctrine of presidential power did not include the power to seize private property in time of emergency.

Few of the Supreme Court cases regarding executive orders have been concerned with the constitutionality of the executive order itself. In a 1955 case, *Peters* v. *Hobby* involving action of the Loyalty Review Board under Executive Order 9835, Mr. Justice Black made this pertinent comment:

"But I wish it distinctly understood that I have grave doubt as to whether the Presidential Order has been authorized by any Act of Congress. That order and others associated with it embody a broad far-reaching espionage program over government employees. These orders look more like legislation to me than properly authorized regulations to carry out a clear and explicit command of Congress. *I also doubt that the Congress could delegate power to do what the President has attempted to do in the Executive Order under consideration here. And of course the Constitution does not confer lawmaking power on the President.*"

On a number of occasions, Congress has repealed executive orders of the President. The U.S. Supreme Court declared in 1866 in *Ex Parte Milligan:*

"The power to make the necessary laws is in Congress; the power to execute in the President. Both powers imply many subordinate and auxiliary powers. Each includes all authorities essential to its due exercise. But neither can the President, in war more than in peace, intrude upon the proper authority of Congress, nor Congress upon the proper authority of the President. Both are servants of the people, whose will is exercised in the fundamental law."

The proper use of the executive order as a vehicle by which the President sees that the laws are faithfully executed has never been challenged. It is the abuse of this power that has caused concern.

To alleviate this concern an awakened Congress should establish a watchdog committee—a joint committee on Executive Orders—to conduct a continuing study and investigation of all executive orders with the purpose of advising Congress whether such orders are issued pursuant to the authority vested in the office of President by the Constitution. The President should keep the committee informed on all matters pertaining to executive orders.

EXECUTIVE ORDERS IN A STATE OF NATIONAL EMERGENCY

During periods of an officially declared state of national emergency, Congress has acted temporarily to broaden the authority and power of the President so that he could take prompt efficient action in the national interest.

During World War I executive orders established such agencies as the Food Administration, the Grain Corporation, and the War Trade Board; and during World War II, the War Shipping Administration, the War Manpower Commission, and the Office of Censorship. In periods of war declared by Congress, citizens are willing to tolerate extensive powers in the hands of the President as Commander in Chief so that he can effectively conclude the war as quickly as possible with a minimum loss of lives. In periods of undeclared war, citizens are rightfully reluctant to give such dictatorial powers to the Chief Executive.

Since 1933, the United States has been in a continuous state of national emergency

even though this country was in a war declared by Congress from 1941–1945 only. Powers surrendered temporarily by Congress are continued by extension of the emergency.

With the passage of the Emergency Banking Act of 1933, Congress gave to the President unprecedented peacetime emergency powers. In the haste with which this legislation was railroaded through Congress, a little noticed amendment to Section 5b of the Trading with the Enemy Act of 1917 was added. In Section 5b of the 1917 Act, Congress transferred to the President the power to regulate trade and financial transactions between Americans and foreigners *in wartime*. By the 1933 amendment to Section 5b, the President was authorized, by simply declaring a national eemrgency, to assume in peacetime these broad wartime emergency powers. The President can decide when a national emergency exists and when it ends as well as when he will use the almost dictatorial authority contained in some 200 laws which grant special powers to the President in national emergencies.

An Office of Emergency Preparedness pamphlet entitled "Guide to Emergency Powers Conferred by Laws in Effect on January 1, 1969," lists these powers. A few of these powers which are today at the disposal of the President of the United States are the following: to forbid citizens to leave this country, to take privately owned boats for a fair compensation, occupy or take over any factory, prohibit any transaction in foreign exchange, call up reserve or retired members of the Armed Forces and send them to the Middle East or to aid any country, and to award government contracts without asking for bids.

The "national emergency" declared by President Roosevelt in 1933 was superseded by another "emergency" proclaimed by President Truman in 1950 and continues in effect today.

Even so, on August 15, 1971 in his Proclamation Number 4074, President Nixon proclaimed a state of national emergency. Such a proclamation like a declaration of war, by the President of the United States, should be an historical event which a free press should be expected to bring to public attention with banner headlines. Yet, President Nixon's declaration of a national emergency strangely went almost without comment in the nation's press.

Several very significant and far reaching executive orders have been issued by President Nixon. One such directive is Executive Order 11490 of October 28, 1969 entitled "Assigning Emergency Preparedness Functions to Federal Departments and Agencies." This executive order compiled in one order over 20 separate executive orders issued by President Kennedy dealing with emergency planning and which outline a plan for dictatorial control.

Without further congressional approval, Executive Order 11490 places in the hands of the President and his heads of departments and agencies vast powers over food supply, money and credit, transportation, communications, public utilities, and other facets of the lives of Americans.

I wrote to the President asking if the declaration of a state of national emergency authorized him to effectuate the emergency plans prepared pursuant to Executive Order 11490. The following is a portion of the reply I received:

"The recent declaration by the President is not intended as an instruction to any government agency to take any specific action. In general, it simply makes available for future action, statutes which require the existence of a national emergency for their implementation. Since the 1950 emergency declared by President Truman has continued in effect (see Op.A.G. No. 35, P. 6–8), the declaration of August 15 does not significantly change the legal picture from what existed prior to that date."

Executive Order number 11647 of February 10, 1972 is another very significant Presidential directive. It establishes and assigns functions to the ten Federal Regional Councils.

Each of the 50 states now managed by elected officials has been assigned by President Nixon to one of ten regions headed by an appointed bureaucrat carrying the title of sub-cabinet status. Governors of the States are now to be insulated from the Federal hierarchy by Under Secretaries for regional councils.

The creation of these ten "Soviets" has received little publicity. They provide the framework while the executive order plus the awesome emergency powers possessed by the President because of the state of national emergency provide the vehicle for bypassing States, county, and local governments for the establishment of dictatorial controls from Washington.

Part of the solution to this precarious situation is to curb the President's use of executive orders and to enact legislation revoking the state of national emergency proclaimed by Presidents Truman and Nixon.

There is no constitutional government where the decisions of government are made by executive orders. The oath of office of congressmen is to the Constitution and not to the President or to executive orders which exceed or defeat legislative purpose. Congressmen cannot represent their constituents if they are representing rule by executive order.

THE AMNESTY QUESTION: ARE THEY ALL EQUAL?

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 1972

Mr. TALCOTT. Mr. Speaker, there is considerable debate and division of opinion on the subject of amnesty for draft evaders and deserters. Many citizens and Members of the Congress seem to have a penchant for discussing the issue now.

The most knowledgeable presentation and the most sensible proposal I have heard or read is by Leavitt A. Knight, Jr., in the May 1972 issue of the American Legion magazine.

Before reaching a conclusion on this emotional issue, I urge my colleagues to read Mr. Knight's article which I insert at this place in the RECORD:

THE AMNESTY QUESTION FOR DRAFT EVADERS: ARE THEY ALL THE SAME?

(By Leavitt A. Knight, Jr.)

Today, some sort of *blanket amnesty* for those who illegally evaded the draft or deserted from the military during the Vietnam war is being widely debated, discussed, aired, promoted and opposed.

In all this discussion there has so far been a good deal of silence on what is most certainly the central question. The key word is not "amnesty," it is "blanket."

Without exception, the proposals for amnesty for Vietnam war draft evaders and deserters that are now being debated would either treat them all as one group, or divide them into large classes (such as between draft dodgers and deserters). Every such proposal is a proposal to avoid examining individual cases, to offer forgiveness to 70,000 John Doe's if we offer it to one John Doe.

The assumption behind all blanket amnesty proposals is that all draft evaders and/or deserters are the same, so one judgment will do for all. Very often the case of one or two men with a sympathetic ring is cited to support amnesty for 70,000.

But they are not all the same, and the whole debate, as it gets to the public, stands on a false assumption.

There are John A. Doe's who were too illiterate or mentally retarded to understand their draft board's instructions. There are John Z. Doe's who were wanted for murder, and avoided registering for the draft to keep justice from catching up with them.

In between is a whole alphabet of John Doe's. Some stood on private conviction against all war, knew that what they were doing was illegal, and chose to take the consequences. Others were not actually against the Vietnam war as they claimed. They were in it on the side of the enemy, with whom they conspired (sometimes openly) not to stop the war but to assure a victory for Hanoi.

The actual motives of many draft evaders cannot be determined from what they *said* their motives were. What they said was often ground out on mimeo machines and printing presses by others and handed to them to be cited as their own statements. Some draft evaders openly refused to register or report. Others never openly resisted the draft, but cheated by feigning mental or physical disabilities or making false claims for exemptions. As we all know, a whole business grew up "educating" draft-eligibles on ways to disqualify themselves by lying.

It is entirely possible to carry out any sort of justice the nation decides it wants to render, be it stern or lenient, by pursuing a policy which is applied to each case according to the facts of the case.

It is impossible to render any sort of justice by enacting a blanket amnesty which closes its eyes to what it is doing in each case.

If we take the sternest approach, and punish all who even technically avoided the draft, we will hurt many relatively innocent men who might be shown to be victims of draft board error or overzealousness. If we only exact some mild sort of penance from every draft dodger, such as Sen. Robert Taft's proposal to let them work for three years in government service in some agency, who will require too much of men who are victims of error. You cannot find error if you do not look at each case.

In WW2, a few overzealous draft boards instituted charges of draft-dodging against Japanese-Americans who had been relocated from the West Coast as "undesirable citizens." And technically, they had dodged the draft by failing to register. But when President Truman's Amnesty Board (*which looked at each case*) caught up with these charges they were dismissed out of hand. And so should any similar purely technical charges be dismissed today, instead of offering the accused a chance to buy a pardon with a three-year tour of government duty.

Most appeals for blanket amnesty today state that *all* draft evaders and/or deserters were acting on high principles which are grounds enough for granting amnesty to all of them. It is irrelevant to debate at this point whether or not it is "high principle" to avoid service—sometimes by lying—under conditions that require that another man go in one's place. A blanket amnesty would let all the so-called "high-principled" off, and with them it would let off all the "low-principled"—the stickup men and wanted murderers who failed to register in order to flee justice.

One thing is clear. *Blanket* amnesty is wrong no matter what amnesty might be right, if any. The experience of the WW2 Amnesty Board is enlightening on this point.

In 1946, President Harry S. Truman appointed a three-man Amnesty Board to recommend Presidential clemency for WW2 draft evaders. He named to it then-recently-retired Associate Justice of the Supreme Court Owen J. Roberts (chairman); Willis Smith, then President of the American Bar Association and later U.S. Senator from North Carolina, and James F. O'Neil, who

had been a special assistant to the Secretary of the Navy in WW2 and is presently the publisher of this magazine.

Justice Roberts was highly in favor of blanket amnesty when the board began its work. In fact, his name appeared on the letterhead of the Fellowship for Reconciliation, a pacifist organization. His initial proposal to the whole board was to treat all of the draft evaders the same—to recommend executive clemency for all of them to President Truman. Smith and O'Neil proposed to review the cases individually, and persuaded Justice Roberts to review a sample and see if he still wanted blanket amnesty. After he reviewed a few, he agreed that each of 15,805 cases should be reviewed. It took a year, with help from the Justice Department staff. In the end, the Board recommended executive clemency for 1,523 cases. President Truman had earlier arranged for pardons for another 1,518. In all, out of 15,085, pardons were granted to 3,041. As he handed the Board's report to the President, Justice Roberts said that the review of each case had saved him from a great mistake, for he "never realized how many were not entitled to amnesty."

Here is one quotation from the unanimous report of the Roberts Board:

"Examination of the large number of cases at the outset convinced us that to do justice to each individual as well as the nation, it would be necessary to review each case upon its merit with the view of recommending individual pardons, and that no group would be granted amnesty as such."

Two further passages indicating what examination of each case revealed are also enlightening:

"In perhaps one-half of the cases considered, the files reflected a prior record of one or more serious criminal offenses. The Board would have failed in its duty to society and to the memory of the men who fought and died to protect it, had amnesty been recommended in these cases. Nor could the Board have justified its existence, had a policy been adopted of refusing pardon to all. . . ."

"Many of the willful violators were men with criminal records; many whose record included murder, rape, burglary, larceny, robbery, larceny of Government property, fraudulent enlistment, conspiracy to rob, arson, violations of the narcotics law, violations of the immigration laws, counterfeiting, desertion from the U.S. Armed Forces, embezzlement, breaking and entering, bigamy, drinking benzedrine to deceive medical examiners, felonious assault, violations of National Motor Vehicle Theft Act, extortion, blackmail, impersonation, insurance frauds, bribery, black market operations and other offenses of equally serious nature; men who were seeking to escape detection for crimes committed; fugitives from justice; wife deserters, and others who had ulterior motives for escaping the draft. . . ."

There were just about 7,500 such cases, and there's no reason to believe that an examination of Vietnam military evaders would not show similar numbers.

The WW2 Board, by looking at each case, found all sorts of other people who could hardly be classed as being all the same or reasonably subject to the same consideration. On their records they deserved anything from extreme leniency to the sternest punishment. Today, because no such close look is being taken, the draft evaders and deserters are being lumped together under all sorts of misnomers.

A recent headline in the New York Times is typically foggy. It reads: "Amnesty is Asked for All War Foes." Here, the Times headline writer represents everyone who is *opposed to war* as one in need of amnesty. The use of such language is a smoke screen of the kind we need less of in airing public questions.

It's a fair presumption that everyone in the United States is opposed to war. It is certainly no crime and nobody needs amnesty for abhorring war. Of course, the story under the headline was not about "all war foes." It reported a petition circulated by 16 people to grant total amnesty to all Vietnam draft evaders and deserters—that is, lawbreakers. As usual, the petition stated that all 70,000 or so of them had ducked the draft or deserted for the same reasons, which seemed honorable to the 16 petitioners.

Now, it is a fair bet that virtually every man who served in Vietnam or any other of our wars hated every bit of it. In short, millions of war foes registered for the draft and served. It is certainly kidding the public to give the distinction of war-hater uniquely to those men who illegally avoided war service. Yet both the Times and these 16 petitioners did exactly that, and they are not alone in such gross misidentification in today's amnesty debate. I don't object to these folks having and sticking to their opinions. But I most certainly object to the sand they throw in other people's eyes, and to their representing their wildest and most undermonstrable beliefs as fact.

The petitioners, in this case, claimed it as a fact that the deserters and draft dodgers "wherever they are, are already concerned with the making of a better America." All of them. Justice Roberts, pacifist though he was, would roll over in his grave at the suggestion that these petitioners could possibly know what they were talking about. Of course, the way to find out is to examine every case, as Justice Roberts and his colleagues did. But it is exactly the point of all such petitioners that every case should *not* be examined.

One error leads to another, or rather scores of others. Legionnaire Benjamin Truskoski, of Bristol, Conn., pointed out in a letter to a Congressman that Senator Taft's proposal to give amnesty to any draft evaders who would serve for three years in a government agency—such as VISTA, the VA hospitals, etc.—is loaded with pitfalls and injustices. Senator Taft seems to view government service as a sort of punishment. To some it would be punishment. Just what will happen to the quality of service in VA hospitals and other agencies that load themselves up with sullen men who look upon their jobs as punishment, and who have a record of breaking the law when it doesn't appeal to them, is quite a question. The government service, Truskoski noted, has a hard enough time without taking on thousands of such. The WW2 Roberts Commission found that some of the draft evaders were mentally unstable. That Senator Taft would view government employment as a penance is itself a little eyebrow-raising. Another side of the question is that government jobs are sought after by many. There are loads of Vietnam veterans who are walking the streets looking for jobs, while scores of volunteers and organizations are trying to help them. What an irony, said Truskoski, to offer 70,000 federal posts to draft evaders, while many men who didn't evade it go unemployed after having fought the war!

I don't mean to beat Senator Taft over the head. He is probably as much a victim of fog as everyone else. The hidden evils in his proposal are the sort of things that follow basing a whole public debate on false premises. Once you start pretending that all draft evaders are the same—once you decide not to look at their records one by one—it follows that whatever you propose to do will be full of mischief because it stands on the false ground that they can be treated justly as a class.

All we need, after the Vietnam war is over, is for some board or agency to do for the President what President Truman's Amnesty Board did for him. The President has full powers to grant executive clemency, and justice can only be served by basing it on the facts of each case. If I'm wrong on that, our whole concept of justice has been wrong since we established our courts, our appeals courts and the pardoning power. Until now, we always thought it was a virtue of our system that every accused man should have his day in court. If we don't stay with that, we can't avoid being too soft on some and too hard on others.

One argument that has been widely publicized in favor of a blanket amnesty should be taken very seriously if it is found to hold water. It states that the draft evaders are such a large and important part of our population that—quite apart from the justice or injustice of forgiving them en masse—we must accommodate them in some special way in "order to cement a divided nation back into one piece."

If the facts are correct, this is not a specious argument. After the Civil War, when half the nation had fought the other half and the Confederate Army had actually taken up arms against the victorious Union, the wisest leaders recognized that the nation could ill afford to subject everyone in the Confederate cause to prosecution as a lawbreaker. Lincoln instituted a policy of blanket amnesty in his instructions to Grant who, at the surrender of Lee's army at Appomattox Court House, told Lee to send his men home with their horses for the next plowing. Every one of them was technically subject to prosecution as one who'd taken up arms against the United States.

With the assassination of Lincoln, and the Northern cry for vengeance, his amnesty policy was the subject of bitter recrimination and turmoil for years. (Which illustrates that the amnesty did not cement the nation but continued to divide it.) In fact, Congress passed a law to wipe out a later amnesty granted by President Andrew Johnson (which Johnson ignored).

The question then was not a question of either justice or injustice. It was a statistical question. The nation could not afford to prosecute close to half its citizens, and the enormity of that conflict dictated Lincoln's policy to "bind up the nation's wounds." Since the question is based on statistics, and not on justice, its relevance today stands on the question of numbers, as it did in the Civil War.

Are the Vietnam draft evaders and deserters such a significant part of the population that the nation cannot afford to give them even justice but must try to deal with them as a class, as Lincoln proposed to do for the South?

Statistically, it would be more important to forgive our other lawbreakers as a class, if the nation stands in danger of alienating large classes of citizens by prosecuting them evenhandedly. In 1969, more than five million people stood accused of serious crimes in the United States for which they were arrested. Auto thieves alone came to over 870,000. Most unofficial guesses estimate the accumulation of Vietnam draft evaders and deserters since 1964 or thereabouts at about 70,000. They are a small fraction of lawbreakers (less than 1 in 500 over an eight-year period). They are a small number compared to those who did serve in the military, and in fact they are not a fifth as numerous as those who were killed, wounded or reported missing in Vietnam. They are a tiny part of the total population—averaging out to the population of one small hamlet of 1,400 people in each state.

Thus the statistical approach claiming that we can ill afford to give them the same sort of justice we give everyone else because they are so important a segment of the nation is only empty verbiage. Put them in the Los Angeles Coliseum and there would be 6,000 empty seats, if the 70,000 figure is correct. However both the Justice and Defense Departments have testified in the Senate that the total number who could face prosecution is much smaller than 70,000.

This review of the insignificance of their numbers in the nation is not said for or against the draft evaders, but only to reveal what an attempt at hoodwinking the public is involved in the claim that they are too important a part of the nation to be dealt with like everyone else who stands accused of lawbreaking. Fog and sand-in-the-eyes are found everywhere on the amnesty question.

The "blanket" question has created more fog than that. It has generated an illusion that anyone who is opposed to blanket amnesty is opposed to all amnesty, and another illusion that those who may deserve amnesty on the merits of their cases won't get it unless some blanket amnesty is provided. Of course, there was no blanket amnesty after WW2, yet Truman—under existing powers of the President—gave it to more than 3,000 men, including everyone whom the extremely liberal Justice Roberts thought was entitled to it. What blanket amnesty does, by contrast, is to assure that those who are not entitled to it also get it.

National Commander John H. Geiger, of The American Legion, testified on the amnesty question before a Senate subcommittee on March 1 of this year. Let's close this by quoting liberally from the meatier parts of his testimony. It seems to be right on the ball, and also lets readers of this magazine see what their organization said most recently on the subject. Said Commander Geiger:

"Today my appearance and the position I take on amnesty are based upon Resolution 207 adopted at our 1971 National Convention. . . . The delegates who unanimously adopted Resolution 207 represented every one of the 50 states and the District of Columbia. They were all honorably discharged veterans of wartime service, and represented a cross section of American ethnic, cultural, political and economic life. Resolution 207 also has the unanimous support of The American Legion Auxiliary whose nearly one million members are the wives, mothers, sisters and daughters of men who served their nation.

"Like you, we Legionnaires are deeply concerned over the complex problems presented by the issue of amnesty. It is an emotional problem with overtones of justice tempered with mercy and understanding. Amnesty is particularly difficult to consider today because of the profound and bitter division in our land over the Vietnam conflict—our longest war and—like the Revolutionary, Mexican and Civil Wars—a bitterly divisive one. A large number of our young men are involved in the amnesty question—though far more were involved in this question in the Civil War.

"Today, our Vietnam casualties far outnumber our draft evaders. Over 70,000 by unofficial estimate are either military deserters or selective service evaders. For many, their excuse is the immorality of the participation of the United States in the conflict in Vietnam. Canada, Sweden, and, to a much lesser extent, other countries have given some of these young men asylum. Their cause is now being popularized and propagandized by many and diverse groups in the United States and abroad—including several candidates for high public office in our own country. Let us hope that as a result of these hearings, earnest and full consideration will be given to all facets of the issue of executive clemency so that we shall be able to discover and follow that difficult line between the dictates of the law and the charity our moral heritage demands.

"The American Legion has an intense and direct interest in amnesty because of the fact that its members all were subject to the laws, regulations, pressures and responsibilities of military service in defense of the United States and most also were subject to the operation of the Selective Service System.

"Proponents of amnesty at the present time fall into two categories. One group advocates unconditional amnesty for all military deserters and draft evaders. This group reasons that the Vietnam conflict is an 'immoral' war for the United States; that those who recognized this and followed their conscience ought not suffer any legal penalties for 'being right while their country was wrong'; and, therefore, amnesty should be a blanket recognition of this.

"Some spokesmen for this view go so far as to advocate full veterans rights and pensions for deserters and draft evaders for their *sufferings* in Canada, Sweden and elsewhere. The second group of proponents offer amnesty to draft evaders but not to military deserters, provided that draft evaders prove their sincerity by performing alternate service for their country.

"The American Legion believes that most draft evaders and deserters consciously decided to refuse to accept their responsibilities by flouting our laws and legal remedies rather than by going through the available, legal channels of redress; that their actions in declining to obey certain laws distasteful to them is contrary to sound legal and moral standards; and that the obligations of citizenship cannot be applied to some and evaded by others.

"The American Legion resolved that: 'We go on record as opposing any attempt to grant amnesty or freedom from prosecution to those men who either by *illegally* avoiding the draft or desertion from the armed forces failed to fulfill their military obligation to the United States.'

"In other words, we of The American Legion firmly believe that giving any wholesale amnesty—whether conditional or unconditional—would make a mockery of the sacrifices of those men who did their duty, assumed their responsibilities in time of conflict, and—in many cases—were killed, seriously wounded, or now lie in a prison camp somewhere in Indochina. Over 50,000 men have paid the supreme price of patriotism and citizenship. Another 302,602 have been wounded or injured. Over 1,600 are prisoners or missing in action in Vietnam, or Cambodia. And the casualties have not ended.

"How can any general amnesty be explained to these men? How can amnesty be explained to parents, wives, children—all those who have lost a son, husband or a father in their country's service? How can we excuse ourselves to the prisoners of war, the missing in action, or to their suffering families for offering amnesty?

"Furthermore, what would be the effect on the morale of our Armed Forces if amnesty were granted to those who have violated the law and their oath of service by turning their backs and fleeing their country? In our opinion, it could only badly undermine that morale and cheapen the value of honorable service to one's country—at the very moment these values are most in need of strengthening. . . .

"It is clear from the Legion's resolution that our official opposition to amnesty is not a total opposition to it, but an opposition to any sort of amnesty (with or without conditions) to all draft evaders *as a class*. Our resolution asks that all draft evaders be prosecuted. This means that we would like each case to be heard in court, and tried on its merits. The courts can deal with the particulars of each case, and exercise leniency or sternness, based on the actual facts brought out in hearing about each particular draft evader. Surely the courts will find those who are innocent, and who should be excused without any further conditions.

"It is also implicit in our resolution that those found guilty would still have open to them the right of appeal. Should appeal fail they would have recourse to the President's pardoning power, if, on review of the facts in each case, he wishes to extend additional leniency beyond what the courts may extend. This is implicit in our resolution, because any request for prosecution implies not only the possible finding of guilt but the finding of innocence, and the avenues for redress, appeal and pardon that are available to all persons who are prosecuted.

"Our request that draft evaders be prosecuted does not deny to them their full rights under the law, or the opportunity for executive clemency. Our resolution, in effect, opposes any form of blanket amnesty, and asks that each case be considered on its merits. The only other example in our history of amnesty for wartime draft evaders certainly bears out the wisdom of this approach—and, of course, it is consistent with the whole American system of justice which is based on hearing the charges and the facts of each case.

"After WW2, the Roberts Board tried to treat all 15,805 WW2 draft evaders the same, as all proposals for blanket amnesty do. The Board threw up its hands at the injustice of any such operation. It found sinners of all degrees, as well as innocent men, among the WW2 draft evaders. In the end, with the aid of the Justice Department staff it reviewed each case. That was not the easy way out, but the Roberts Board shouldered the huge job of review rather than accept the onus of dispensing justice by the shovelful.

"There are some in this country who would create the illusion that every Vietnam draft dodger was acting on high principle out of deep-seated convictions against war. When all cases were judged individually by the Roberts Board after WW2, nearly half were found to have been men wanted for murder, robbery, desertion of their families and other serious crimes.

"On the other hand, others were found to have been legally exempt from military service, or they fell afoul of the law through ignorance or illiteracy. President Truman gave a complete pardon to 1,523 and a conditional one to 1,518, while more than 12,000 did not merit such treatment.

"If the Vietnam draft evaders are all prosecuted, courts will be able to judge each case on its merits. They will again find a mixture of victims of error, deliberate conspirators and professional criminals. The President could then have them screened and consider recommendations for clemency in each case.

"An act of Congress to provide an across-the-board three-year stint of government service in exchange for amnesty would offer that penance to some for whom it is too heavy a penalty and to others for whom it is too mild a punishment. The most flagrant offenders will get the best break and the least offenders the worst.

"This is hardly equal justice under the law. At least ten Presidents, from Washington to Truman, have handled the amnesty question under existing machinery. An act of Congress that decides all cases without a hearing is neither necessary nor desirable.

"There was no amnesty granted after the Korean War. It is therefore clear that amnesty has not been lightly given by our modern American Presidents. And it has been granted only after the shooting has stopped and the war is over.

"Lastly, an argument much used by advocates of unconditional general amnesty is that the Vietnam conflict is 'immoral,' therefore no American should be prosecuted or punished for refusing to take part in any direct or indirect way in an 'immoral' war. I am not aware of the precise moral standards used by those who would label our military assistance to the Republic of Vietnam 'immoral.' It is rarely defined.

"And the assumption that the Vietnam conflict is now, or was from the beginning, an immoral war is much in dispute. We Legionnaires reject the simplistic labeling of our effort in Vietnam as immoral.

"We reject it on the grounds that such allegations are patently false. The United States commitment to the government and people of South Vietnam is just and moral—we are committed to providing South Vietnam the means whereby it can defend its independence and its right of self-determination.

"The Viet Cong were committing genocide in South Vietnam at the time we became heavily involved in that conflict—systematically slaughtering innocent civilians wholesale as a means to gaining political control. We knew this then, we know it now. Everyone within sound of my words knows it. But when discussion of the morality of the Vietnam war arises today, the fact that we intervened against genocide, when the United Nations would not, is simply omitted from the discussion. One cannot admit and still define our role in Vietnam as immoral. We hope and believe that the Congress will not decide such a moral question by closing its eyes to genocide.

"We cannot believe that the Congress will ever decide that those who violated the law have the superior moral position of the President, the Congress and to the men who served.

"If Congress should decide that they *do*, we wonder who next will take up the pretext and use the precedent to claim a moral superiority over some fresh enactments of the Congress.

"We wonder what future legal dilemmas will be in store for us if we create such an extraordinary precedent as the Congress assenting to the right of citizens to determine unilaterally which laws they will obey.

"Any determination of amnesty based on the moral superiority of draft law violators is contrary to our concept of justice.

"Historically, the Congress, the President and the Judiciary have struggled to determine the extent of power of each. Should we now add a new dimension to this three-sided struggle—namely any citizen who claims that his unilateral view of morality is superior to the Congress, the courts and the President alike? If we establish this as a correct view, the day will arrive when there will be little further use for the Presidents, the courts or the Congress.

"Our involvement in Vietnam was authorized under proper Constitutional procedures and was sustained by the Congress.

"In summary, The American Legion's position on amnesty is:

"1) We oppose any attempt to grant amnesty now.

"2) After the conflict ends, peace is established, and our prisoners of war and missing in action have been repatriated or accounted for, each case should be reviewed under existing procedures available to the courts and the President."

IN TRIBUTE TO J. EDGAR HOOVER

HON. ALEXANDER PIRNIE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1972

Mr. PIRNIE. Mr. Speaker, we are saddened by the death of J. Edgar Hoover. For nearly a half century he has served this Nation with distinction. His professional competence has spearheaded our country's law enforcement. The Federal Bureau of Investigation has achieved great stature under his guidance.

He loved his country and found great satisfaction in tireless service to it in an arena that demanded the utmost in courage and judgment. He was a fine, dedicated individual, the very image of selfless devotion to duty.

His impact on the youth of our country has been most inspiring. He loved them and wished to aid them in developing useful, happy lives.

This man was a real giant, admired and trusted by eight successive Presidents. He kept aloof from political alliances which would reflect adversely on his administration of law enforcement.

In our grief, we feel great pride that such a man has walked so straight and tall in our midst. For generations, men of the FBI will strive to maintain a dignity and capability worthy of his memory. We salute J. Edgar Hoover in our hearts and minds.

RED CHINA HAS BECOME WORLD'S LEADING EXPORTER OF OPIUM

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 1972

Mr. FISHER. Mr. Speaker, Red China is now recognized as the world's leading producer and exporter of opium. A recent pamphlet published by the Australian Citizens for Freedom reported that "at least 65 percent of the world's illicit narcotics come from the Communist-occupied Chinese mainland." In fact, a Pravda article in 1964 charged the Peking regime with being the "biggest opium, morphine, and heroin producer in the world."

An authoritative report made last year by James Turnbull confirmed the sinister use being made of this diabolical traffic. The export has been directed at American troops stationed in Southeast Asia, and along with other markets accounts for a half billion dollars per year foreign exchange intake by the Red Chinese.

Mr. Speaker, as the free world moves toward friendlier relations with the Peking regime, it must be done in the backdrop of this major export policy being pursued by the Reds. Any negotiations with them should take this into account.

Under leave to extend my remarks I include an article published in the April 16 issue of Free China Weekly. It follows:

[From Free China Weekly, Apr. 16, 1972]

LONDON PUBLICATION WARNS FREE WORLD: PEIPING EXPORTS 2,000 TONS OF OPIUM A YEAR

The Chinese Communist regime exports illicitly 2,000 tons of opium annually to the non-Communist world, according to a report published in London April 10.

The traffic is estimated to be worth US$500 million.

The report, a booklet of 24 pages, is titled "Chinese (Communist) Opium Narcotics—A threat to the Survival of the West."

Written by James Turnbull after years of extensive research and study, the booklet has a picture on its cover showing 50 packets of raw opium which weigh a total of 221.67 lbs ready for refining at a Chinese Communist plant.

It was published by the Foreign Affairs Publishing Co. Ltd. of Richmond, Surrey, England.

NASSER RECORDS CHOU'S CONFESSION

On the back of the cover, the author blazons a quotation from the late President Gamal Abdul Nasser of Egypt which reads: "One of the most remarkable things Chou En-lai (premier of the Maoist regime) said that night when talking about the demonstration of the American soldiers (in Vietnam) was that 'some of them are trying opium, and we are helping them. We are planting the best kinds of opium especially for the American soldiers in Vietnam.'"

The quotation, first published by the London Sunday Telegraph October 24, 1971, came from Nasser's notebook which recorded his talks with Chou En-lai in Cairo June 23, 1965. The notebook was made public by Mohammed Heikal, the late president's closest friend and Egyptian cabinet minister, after Nasser's death.

The booklet carries a foreword by Geoffrey Stewart-Smith, M.P.

The British M.P. said President Nixon's visit to the Peiping regime "has led to a wave of illusory wishful thinking throughout the West about the intentions of the world's largest Communist regime."

However, he said, "there remain in the West those who will not be fooled by fashionable whims and superficial judgements. They will speak the truth as they see it, no matter how ugly and brutal that truth may be."

The M.P. calls attention to the fact that for years, many in the West have been perturbed by the growing amount of evidence that Mao's regime was using drugs as a weapon in "subversive war against the Free World."

TO ITS "FRATERNAL" STATES, TOO

Noting the growth of drug taking in Eastern Europe, he said that it is very possible that the Chinese Communists are doing the same thing to their "fraternal" Communist states there too.

According to the booklet, one of the first significant reports about the Maoist drug offensive appeared in the Russian newspaper *Pravda* on Sept. 13, 1964. Written by a Soviet correspondent in Tokyo, based on first-hand observations in Peiping and supported by statements of the Japanese National Narcotics Committee, the article charged the Peiping regime with being the "biggest opium, morphine and heroin producer in the world."

Independent reports from other agencies in Tokyo, West Berlin and London confirm the magnitude of this illicit export traffic to the free world, which exploits a vast consumer market for the Maoist narcotics at cut prices.

According to Table 6 of the booklet, the Chinese Communists have cultivated a total of 368,700 hectares for opium production. Based on an estimated average yield of 5 kg per hectare, the Maoist opium farms produce 1,843,500 kg annually.

Table 6 indicated that the biggest opium farms are located in Yunnan, Kwangsi and Kweichow provinces in Southwest China. The farms have a combined area of 135,000 hectares with an annual harvest of 675,000 kg.

The figures do not include "special cultivation areas" which are "nationally" operated farms.

Author Turnbull said the border area between Yunnan and Burma has become a major center where illicit distributing companies enjoy the Communist Chinese "Ministry of Foreign Trade."

He said the importance of this source of supply in the global drug control problem has been virtually eliminated as a major producer.

The booklet said the production of opium drugs for export on a global scale provides the Chinese Communists "with a valuable source of national income, and a powerful weapon of subversion."

It further revealed the subversive aspects of the Maoist drug drive as having three basic aims: to finance subversive activities abroad; to corrupt and weaken the people of the Free World and to destroy the morale of U.S. servicemen fighting in Southeast Asia.

SAME WARNING FROM AUSTRALIA

Meanwhile, in a pamphlet published on Nov. 11, 1971, the Australian Citizens for Freedom, reported that "at least 65 per cent of the world's illicit narcotics come from the Communist-occupied Chinese mainland."

The Australian organization estimated that the Maoist drugs exceeded US$800 million annually.

COL. EDWARD C. WEST

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 1972

Mr. GAYDOS. Mr. Speaker, on April 30, just past, the brilliant military career of Col. Edward C. West came to a close with his retirement. Up to that date, starting on June 9, 1970, Colonel West served as district engineer of the U.S. Army Engineer District, Pittsburgh. He brought to this assignment a mind keenly honed by his undergraduate work at the U.S. Military Academy at West Point; by his studies at Massachusetts Institute of Technology, where he obtained a master's degree in civil engineering, and at Georgetown University, where he obtained a master's degree in business administration; and by completing resident courses at several advanced service schools. He came to Pittsburgh from an assignment in Washington as Assistant Secretary of the General Staff, Office of the Chief of Staff, U.S. Army.

Colonel West has given his personal attention to a number of projects, proposed projects and studies within or influencing my 20th Congressional District. Possibly the most pretentious is the Monongahela-Youghiogheny River Basin study, which, by the middle of the decade, will come up with a positive determination of the needs and problems of the basin. Concurrently, he was concerned with two proposed reservoirs in advanced design stage in two of the upper arms of the Monongahela River. These are located outside my district, but if constructed would be beneficial in elimination of the many floods that now cause severe damage in the lower and middle reaches of the Monongahela River. The newest approach to avoidance of damaging floods is the practice of flood plain management—control of construction in flood plains by zoning and building codes. The district has a flood plain management service branch which makes the necessary studies and explains to local valley communities how to put these controls into effect. The studies for Allegheny County have been started and are scheduled for completion next December.

Colonel West's involvement with environment may well be the activity of his final tour of duty that will have the most lasting effect. During this past fiscal year he served as chairman of the Environmental Quality Committee of the Pittsburgh Federal Executive Board. He recruited committee membership from the executive staffs of a number of Federal, State, and county agencies. Under his leadership, the committee planned, developed, and staged the First Tri-State Environmental Symposium, providing a confrontation of representatives of government agencies concerned with environment and local environment-oriented citizen groups. the symposium was successful. It served the long-range goals established by Colonel West's committee: to inform the public as to what government machinery is available for protection and improvement of the environment; and to find out from the public some of the environmental problems that need solving. The FEB Environmental Quality Committee will not have Colonel West's leadership in the future; but the momentum gathered in its first year will insure its continuance as a substantial force in the community.

Colonel West's retirement is a loss to the Corps of Engineers, the Department of the Army, and Federal Government service. On the other hand, his acceptance of an executive position in a local engineering firm is an enrichment to the community. His creativity, vision, and professional capacity are such that he will surely enhance his reputation as one of the men who make things happen in the tri-State area.

SENATE—*Monday, May 8, 1972*

The Senate met at 12 noon and was called to order by the Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal God, we thank Thee for that knowledge of Thyself which lights our life with eternal splendor and for everything around us which communicates Thy presence—the greatness and glory of nature, the lives of noble men, the thoughts of Thee in words, in symbols of stone and glass, in music, the reverent moods and solemn ceremonies and in holy silences. We thank Thee, too, for the pressure of daily duties, for health and strength for sudden insights and seasons of quickened thought and firm resolution.

Grant to all in the Government of this Nation faith and wisdom and courage to serve the higher causes of justice and peace. Increase our faith to believe that if we seek first Thy kingdom and righteousness, Thou wilt provide all lesser needs. Preserve us as a people whose God is the Lord. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter.

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 8, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. STEVENSON thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. SCOTT. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, May 5, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. SCOTT. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

EXECUTIVE SESSION

Mr. SCOTT. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar, under "New Report."

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nomination on the Executive Calendar, under "New Report" will be stated.

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

The second assistant legislative clerk read the nomination of Harald Bernard Malmgren, of the District of Columbia,