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 Rufus T. Williams, Jr.  
 Clarence E. Willie, Sr.  
 James F. Wilson  
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 Doald W. Workman  
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 Nolan W. Wright, Jr.  
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## EXTENSIONS OF REMARKS

PEARL S. BUCK, ILLUSTRIOUS NATIVE WEST VIRGINIA WOMAN, 80TH BIRTHDAY ANNIVERSARY

### HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES  
 Friday, June 23, 1972

Mr. RANDOLPH. Mr. President, on June 20, West Virginians celebrated the State's 109th anniversary. On Monday, June 26, our citizens and others throughout the world will join in celebrating the 80th birthday of Pearl S. Buck, one of the most famous daughters of West Virginia.

A native of Hillsboro, Pocahontas County, Miss Buck has become a legend in her own lifetime. Her mother, the daughter of Southern Presbyterian missionaries, accompanied her husband to China shortly after marriage in 1880 to serve as missionaries. After 12 years in the interior of China, a period of extreme privation during which all of their children died of tropical diseases, the couple returned to America. Their sole surviving child, Pearl Comfort Sydenstricker, was born on June 26, 1892, in the old family mansion at Hillsboro.

Five months later, the parents returned to China, taking the baby girl with them. Her childhood was spent in the

historic city of Chinkiang, where the grand canal crosses the great Yangtze River. She learned to speak Chinese before English. During long periods when the father visited the interior, little Pearl listened to her mother's description of her own childhood in West Virginia.

Pearl Buck has vivid memories of the Boxer Rebellion, after which she was brought to the United States at the age of 9.

She returned to China at the age of 15 to attend boarding school in Shanghai, and 2 years later came back to enroll at Randolph-Macon College. After graduation in 1914 she taught briefly at the college, then returned to China to nurse her mother through an illness. She then married John Lossing Buck, an agriculture teacher, and they went off to live in a town in North China.

Her experiences during the 5 years there formed the basis for her best-known novel, "The Good Earth."

Miss Buck's scholarly study of the language and history of China provided her with a deep understanding of, and appreciation for, Chinese culture and philosophy. This unique background, combined with a superb writing talent, enable Pearl Buck to re-create for the Western World the essence of the East.

Her first published novel, "East Wind, West Wind," was followed by "The Good

Earth," which brought her worldwide recognition as a writer. As the modern world's most translated author, she has been described by the National Book Committee, in 1972, as "America's first literary ambassador."

Miss Buck is the only American woman to have received the Nobel Prize for Literature. She also has won the Pulitzer Prize, the William Dean Howells Medal, and hundreds of other distinguished awards for literature and her humanistic accomplishments.

It is the latter work which has brought new fame and approbation to Miss Buck in recent years. Her writings served as a bridge of understanding between nations; her selfless service to humanity was served to bridge the understanding between people.

During World War II, she took a deep interest in the struggles of the Chinese people. And looking even beyond China, she founded in 1941 the East and West Association, devoted to mutual understanding between peoples.

After the war, her interest in Asia continued to be reflected in her many novels and other literary works. In 1950 she published a small book entitled "The Child Who Never Grew," which was the story of her own experience with her oldest daughter, whose mental growth was retarded. The book, based on an ar-

ticle in the Ladies' Home Journal, was written for the purpose of giving some help to parents of other retarded children. Her daughter's condition was the result of phenylketonuria, the inability to assimilate protein. Today there are compulsory tests for this deficiency in many States.

In 1949, Miss Buck founded Welcome House, Inc., an adoption agency, which secures permanent homes and parents for children of mixed Asian-American blood. It has had a liberalizing influence on the whole field of adoption.

The Pearl S. Buck Foundation was established in January 1964, as an agency devoted to the health, education, and welfare of children born in Asia of American fathers and Asian mothers who remain in the lands of their birth. For this work, Pearl Buck has received from the Government of the Republic of South Korea its highest award of honor.

In recognition of the generous contributions she has made to the children of the world, and to the understanding of the East she has conveyed through her writing and deeds, I join with my colleague from West Virginia (Mr. BYRD) and the people generally of the United States in congratulating Pearl S. Buck on the anniversary of a life devoted to mankind.

#### WHO'S BORED BY APOLLO 16 LIFTOFF?

**HON. OLIN E. TEAGUE**  
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. TEAGUE of Texas. Mr. Speaker, Mr. Reg Murphy in the Atlanta Journal-Constitution of April 16, 1972, reviews not only the accomplishments of our national space program, but our opportunities. He points out that although our Apollo program has made space flight seem almost routine that the programs and opportunities in space available to our Nation are only beginning. I commend this important article to your reading:

Who's BORED BY APOLLO 16 LIFTOFF?  
(By Reg Murphy)

In the early days it excited people enough for them to think of "a fire on the moon." Then it got to the point where moon rocks were being distributed as gifts when the President went traveling. Now it produces no more excitement than the President's visit to Canada.

How blasé we have become! Sunday Apollo 16 will spit fire and roar away from the sandy Florida beaches headed once more for the moon. Bored now because we know it can be done, many Americans have decided the exploration is not worth the \$40 billion it has cost.

Liberal intellectuals in particular have become very critical of the program. They argue with faces wreathed in bitter-lemon grimaces that the money should be spent on earth.

Perhaps it is unfair to recall that precisely the same crowd was the most alarmed in the late 1950s when the Soviet Union sent the first Sputnik whirling around the earth. Maybe the fact that the United States excellence in science during the 1960s stemmed

from that concern has nothing to do with our continuing excellence.

Maybe . . . but not really. The intellectuals who continue to argue for education funds, for academic freedom, for free inquiry—these are the ones trying to kill the space program.

It is an incredible folly. Only by continuing to feed the nation's consuming interest in exploration will the boundaries of knowledge be pushed back. Only by continuing to ask the questions about the universe will intellectual inquiry be sustained.

For example, can a space shuttle be built, one which can leave earth, go into space and then return to earth to land like a conventional jet airplane? That question may or may not be answered. The argument over the space shuttle and its funding will go on for several years.

Still another example is whether the nation will send planetary probes to Pluto and the other planets. Congress is going to be in a mood to ask hard questions about that. The National Aeronautics and Space Administration may not be able to convince the spenders that the plan is worthwhile.

The skeptics will have all the best of it for a time. Tired of spending money and confused about whether space exploration is even worthwhile, Americans might welcome a temporary halt to the program.

But consider this: By next year five million children in remote areas of India will learn their reading, writing and arithmetic from communications satellites hovering 22,300 miles above the Indian Ocean.

Other U.S. satellites will be directing air and sea traffic for all forms of communications. One guess is that the signals will deal with everything from oil searches to good fishing grounds, pollution pockets to arable land.

Even the weather forecasting may be moved significantly forward by the eternal vigilance of the satellites.

And one other thing: If U.S. satellites are not up there, it is absolutely certain that Russian satellites will be. Some people believe the Russians are working to develop a nuclear weapons arsenal up there. Nobody would argue we can afford to pretend that isn't happening.

So when the Apollo 16 lifts off Sunday, a great deal more than a political argument is at stake. It isn't as boring as some people would have you believe.

#### CHAPTER II: NEWS ON EQUAL EMPLOYMENT RIGHTS FOR WOMEN AND MINORITIES IN THE UNI- VERSITY

**HON. EDWARD I. KOCH**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. KOCH. Mr. Speaker, I should like to provide the House with the full correspondence I have had on the subject of the City University of New York, part of which was placed in yesterday's RECORD.

The correspondence follows:

HOUSE OF REPRESENTATIVES,  
Washington, D.C., June 15, 1972.

J. STANLEY POTTINGER,  
Director, Office of Civil Rights, Department  
of Health, Education, and Welfare, Wash-  
ington, D.C.

DEAR MR. POTTINGER: Thank you for your letter of June 7 concerning an affirmative action program at the City University of New York.

I understand that when a finding of non-

compliance is made, the regulations provide that HEW can require the City University to develop a written corrective action program to correct the deficiencies. I would appreciate your informing me if, under the present law, you have the power to subpoena the very records and data necessary to determine compliance which "officials of CUNY are objecting to making available".

If you do not have such authority, I would appreciate knowing if you would support legislation giving you this power of subpoena.

Thank you for your attention to this matter.

Sincerely,

EDWARD I. KOCH.

DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE,  
Washington, D.C., June 20, 1972.

Hon. EDWARD I. KOCH,  
House of Representatives,  
Washington, D.C.

DEAR MR. KOCH: As you know, the Department's Office for Civil Rights has been delegated certain responsibilities to enforce Executive Order 11246, as amended, which prohibits discrimination in employment as to race, color, religion, sex, or national origin on the part of institutions, such as colleges and universities, which hold Federal contracts and subcontracts.

The Executive Order and implementing regulations issued by the Department of Labor provide this Office with the authority to require Federal contractors and subcontractors to submit basic employment data and to provide access to other personnel information deemed necessary to assess the compliance status of affected institutions.

This is to inform you that informal efforts to secure such data and access with respect to the City University of New York (CUNY) have failed. For this reason, the Office for Civil Rights has notified the University of its intent to recommend the initiation of administrative enforcement proceedings unless CUNY provides us with an assurance within ten days that the data and access to information as indicated above will be granted.

For your information, I am enclosing a copy of the notification to Dr. Robert Kibbee, Chancellor of the University.

Sincerely yours,

J. STANLEY POTTINGER,  
Director, Office for Civil Rights.

DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE,  
Washington, D.C., June 20, 1972.

Dr. ROBERT KIBBEE,  
Office of the Chancellor, The City University  
of New York, New York, N.Y.

DEAR DR. KIBBEE: As you know, Executive Order 11246 (September 24, 1965) as amended by Executive Order 11375 (October 13, 1967) enunciates a national policy of equal employment opportunity without discrimination because of race, color, religion, sex or national origin and sets forth a program of equal opportunity for all persons employed or seeking employment with Government contractors and subcontractors.

Careful analysis of the numerous negotiations with you and other representatives of the City University of New York (CUNY) reveals a failure by CUNY to comply with requirements under Executive Order 11246 and implementing regulations by refusing to provide to the Department of Health, Education, and Welfare, Office for Civil Rights (OCR), employment data and access to personnel files, both of which are necessary for our office to fulfill its compliance responsibilities under the Executive Order.

One of the provisions of the Equal Opportunity Clause in CUNY's contracts with the Federal Government reads as follows:

(5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the



Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

This provision is further amplified by Federal regulations, 41 CFR Sections 60-1.7(a) (3) and 60-1.43. Clause (4) of the Equal Opportunity Clause requires compliance with all its provisions, and with all regulations applicable under Executive Order 11246. CUNY's refusal to supply the information which will permit us to ascertain its compliance with the equal employment requirements of the Executive Order is, therefore, a violation of its contractual obligations.

The Office for Civil Rights has specifically requested that CUNY provide the information it needs as a basis for conducting compliance reviews at the various constituent campuses of the University. At a meeting held on March 7, 1972, between Mr. Joseph Leahy, Chief Contract Compliance Branch, Region II; other members of the New York Regional Office staff; Dr. Seymour Hyman, Deputy Chancellor; Dr. David Newton, Vice Chancellor; Arthur Kahn, General Counsel, Board of Education; and Frank Negron, Affirmative Action Officer, Mr. Leahy asked that the University provide the New York Regional Office with a listing of all the employees presently on the CUNY payroll which would include the name, job classification (occupational title), date of hire, salary, grade, starting rate of pay, current rate of pay, race, sex, age, and date of tenure, if applicable, of each employee. In response to this request, your representatives adamantly refused to provide the information requested. They further indicated that they would rather not receive Government contracts if they must provide information on matters relating to employment practices affecting academic personnel.

Related to our request for data is the matter of access to personnel records of employees of CUNY. Such a request was first made to Brooklyn College on February 2, 1971 by OCR specialists who were endeavoring to investigate a complaint of employment discrimination filed by Dr. Anna Babey-Brooke. Following an initial refusal to grant access to personnel records necessary to investigate the Dr. Anna Babey-Brooke complaint, your representatives provided the access requested and our office conducted an investigation of the complaint.

The investigation entailed an examination of forms D, faculty folders, and Personnel and Budget Committee minutes. As a result of this investigation, the Regional Office made a preliminary finding in favor of the complainant and recommended that the University promote Dr. Babey-Brooke to the rank of Professor. The University rejected this finding and recommendation and submitted additional information to support its position that she had not been the victim of sex discrimination. We are reviewing the entire case and are seeking to determine, based on additional information submitted by the University, whether the University has raised sufficient questions of fact to warrant additional investigation prior to a final determination by this Office on the validity of Dr. Babey-Brooke's charges. Any additional investigation necessary to answer these questions of fact may require the review of additional personnel files of faculty personnel at Brooklyn College.

On April 13, 1972, contract compliance specialists visited Brooklyn College a second time and requested access to personnel files. On that occasion the specialists were endeavoring to investigate complaints of employment discrimination because of sex filed by Drs. Zalmar Perlin and Priscilla Pollester against Brooklyn College. In response to the OCR request for access to personnel files of faculty members in the same departments as

the complainants', Mr. Richard Knoller, Special Assistant to the Dean of Faculties, on the advice of Arthur Kahn, General Counsel of the University, informed our representative, Miss Fraser, that she would be permitted access only to the personnel files of the complainants. Mr. Knoller also stated that one of the reasons for the denial of access was that CUNY was establishing new guidelines on the matter of access to files in general. To date, our Office has received no information regarding new access guidelines.

At both the March 7, 1972, and April 13, 1972, meetings, the New York Regional Office representatives requested information which was necessary to determine whether or not the University is complying with the non-discrimination obligation assumed by the University under the equal opportunity clause contained in its contracts with the Federal Government.

At the request of CUNY officials, representatives of our New York Regional Office for Civil Rights, Region II, met on November 12, 1971, with CUNY representatives, Mr. Seymour Hyman, Deputy Chancellor; Mr. Nathaniel Karol, Dean for Administration; Mr. David Newton, Vice-Chancellor for Faculty and Staff Relations and Mr. Frank Negron, Director of the Affirmative Action Program. At that meeting, Mr. Joseph Leahy, New York Regional Office Contract Compliance Chief, provided information and answers to various questions regarding CUNY's obligations under Executive Order 11246, and stated that it would be impossible for the New York Regional Office to conduct compliance reviews of the CUNY system without certain statistical data and other information regarding University employees. The CUNY representatives expressed confusion about the obligation of the University to develop an affirmative action plan and asked Mr. Leahy whether the University was required to develop an affirmative action plan under Order No. 4 (41 CFR part 60-2.) In addition, your representatives asked for identification of the specific contract with CUNY then had with the Department of Health, Education, and Welfare. They indicated that the Research Foundation of CUNY represents the system in its contracting with the Federal Government, and therefore questioned whether a contractual relationship exists between CUNY and the Federal Government.

During the course of the meeting, Mr. Leahy informed the group that CUNY is not required to maintain an affirmative action plan in accordance with Order No. 4, but that when employment deficiencies are found in the course of a compliance review, the Department of Health, Education, and Welfare has the authority and responsibility to request the development of an equal employment opportunity program designed to correct all employment deficiencies. Such a program must include the development and submission of specific written commitments and set forth the precise action to be taken and the dates for completion. See 41 CFR 60-1.20(b).

In response to the administrators' contention that the Research Foundation of CUNY is a separate contracting entity, Mr. Leahy gave his view that the Office for Civil Rights would probably consider the Research Foundation an instrumentality of CUNY, and not a separate contractor. The assembled officials asked for written answers to the questions raised. In a letter of March 16, 1972, addressed to you, Mr. Roy McKinney, Acting Director of the Contract Compliance Division, provided detailed replies to all questions raised at the November 12, 1972 meeting and additionally specified the contracts with CUNY on which the Department of Health, Education, and Welfare based its jurisdiction.

Specifically, Mr. McKinney advised you, by way of a memorandum prepared by the Office of General Counsel and attached to his letter, that the Research Foundation cannot be con-

sidered a separate contracting entity divorced from CUNY because the University retains a high degree of control over the Foundation as to decisions to apply for grants or contracts and as to the content of proposals. The memorandum also pointed out that the University interacts with the Foundation to a significant extent through the existence of an interlocking directorate. Therefore, contracts entered into through the Research Foundation must be considered contracts with CUNY.

In refusing to provide information during the March 7 meeting referred to above, CUNY officials alluded to the University's prior submission of an "affirmative action plan" and this Department's failure to respond to the submission. Two equal employment opportunity programs were submitted to the New York Regional Office—one from the CUNY central office, submitted July 15, 1971, and the other from Brooklyn College, submitted April 15, 1971—as a result of extensive contacts and communications with CUNY representatives which took place from October 8, 1970. Both were submitted in response to requests from OCR representatives for a plan for the University system (and each campus of the University) which would correct deficiencies in employment opportunity indicated by the findings of OCR specialists who conducted the on-site reviews at Brooklyn College and Borough of Manhattan Community College in July and August 1970. In the course of these requests, OCR representatives detailed the way in which an equal employment opportunity program should be prepared and specified the information such a program should contain. Following the November 12, 1971, meeting with the administrators of CUNY, you submitted to the Office for Civil Rights another equal employment opportunity program, entitled "Affirmative Action at the City University of New York."

After careful analysis of this document, as well as the initial CUNY central office and Brooklyn College submissions, it became clear that while they state an apparently acceptable policy of non-discrimination and establish what appears to be an acceptable administrative structure for the effective implementation of a program, they do not include the information adequate to make a detailed examination of the personnel policies and practices of the University. In addition, the statistics provided in the program are not sufficient to permit a determination of whether discrimination has taken place or is being practiced in any organizational component, job classification or physical location or, if such discrimination has occurred or is occurring, at what point is the entire personnel process it takes place. While some general conclusions are stated in the program regarding possible problems of underutilization of minorities and females, these conclusions cannot be adequately evaluated since they are not substantiated by a determination of the availability of minorities and females for specific jobs, and thus are not supportable conclusions of deficiencies in the University's performance. In any event, even where an affirmative action plan is acceptable on its face, a complaint review by our office is necessary in order to verify the effectiveness of the Federal contractor's program.

Therefore, the University's programs do not eliminate the need or requirement for additional on-site compliance reviews and complaint investigations by the Office for Civil Rights, nor do they alter the nature and format of the information necessary to permit a review or the need for access to individual personnel files of employees other than complainants. Further, the information gathered from the 1970 compliance reviews is unlikely to be an accurate reflection of the current employment conditions at CUNY, and thus no longer provides an adequate basis for evaluating the need for steps by CUNY to comply with Executive Order 11246.

Section 209 of the Executive Order au-

thorizes the imposition of sanctions and penalties for failure of any contractor or subcontractor to comply with the provisions of the Order and the rules, regulations and orders of the Secretary of Labor. Section 60-1.7(a) (4) of the regulations provides that failure to file timely, complete and accurate reports, including employment or other records, constitutes noncompliance with the prime contractor's or subcontractor's obligations under the equal opportunity clause and is grounds for the imposition of any sanctions as authorized by the Order and Part 60-1 of the regulations.

Therefore, to avoid the need to initiate enforcement action, I am requesting that you provide assurance in writing within 10 days of your receipt of this letter that the City University of New York will provide the following information to the Office for Civil Rights:

1. A list consisting of the names, job classifications (or occupational title), department, date of hire, salary grade (if applicable), sex, race, and source of referral of all employees hired during the last twelve months.

2. A master list (computer printout acceptable) of all employees presently on the University's payroll, by department, showing name, job classification (or occupational title), date of hire, salary grade, current rate of pay, race, sex, age and date of tenure (if applicable).

While we recognize that not all of the requested data can be compiled and submitted to us within a 30 day period, at least some of the material can be obtained during this period in form and content sufficient to permit our office to begin a review of CUNY within 30 days after your receipt of this letter. We are, therefore, requesting that you provide us with the above information for two representative campuses within 30 days of your receipt of this letter, with the remaining information provided on a time schedule which will lead to the submission of all necessary information on the promptest possible basis. In addition, I am also requesting that you assure us that the University will comply with the above cited regulations with regard to the provision of other information which may from time to time be requested by our office in accordance with the regulations.

Additionally, I must request your assurance that in the future the University will make available to representatives of the Office for Civil Rights during normal business hours all books, records, and accounts, including personnel files, pertinent to compliance with the Executive Order and the rules and regulations of the Secretary of Labor for the purpose of conducting compliance reviews and complaint investigations. I should note that, while it is our practice to copy as little personnel file information as possible, the copying of some information may be a necessary part of our compliance activity, and we would construe your assurance to provide access to requested information as constituting consent to our copying material which we find to be necessary to fulfill our compliance responsibilities.

You should also know that we will place strict limitations on the public disclosure of information which CUNY provides to the Office for Civil Rights pursuant to the assurances requested in this letter. No information gathered during a compliance review or complaint investigation will be voluntarily disclosed by OCR until the investigation or review has been completed. Even thereafter, it is our policy to see that only certain general types of information, such as any affirmative action plan received, employment policies and written employment procedures, and statistical data, will be subject to disclosure. Information "the disclosure of which could constitute a clearly unwarranted invasion of personal privacy," within the mean-

ing of the Freedom of Information Act, 5 U.S.C. Section 552(b) (6), will also not be disclosed.

OCR may, of course, find it necessary to disclose information, in the form of evidence in an enforcement proceeding that may arise, whether administrative or judicial in nature. OCR will cooperate with the University, however, in securing appropriate guarantees of confidentiality for such material in any enforcement proceeding. OCR also will not grant access to these types of information under the Freedom of Information Act, and will recommend that any resulting suit by the requesting party be defended by the Department of Justice.

If the Office for Civil Rights fails to receive the aforementioned requested assurances from you within 10 days, we will construe this as a denial of the information and access we have requested. We will then seek to initiate appropriate administrative proceedings against the City University of New York for failure to comply with the requirements of the equal opportunity clause placed in its Government contracts pursuant to Executive Order 11246, and with the implementing regulations. Resulting sanctions may include the termination, suspension or cancellation of existing contracts and subcontracts held by the University and debarment of the University from future receipt of contracts and subcontracts. Such a proceeding would, of course, involve an offer of a public hearing before an impartial hearing examiner prior to the imposition of any sanctions or penalties. In the event that it becomes necessary to initiate an administrative proceeding, it will not be possible for this office to certify that the City University is capable of complying with the equal opportunity clause. This lack of certification would jeopardize contract awards during the pendency of such proceedings.

I look forward to the receipt of your assurances within the period indicated. Representatives of our New York Regional Office and this office are available during the interim to discuss this matter with you personally, or with your designated representatives.

Sincerely yours,

J. STANLEY POTTINGER,  
Director, Office for Civil Rights.

#### THE CASE FOR PRESERVING THE CAPITOL'S WEST FRONT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. FRASER. Mr. Speaker, the plan to put a false front on the west side of the Capitol Building to make room for a restaurant and offices will again come before the House next Wednesday or later when the conference report on legislative appropriations is taken up.

Members should read carefully the statement by James Biddle, president, National Trust for Historic Preservation as it appeared in the March 23 Washington Post.

The National Trust urges restoration, not extending and rebuilding the last original part of the U.S. Capitol Building. The statement follows:

#### THE CASE FOR PRESERVING THE CAPITOL'S WEST FRONT

Americans who are concerned about the quality of their man-made environment will applaud the stand which you have taken (in your editorial of March 13) on the proposed extension and rebuilding of the west front

of the United States Capitol. As a spokesman for the preservation movement in the United States, the National Trust for Historic Preservation welcomes your support on this most significant preservation issue currently under consideration.

The Capitol is without question among this nation's most important landmarks. The west front is the one remaining portion of the building that contains 18th and 19th century elements designed and built by Dr. William Thornton, Benjamin Latrobe, and Charles Bulfinch. A course of action, as has been proposed by the Commission for the Extension of the Capitol, which would compromise the integrity of this facade of the Capitol, would be a negation of national policy. Congress itself stated in the Historic Sites Act of 1935 (Public Law 74-292) that "it is a national policy to preserve for public use historic sites, buildings and objects of national significance for the inspiration and benefit of the people of the United States." This policy was further enunciated in the National Historic Preservation Act of 1966 (Public Law 89-665), in which Congress declared "that the historical and cultural foundations of the nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people," although the Capitol was specifically exempted from the provisions of this act.

Furthermore, reflecting the attitude and concern of a growing number of Americans, President Nixon on May 13, 1971, issued an executive order stating that "the federal government shall provide leadership in preserving, restoring and maintaining the historic and cultural environment of the nation." While the order was directed to agencies of the executive branch of the government, its spirit and intent were perfectly clear in saying that these agencies should "(1) administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generation [and] (2) initiate measures necessary to direct their policies, plans and programs in such a way that federally owned sites, structures and objects of historical, architectural or archaeological significance are preserved, restored and maintained for the inspiration and benefit of the people . . ." Surely, one of our country's most historic landmarks and tangible symbols of our government was not intended to be exempt from this obvious concern for the preservation of our heritage.

"Attesting to the excellence of its builders and to the concern of those responsible for maintaining this . . . national monument to our Republic," the United States Capitol survives in relatively good condition. This, in part, was the report of an engineering firm hired to study the feasibility of restoring the west front. Historical and aesthetic considerations aside, the report indicates that restoration is preferable to the proposed extension on an economic basis alone. You have referred to the escalating cost of extending and rebuilding. You have also referred to the report of the American Institute of Architects, which report the Trust fully supports.

The National Trust, charged by Congress with the responsibility of furthering the policy of the 1935 Historic Sites Act and of facilitating public participation in the preservation of buildings, sites, and objects of national significance, would be remiss in discharging its obligations if we did not strongly urge the preservation of the historic west front.

We believe that the architectural designs of our country's foremost early architects, as they are preserved in the west facade, as well as its great landscape terrace by Frederick Law Olmsted, are significant parts of the national heritage of architecture and landscape architecture that we all prize and



that deserve permanent protection. This fact alone is justification for the preservation of the west front of the Capitol; it should neither be destroyed nor altered. Strengthening and restoration only are indicated under the circumstances.

JAMES BIDDLE,

President, National Trust for Historic Preservation.

WASHINGTON.

## ENERGY CRISIS

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 1972

Mr. MILLER of California. Mr. Speaker, it is no longer news that our Nation and much of the world is facing an energy crisis. The question is when it will reach such a degree of severity that our economy and perhaps the very fabric of our society are disrupted.

A solution to the energy crisis is something which we all desire. But this will not be simple, especially since any solution will impinge upon many of the important policy issues facing our Nation, including national security, environmental protection, and economic growth.

Mr. Speaker, the longrun answers to the energy crisis must depend on science and technology. Our traditional energy sources cannot meet the needs of the future, so we must develop new ones and find new methods for converting these energy sources into desirable forms such as electricity and gas. We must also develop more efficient means for transmitting energy to locations where it is needed.

In an effort to promote new research in science and technology directed toward the energy crisis, last summer I constituted an energy task force within the Committee on Science and Astronautics. Chaired by Representative MIKE MCCORMACK, of Washington, this task force is under the jurisdiction of Chairman JOHN DAVIS' Subcommittee on Science, Research and Development. I have also called for the establishment of an interagency group to foster research and development in the specific area of solar energy.

Congressman MCCORMACK's task force has done a superb job of studying and evaluating the legislative issues related to energy research and development. A report based on their work and recent hearings before the Science Subcommittee is expected to be issued this fall, and that report should provide the Congress with solid recommendations on energy research and development policy and priorities.

A perceptive article recounting the work of the energy task force and the Science Subcommittee appeared in the Chemical and Engineering News of June 12, 1972. I commend the article to the attention of my colleagues, and insert it in the RECORD at this point.

CONGRESS PROBES U.S. ENERGY R. & D. POLICY

At last a Congressional committee is taking a penetrating look at the U.S. research

and development dealing with energy without immediately trying to make political hay out of the issue. And that's different. For in recent months almost every committee and member of Congress has issued some kind of purely political pronouncement on the "energy crisis," usually without doing very much homework on the matter.

And that's what makes the effort by the House Subcommittee on Science, Research and Development, chaired by Rep. John W. Davis (D-Ga.), and its Task Force on Energy unique. So far, they're trying to keep politics out of it, they've done their homework, and they're still at it.

No legislative proposals are expected to stem from the subcommittee's work, at least in the near future. The task force will issue a report about Oct. 1, however, recommending an energy R&D policy, a set of priorities, and either an energy superagency or a directorate to coordinate the work of existing agencies. And next spring the subcommittee may sponsor a two-day symposium on energy R&D or maybe an energy R&D fair.

At the core of the subcommittee's effort is the bipartisan task force set up last year under the direction of Rep. Mike McCormack (D-Wash.), a chemist by training and 20 years a research scientist at Hanford. He is presently the only "scientist" member of Congress. For staff, the task force draws on the competent professional staff of the House Committee on Science and Astronautics.

To gain insight, the task force was briefed almost every Monday afternoon last fall on the status of energy R&D activities by officials of federal agencies. Even so, Rep. McCormack said at the opening of subcommittee hearings early last month, "We still don't know exactly where we are in this country in regard to energy R&D, but we do know a lot more than we did a few months earlier."

One thing that is known with much more certainty is who is doing what R&D where, how long various projects are going to last, who is paying for them, and how much the nation is spending on energy R&D. An unheralded, but very valuable fruit of the task force effort, the "Inventory of Energy Research," was compiled by Oak Ridge National Laboratory with funds from the National Science Foundation. The inventory, which greatly improves and expands on an inventory prepared for NSF by Booz, Allen and Hamilton, Inc., lists about 4400 research projects that have an estimated total funding of about \$1 billion. NSF is to update and publish the inventory at as yet to be determined intervals.

Another element of the national energy R&D effort emphasized at subcommittee hearings is that neither Congress nor the executive branch is very well organized to deal with energy R&D matters. Presidential science adviser Edward David pointed to the fragmentation of the effort in the executive branch. The Atomic Energy Commission and Department of Interior, the predominant energy R&D agencies, recently have been joined by the Environmental Protection Agency, NSF, the National Bureau of Standards, the Tennessee Valley Authority, and the Department of Housing and Urban Development. President Nixon has proposed putting energy elements of these agencies into an Energy Administration within a Department of Natural Resources, but the proposal seems to be going nowhere in Congress.

In Congress, Rep. McCormack tells C&EN, there are at least 13 committees that deal with energy: 11 legislative committees and two joint committees. Moreover, committee jurisdictions are carefully defined. For instance, the House Subcommittee on Science, Research and Development has general jurisdiction over R&D efforts. But for atomic energy, the Joint Committee on Atomic Energy holds the power.

Perhaps the most sweeping comment on the national energy R&D effort was presented to the subcommittee by S. David Freeman, director of the Ford Foundation's \$2 million energy policy study and for years the top expert on energy matters at the White House Office of Science and Technology. Echoing the concerns of several federal, industry, and academic witnesses, Mr. Freeman says that the problem areas are clearly management and funding of energy R&D programs. No one is responsible for new energy sources in this nation, he says, adding that "that's one reason we're in trouble. With the exception of AEC, the efforts are scattered and relatively weak."

Moreover, except for the nuclear program, the energy sector of the economy has "sadly neglected" its R&D opportunities. "The flow of new technology to produce energy in an environmentally acceptable way is running like a dry creek," he adds. For instance, "U.S. projects under construction to convert oil and coal into synthetic gas require the use of technology developed in Germany and Great Britain . . . technology that is inadequate and expensive." Yet nothing else was available, he adds.

To remedy the situation, Mr. Freeman recommends immediate Congressional action to consolidate energy R&D activities of the Government into one agency—AEC. He says AEC has demonstrated the ability to develop new energy technology and has the needed technical talent and laboratories.

Mr. Freeman also suggests that Congress be reorganized to oversee and support a new thrust in energy R&D. The Joint Committee on Atomic Energy, for instance, might become a Joint Committee on Energy.

He also calls for sharply increased federal spending for nonnuclear energy R&D programs. He says additional funds could be raised by taxing the consumer's energy bill and recommends that Congress pass a pending bill to so tax electric power.

## CAUTION—TOO MUCH SALT IS HARMFUL

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 1972

Mr. WYMAN. Mr. Speaker, unless we implement the options permitted us under SALT to keep our military capabilities at peak efficiency we are stupid. In fact worse than stupid—for deterrence through strength continues to be essential defense policy for an opulent America that wants to remain free in a world of lesser wealth and many more people.

In this connection a column by Joseph Alsop pointing out the border situation between the U.S.S.R. and mainland China as it relates to SALT is significant. Mr. Alsop's remarks deserve thoughtful consideration in understanding that too much emphasis on SALT and too little food for defense capabilities is dangerous to the continued freedom and safety of the United States.

COUNTERING RUSSIA

(By Joseph Alsop)

Soviet reinforcement of the huge forces already deployed along China's frontier, is currently proceeding at a net rate of 175,000 men per annum. The frontier armies are getting the very newest Soviet equipment, like the swing-wing version of the "fitter"

fighter-bomber. Above and beyond normal divisional requirements, major reserves of heavy equipment are also being prepositioned.

Not unexpectedly, the Peking government is responding to this never-ending Soviet military buildup on the frontier in a quiet new way. The former defense in depth, with the lightest of screening forces forward, is clearly being abandoned. Strong Chinese forces are being moved up towards the frontier itself.

Whatever Moscow may decide in the end, in sum, the Soviets are most actively continuing their long, methodical preparations to attack China. Peking, in turn, is taking these preparations even more seriously than before—which is saying a great, great deal.

Without bearing these grim facts continuously in mind, President Nixon's diplomatic successes of the last twelve months cannot even be dimly understood. It was the Soviet threat on the frontier that caused the Chinese to invite the President to Peking. It was the journey to Peking which made it possible for the President to make another triumphant visit, this time to Moscow, against the reasonably lurid backdrop of Haiphong harbor.

By the same token, these same most unpalatable facts should be the main consideration in the combined Senate debate about the SALT agreement and about President Nixon's request for more funds for the U.S. strategic forces. Even Sen. J. W. Fulbright has a duty, after all, to answer the key question hanging over this debate.

The key question is why the Soviets paid such a high price to welcome President Nixon—and no one should forget that the price was inordinately high, because of the port blockade and bombing in North Vietnam! The answer to that question lies in

China. When the President and his party were in Moscow, the Soviet leaders and negotiators were downright obsessive on the topic of China.

Nor is that the end of this grim story. In one of his astonishing press conferences in Russia—the climatic one in Kiev—Dr. Henry A. Kissinger said forthrightly that he was not "rejecting the possibility" that the various agreements at Moscow were "intended" by the Soviets "as a tactical device to lull certain people."

Since returning from Moscow, both the President and Dr. Kissinger have gone even further on the same line. "Gaining a free hand to deal with China" has in truth been described as the primary Soviet aim. In other words, the Moscow summit has to be seen, at least in part, as the principal episode in a vast Soviet tranquilization plan. In addition, this plan has of course included the Soviet actions in Western Europe and the Soviet inaction in the Middle East.

It has to be faced, further, that the way the Soviets are preparing to "deal with China" is by naked military force. What men and nations prepare to do, may not always get done in the end. But anyone is a fool who says, "it will never be done," even though the preparations are plainly being made at enormous cost.

There are some other facts to face, too. The Soviets cannot undertake the nuclear castration of China, and then just stop there. If they destroy China's nuclear power before it grows too big to suit them, that act alone will transform the world we live in. Other, equally brutal Soviet moves, in the vulnerable and vital Persian Gulf, for example, will surely have to be expected if all the rules of the game are so abruptly and crudely changed.

This is why Dr. Kissinger and Prime Minister Chou En-lai have undoubtedly been discussing how to deter the Soviets from doing what they are preparing to do. This is also why the current mood of the U.S. Senate verges on actual imbecility. There will be no better way to encourage the Soviets to be resolutely brutal, than to reject the President's proposals for modernizing our own strategic forces.

That is the sort of thing the Soviets always understand, and always slow down for, just as the Soviets have unfailingly reacted by a grab for new advantages whenever the U.S. has recklessly begun disarming. Rightly handled, in fact, what has happened can prove the door to a much better world. But wrongly handled, it can lead to a radically novel situation of the direst danger.

#### MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

### SENATE—Monday, June 26, 1972

The Senate met at 10 a.m. and was called to order by 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:

Almighty God, whose spirit follows all our days and invests them with meaning, help us to begin this new week with a determination to work at the things which count most in advancing Thy kingdom. Give us a holy determination to surmount that which divides, distracts, or frustrates the nobler heights to which life may ascend. Deliver us from all that is petty or mean or hurtful. Guide the President and all our leaders that with one accord and in one spirit we may labor together to promote the common good. Accept the consecration of ourselves which we offer in Thy service this day. May we labor with the radiant faith and glowing idealism which is the gift of our heritage.

In the Redeemer's name, we pray. Amen.

#### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

CXVIII—1403—Part 17

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D.C., June 26, 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. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, June 23, 1972, be dispensed with.

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

#### MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Geisler, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. STEVENSON) laid before the Senate messages from the President of the United States submitting

sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

#### COMMITTEE MEETINGS DURING SENATE SESSION

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

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

#### WAIVER OF THE CALL OF THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rules VII and VIII, be dispensed with.

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

#### THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 856 and 862.

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