

til disposed of, and it will then be followed by the interim agreement on offensive weapons as the first track item, and that will be followed by revenue sharing as a first track item. No-fault insurance, once begun as a second track item, will be continued as a second track item until disposed of.

The leadership, when the necessity arises, may, of course, elect to go to third track items on any day.

In summation, Mr. President, there will be yea-and-nay votes on Monday beginning after the delegation has returned from its sad mission to Louisiana.

There will be yea-and-nay votes on Tuesday.

There will be yea-and-nay votes on each remaining day of next week, including Saturday.

There will be lengthy sessions daily. Mr. MATHIAS, Mr. President, will the Senator yield for an inquiry?

Mr. ROBERT C. BYRD. I gladly yield to the Senator from Maryland.

Mr. MATHIAS. In outlining the program, the Senator stated the time limitation on the Cranston amendment and on the Brooke amendment, and stated

that the final vote on the bill would occur, I believe, not later than 6 o'clock on Wednesday.

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. MATHIAS. What would be the situation if there were amendments, perhaps amendments by way of substitutes for either of those amendments?

Mr. ROBERT C. BYRD. Amendments by way of substitute, amendments to amendments, and amendments in the second degree will be in order with a time limitation of 30 minutes. If the time for amendments is exhausted, Senators in control of time on the bill can yield additional time therefrom, and there will be ample time, I would say, to the distinguished Senator from Maryland, allowing for the time that has been allotted to each amendment, for additional amendments as well as the disposition of those two amendments on Wednesday.

There will be ample time afforded on Wednesday, I believe, for the calling up of amendments in the first degree with a time limitation thereon of 1 hour. Upon the reaching of the hour of 6 o'clock, if amendments are still pending, votes will

occur on those amendments, but with no further time for debate allotted.

Mr. MATHIAS. I thank the Senator.

ADJOURNMENT UNTIL 10 A.M. ON MONDAY

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 10 o'clock a.m., on Monday next.

The motion was agreed to, and at 2:45 p.m., the Senate adjourned until Monday, July 31, 1972, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 28, 1972:

DEPARTMENT OF JUSTICE

Robert E. J. Curran, of Pennsylvania, to be U.S. attorney for the eastern district of Pennsylvania for the term of 4 years.

Carl E. Hirschman, of New Jersey, to be U.S. marshal for the district of New Jersey for the term of 4 years.

EXTENSIONS OF REMARKS

GEORGE M. MILLER

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1972

Mr. HOGAN. Mr. Speaker, the city of Takoma Park, Md., recently lost a truly dedicated public servant. He was George M. Miller, mayor of the city for 18 years and a city councilman before that.

During his 10 consecutive years of office, Mayor Miller made many significant contributions to the city of 18,500. As mayor he gave an enormous amount of time and effort to the betterment of Takoma Park. Among other achievements, he was a leader in getting the \$3 million Middle School built in Takoma Park, and he led the fight to expand Montgomery College.

His community activities were numerous and as outstanding as his professional and political achievements. Shortly after Mayor Miller's passing, the Washington Star paid tribute to this devoted public servant, and I now insert the article in the RECORD:

GEORGE M. MILLER DIES; MAYOR OF TAKOMA PARK

(By Richard Slusser)

George M. Miller, 61, who was elected in March to his 10th consecutive term as mayor of Takoma Park, died of cancer yesterday in Holy Cross Hospital. He lived on Hancock Avenue in Takoma Park.

Mr. Miller served on the Takoma Park City Council for a year before his first election as mayor in 1954. Mr. Miller's full-time job was chief of the accounts section of the Bureau of Reclamation, Department of Interior.

Usually elected without opposition, Mr. Miller ran on a ticket with seven candidates for city council in the March election and defeated a slate called the Takoma Limited Committee.

STANDS CRITICIZED

The opposition criticized Mayor Miller's stands on the impact of Metro subway construction and the expansion of Montgomery College, both of which were seen as a threat to a number of Takoma Park homes.

Mr. Miller said that the council acted to allow expansion of the college to prevent it from leaving the city and he asserted that Metro construction decisions were made in open sessions. His group, the Citizens for Good Government, campaigned on a promise to ease the city's property tax.

In campaign literature for his last election, Mr. Miller wrote that if there is "a single feature of public life in Takoma Park that clearly sets the city apart from surrounding areas, it is the spirit of community seen in the . . . efforts of the many citizens representing dozens of community groups. . . ." The Takoma Park population is about 18,500.

As mayor, Mr. Miller opposed the location of the controversial North Central Freeway through Takoma Park, one of the largest municipalities in Maryland. He also led a campaign for Montgomery County to build the \$3 million Middle School in Takoma Park.

Mr. Miller, who was born in Laurel, had lived in Takoma Park since 1939. He was a graduate of St. Johns High School and Benjamin Franklin School of Accounting in Washington. During World War II he served in the Army.

Before joining the Bureau of Reclamation he was treasurer and general manager of the hardware and roofing firm of W. S. Jenks & Son, Inc.

Mr. Miller was a member of the Takoma Park Lions Club, Rosensteel Council of the Knights of Columbus, Our Lady of Sorrows Catholic Church and the Holy Name Society. He was a director of the Takoma Recreation Council.

He was active in the National League of Cities and was vice president and treasurer of the Metropolitan Council of Governments. He also was a president of the Maryland Municipal League and chairman of the Maryland Technical Advisory Service.

LAUDED FOR SERVICE

Hyattsville Mayor Charles L. Armentrout said Mr. Miller was a distinguished mayor of Takoma Park. He apparently did a good

job because the people . . . recognized that in re-electing him."

The Takoma Park City Council will elect Mr. Miller's successor. Councilman John Roth has been taking Mr. Miller's place on a pro tem basis.

Mr. Miller leaves his wife, Charlotte K.; two sons, Charles and George Jr. of Silver Spring; a daughter, Susan and a sister, Mrs. Arthur B. Brown of Silver Spring.

ORDER OF AHEPA

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Friday, July 28, 1972

Mr. SCHWEIKER. Mr. President, Order of Ahepa, the American Hellenic Education Progressive Association, celebrates its golden anniversary this week. This national fraternal organization with 27 local chapters in Pennsylvania has compiled a distinguished record of service to the Nation and to the various communities in which Order of Ahepa chapters are located.

The community interests of the Order of Ahepa are noteworthy. They include:

To promote loyalty to the United States of America;

To instruct its members in the tenets and fundamental principles of good government;

To instill in its members appreciation of the privileges of citizenship, and the inalienable rights of all citizens;

To encourage its members to actively participate in political, civil, social and commercial fields of human endeavor;

To promote a better understanding of the attributes and ideals of Hellenic Culture; and

To champion the cause of education, culture and learning.

Mr. President, Pennsylvania is proud

of the many charitable contributions made by members of Order of Ahepa throughout the State during the last half century. I am pleased today to extend my sincere best wishes and congratulations to them on the occasion of the 50th anniversary of the founding of the American Hellenic Educational Progressive Association.

ADVERSE EFFECTS OF MINIMUM WAGE ON MINORITY GROUPS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, a recent article in the American Economic Review has come to my attention. Its subject matter is particularly appropriate to current concerns in view of the ill-considered action of the Senate which voted to raise the minimum wage to \$2.20 and eliminate the lower rate which the House version adopted for teenage workers. This article brings into sharp focus the folly of such legislation.

Since the article is of a highly technical-statistical nature, I would like to include only the following brief summary of the methods used and conclusions reached by the authors, Marvin Kusters and Finis Welch.

I insert the summary of "The Effects of Minimum Wages on the Distribution of Changes in Aggregate Employment" by Marvin Kusters and Finis Welch, American Economic Review, June 1972:

SUMMARY OF THE EFFECTS OF MINIMUM WAGES ON THE DISTRIBUTION OF CHANGES IN AGGREGATE EMPLOYMENT

This article is a report of a study, the objective of which was to analyze the effect that minimum wage legislation has had on the way changes in aggregate employment are distributed among demographic groups. No attempt was made to discover the impact on total employment—rather, this was taken as given, and the study attempted to determine the effects on the shares of various groups in the labour force.

The model used divided the labour force into eight classes on the basis of age (adult vs. teenage), sex and race. Employment of each group was assumed to be the sum of the shares of that group in trend employment and deviation employment, the latter being the deviation of total employment from the long term trend which results from the business cycle.

Using standard statistical techniques, the study analyzed quarterly employment data for the period 1954-68, and separated the effect of the minimum wage from other influences. The hypothesis was established that the composition of changes in employment shares under the influence of a minimum wage differs from that which would otherwise obtain, and the validity of this hypothesis was tested empirically.

As justification for the reasonable nature of this hypothesis was offered the following reasoning: hiring costs may be expected to differ among classes of workers, those with low productivity and receiving low wages being expected to entail lower hiring costs. In addition, the productivity or value of a worker depends to a large extent upon the amount of firm-specific training he has had. Thus, firms have an investment in each worker, and termination of his employment

involves a capital loss to the firm. Since the size of this investment can be expected to vary significantly among labour groups, it is likely that there will be some groups for which it will be comparatively smaller, and these groups will participate disproportionately in cyclical employment variations.

The results of the study confirm the hypothesis. Specifically, it was found that the presence of a minimum wage decreases the employment share of non-white, and especially teenage workers in the long-run trend, and increases the vulnerability of the same groups to cyclical fluctuations.

As an illustration, it was determined that if the minimum wage were raised from the 1954-58 level (\$0.75) to the 1964-68 level (\$1.60), wage coefficient of marginality (a measure of vulnerability to cyclical change) of the various groups would be affected as follows:

White adult male, down 33%.
Non-white adult male, down 12%.
White female, down 25%.
Non-white female, unchanged.
All teenage, more than doubled.

What this means is that white male adults are made one third less vulnerable to the possibility of losing their jobs during a recession because of the indicated rise in the minimum wage. On the other hand, this is compensated for by the fact that all teenage workers are made more than twice as vulnerable to that same hazard, and of course it should be remembered that within the teenage group the female and the non-white members suffer even more.

The conclusion of the study is that the employment of non-whites is more sensitive to cyclical change than whites, and that of teenagers is much more sensitive than adults. Minimum wage legislation has drastically exaggerated this effect—decreased the share of normal employment and increased the vulnerability to cyclical change for the most marginal group: teenagers. These are therefore "able to obtain fewer jobs during periods of normal employment growth, and their jobs are less secure in the face of short term employment changes" than would be the case in the absence of a minimum wage.

Minimum wage legislation has resulted in higher incomes for some workers, but the costs have been borne by teenagers, and especially non-white teenagers.

GOLDEN ANNIVERSARY OF THE ORDER OF AHEPA

HON. QUENTIN N. BURDICK

OF NORTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Friday, July 28, 1972

Mr. BURDICK. Mr. President, I wish to add my voice to the many others in the Congress who have paid tribute to the Order of Ahepa, the American Hellenic Educational Progressive Association.

This month AHEPA is celebrating its golden anniversary, marking 50 years of good work for the betterment of society. We all know of the many contributions AHEPA has made in the areas of education, civic activities, and disaster relief work. I join Senators in wishing this fine organization well as it begins its next 50 years of activity.

At this time, I wish to make special mention of the officers of the fine AHEPA chapter in Minot, N. Dak.: Steve G. Maragos, president; Charles DeMakis, vice president; William Kandas, secretary; and George Voregarethos, treasurer.

FREEDOM OF INFORMATION ACT: BOON OR BUST FOR THE PRESS?

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1972

Mr. MOORHEAD. Mr. Speaker, the Foreign Operations and Government Information Subcommittee has recently completed 34 days of hearings on the administration of the Freedom of Information Act (5 U.S.C. 552) and related subjects. Five years ago the act was signed amid speculation that it would make more Federal information available to the press and the public.

In an examination of this landmark legislation, Editor & Publisher reports in its issue of July 8, 1972, that the FOI Act "has turned out to be a boon for lobbyists and an infrequent formal tool for journalists." The magazine notes that the mere existence of the law has caused Federal officials to revise their information policies so that more material is now available to the public.

The article "Freedom of Information: Boon or Bust for the Press?" is based on research completed last fall. It was written by Washington correspondent Peter G. Miller, formerly the Washington editor for Chilton publications, who has established his own editorial concern in Washington, Republic News Services.

Mr. Speaker, I hope that this article will shed light on the way in which the FOI Act has been operating within the Federal bureaucracy. The article follows:

FREEDOM OF INFORMATION ACT: BOON OR BUST FOR THE PRESS?

(By Peter G. Miller)

The Freedom of Information Act—the legal wonder that was supposed to open many government files to newsmen—has turned out to be a boon for lobbyists and an infrequent formal weapon for journalists.

On July 4, 1967, the Freedom of Information Act, 5 USCA 552, went into effect amid speculation that it would greatly aid government watchers in general and the press in particular. Now, more than four years later, statistics show that the press had made little use of the formal procedures outlined under the Act while private interests, especially lobbyists and corporate lawyers, have benefited greatly from the legislation.

Statistics compiled from data submitted to the Foreign Operations and Government Information Subcommittee, a unit of the House Committee on Government Operations, reveals that more than half of 133 formal requests for information from two departments and three agencies came from corporations or special-interest groups.

Specifically, formal requests that could be identified as to origin for the Departments of Labor and Commerce, the National Mediation Board, the National Labor Relations Board and the Federal Mediation and Conciliation Service show that of 67 (50.37%) of inquiries came from private law firms. Corporations initiated 31 (23.31%) requests while the news media used the formal provisions of the FOI Act only 12 (9.02%) times. Significantly, of the 12 requests from news organizations, 10 came from magazines, two from newspapers and none from radio or television.

The FOI Act is important because it establishes a procedure where citizens, for whatever reason, may request information from the government. Should the government de-

cide not to reveal the information being sought, it must seek protection under one or more of the nine exemptions provided by the FOI law.

EXEMPTED INFORMATION

The exemptions include, briefly, withholding information because it is specifically excluded by statute, related solely to the internal personnel rules and practices of an agency, specifically required by executive order to "be kept secret in the interest of national defense or foreign policy" or trade secrets and commercial information that is privileged and confidential. Other exemptions concern personal and medical files that may constitute an invasion of privacy, inter-agency or intra-agency materials that "would not be available by law to a party other than an agency in litigation with the agency," investigatory files compiled by law enforcement agencies except to the extent available by law, certain geological and geophysical material concerning wells and information "contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions."

To use the FOI law effectively, a petitioner seeking information must first be prepared to initiate the formal appeals procedure within the agency withholding the material. If the appeals process does not work to his satisfaction, a citizen can then take his case to a federal court.

Several factors affect the appeal process and explain why the news media have not been the principal users of the FOI Act.

Time: The formal appeals process can be the beginning of a months-long battle with an agency. The relevancy of material being sought by a newspaper or television network could decline drastically if an appeal takes 13 months, as one to the NLRB did. For a trade association or lobbyist, time is important yet the longer it takes to solve a federal problem the greater the need for a Washington representative.

Informal Negotiations: No federal agency wants to antagonize the press unnecessarily. If a graceful way can be found to release information, public information officers will try to obtain at least part of the material a correspondent is seeking. In the case of material with political implications, information officers realize that such grist is often available from a variety of sources within the agency. Rather than reading about it in the next morning's paper, many public information officers would prefer to release the information officially. In this manner they can at least answer questions about the material and possibly influence its impact.

COURT CASES

Possibly more important than the use of a formal appeals process is the threat of such procedures. Since federal officials may now be compelled to explain their actions before a court, there is some compulsion to negotiate.

One man who has observed government information policies from the view of both an administration official and newspaperman is Joe Loftus. Loftus, formerly a correspondent with the *New York Times*, is now the Special Assistant to the Secretary for Communications in the Labor Department.

In an interview, Loftus described the only court case brought against Labor under the FOI Act.

"Ralph Nader and his people wanted to get the files, the inspection files, under the Walsh-Healey Act. The question did not come to me in the first place but it did eventually reach my office and I recommended that the files should be opened to them. The solicitor said he would let them examine the files to show whether the Labor Department was doing its job or not on the condition that they would withhold the names of the companies in those files. That's the way the solicitor reported it to me. I still objected

to his decision. Nader's people would not sign an agreement to withhold the names, instead they went to court and sued the Labor Department and won. Labor and Justice decided not to appeal the case."

When asked about classified information Loftus noted that few documents were classified for security reasons.

"I doubt if I've seen more than three or four pieces of paper marked 'Confidential' in the three years I've been here."

"The only thing we send around internally in the Department," he continued, "is a gathering of developments and activities from each of the program officers. It's marked 'For Limited Use.' I understand that's the equivalent of 'Confidential,' although most of the material in it doesn't strike me as being of a confidential nature at all. In fact, a lot of it has already been put out in the form of releases."

While not involved with security problems on a continuing basis for reasons of national defense, Loftus stated that some information supplied to the Department was restricted. This material was obtained with the understanding that it would be privileged, an exemption covered under Section (B) (4) of the FOI Act.

"The Bureau of Labor Statistics, for example, gets information from corporations on a confidential basis. This becomes an amalgam which is processed by the BLS and the results become valuable to the public and economists. We are the custodian of that information. We have no right to demand it, corporations let us have it because they know it would be helpful. They'd like to know the information in general. I accept and agree with that principle."

"The unions file under the Landrum-Griffin Act and a lot of that data is required by law and is available for examination by the public and for copying at our Silver Spring office. I do not know of any information the unions give this Department in confidence. Possibly they do, but I'm not aware of it."

PRIVILEGED INFORMATION

Loftus was asked if he would ever withhold information and he replied that in certain situations he would.

"Occasionally, the Labor Department sends a confidential memo to the President and I can't release something like that. I try to answer all I can and when I don't know the answer I try to get it from a program officer."

At the Commerce Department Henry Scharer, formerly director of the Office of Public Information and now Department Information Coordinator, described the information function at Commerce and, like Loftus, raised the issue of privileged information.

"The Department of Commerce is a vast fact-finding mill and its main function is to produce and disseminate information to the business public and the public in general. Relative to our size, we have a minimum of national security information which would require classification."

"Now it is true that, in the Census Bureau for example, we do have information that we have to withhold under a wrap of confidentiality and that is by law. Because of competitive reasons and also because of assurances that in the collection of this information we would not divulge this material, we don't. This has been recognized by the courts and the Census Bureau is very scrupulous and will not even make individual data available to other government agencies."

Scharer disclosed that the forerunner of the Foreign Operations and Government Information Subcommittee, the so-called Moss Committee, was able to change one information practice at Commerce.

DAILY LIST

"In the Bureau of International Commerce we have an Office of Export Control operation. There we also maintain, in confidence, the names of individuals to whom we grant

licenses for exports to, say the Soviet bloc. We now issue a daily list showing the license granted, the dollar value and a brief description of the item. We do not identify the company for reasons of confidentiality and competition. This has been more or less accepted. I will concede in this context that a couple of years ago we had to be nudged by one of the congressional committees, I think it was the Moss Committee at the time, to provide a daily list instead of a quarterly report as we did then. The Congress did encourage us to liberalize a little more."

"The Commerce Department has consistently followed an 'open door' policy," according to Scharer. "There have been times, of course, when we've had problems with various officials who are 'gun shy' of the media and would prefer we didn't put out certain things."

"Freedom of information does not cover the unwritten word. It covers materials and in that respect there is little or no problem where we're concerned."

Scharer described one incident where the information office aided a reporter.

"We had gripes from one trade paper about covering an advisory committee concerning textile matters. A reporter complained, and we thought justifiably, so we went to bat for him. We finally resolved the issue with the official in charge of the meeting."

PERIODIC REVIEW

The Commerce Department honors classifications initiated at other agencies, according to Scharer. While stating that "we're not at liberty to break classifications," he did mention that Commerce has a periodic review of materials that it classifies internally. A non-security classification was also discussed by Scharer.

"There is stuff marked 'Administratively Restricted.' This, of course, is not a security classification. It's simply an administrative convenience which the information office does not necessarily observe. We try to, of course, being part of the family. We certainly would not do anything to embarrass anyone without trying to get them to understand what the communication problem is."

When asked if the FOI Act was a useful tool within the Commerce Department, Scharer described one of the internal benefits of the law.

"Professional information officers have always supported the FOI Act idea because it helps us persuade any recalcitrant, backward-thinking official—present company excluded—to be more communicative."

One member of the public who has been able to effectively use the FOI Act is Robert T. Basseches, a maritime lawyer with Shea & Gardner, a Washington legal firm. Basseches has initiated formal proceedings against the Maritime Administration, an agency of the Commerce Department, on five occasions. In three instances, Maritime provided information after a formal appeal without going to court.

Basseches said his experience with the FOI Act had been positive. He noted that Maritime had been "reasonably prompt" in responding to his appeals.

The Washington lawyer said that two information levels seem to exist at the Maritime Administration. At the staff level he felt a more restrictive information policy existed than at the highest levels of the agency, including the general counsel's office. Basseches reported that the general counsel and other important officers of the Administration "undertook a conscientious effort to follow court decisions."

BETTER THAN MOST

While stating that the FOI Act was not a "100% effective tool," he compared it favorably with other, "cumbersome techniques," that are available. As an illustration, he cited the case of *Moore-McCormick vs. U.S.* (U.S. Court of Claims No. 55-68). Here several maritime interests, including one represented by Basseches, sued

the Maritime Administration for not granting a subsidy. Maritime lost the case because it did not follow the correct procedures in handling the subsidy claims. A major contention of the plaintiffs was that the Maritime proceeding was "invalid because we couldn't get needed information," according to Basseches.

Although the Labor and Commerce Departments are broad federal units with multiple functions, the three agencies discussed here—the National Mediation Board, the National Labor Relations Board and the Federal Mediation and Conciliation Service—operate within confined legal areas.

The National Mediation Board was established to "avoid any interruption to commerce or to the operation of any carrier therein," according to the *U.S. Government Organization Manual*. Its activities are confined to railroad disputes and air carriers engaged in the transport of interstate mail.

The National Labor Relations Board is an independent agency that insures employees the right to self-organization, collective bargaining or the option not to form a union. The agency also has authority to rule against unfair labor practices. It is essentially a regulatory agency that derives authority from the Wagner Act, the Taft-Hartley Act and the Landrum-Griffin Act.

The Federal Mediation and Conciliation Service is a federal agency that provides arbitration services for deadlocked union/management negotiations. The FMCS can only participate if both parties ask for aid and its suggestions are not binding.

As information sources these agencies generate material as a byproduct of their operations. Rather than originating action, they may only respond to problems that are brought before them.

FUTURE PROBLEMS

A further problem, in terms of seeking information, is that the decision-making apparatus of each agency is not within the public domain. Asking an NLRB official about a pending case, for example, is the equivalent of asking a judge to discuss a matter that is currently before him.

Citizens seeking information from these agencies are confined to past cases, current decisions once announced and such policy guidelines and other data as may be published in the *Federal Register*.

Data submitted to the Foreign Operations and Government Information Subcommittee shows that a total of 29 formal requests for information were received by the three agencies and, of these, 24 were granted (82%). Two requests were granted in part and three inquiries to the NLRB were de-

nied. Of 23 formal requests to the FMCS for records all were granted.

In addition to the four court cases brought against the NLRB under the FOI Act, the agency reported four cases that did not use the formal FOI procedures but were defended under FOI exemptions. The NLRB won every case where its policies were challenged.

The statistics developed for the departments and agencies cited here do not reveal the full impact of the FOI Act. In how many instances was information released, in whole or in part, when an individual threatened to use formal procedures provided by the FOI Act but did not? How many documents were more thoroughly scrutinized prior to classification or not classified because federal officials feared a possible court challenge of their decisions? Most importantly, how many citizens has the law alerted, individuals who now realize they can challenge the federal bureaucracy for information and that the burden of proof lies with the government official?

The federal government, with its myriad departments, agencies, libraries and files, is the most complex information source ever developed. The value and importance of this information can only be enhanced by full and free access, concepts encouraged by the FOI Act.

I. FORMAL REQUESTS FOR ACCESS TO RECORDS

No.	Agency	Number of formal requests	Number of access granted	Number of access refused	Number granted in part	Number pending	Basis for refusal
1	Department of Commerce	182	109	50	9	4	5 U.S.C. 552, no sections cited (See note 1.)
1A	Office of Import Programs			1			5 U.S.C. 552(B)(4)
1B	Office of Direct Foreign Investments			3			5, U.S.C. 552(B)(3)(4) and (5).
1C	National Oceanic and Atmospheric Administration			1			Records not in custody of agency or predecessor.
1D	Office of Personnel, Office of the Secretary			2			5, U.S.C. 552(B)(5).
1E	National Technical Information Service			5			5 U.S.C. 552(B)(4)(5).
1F	National Bureau of Standards			3			5 U.S.C. 552(B)(4)(6).
1G	Bureau of International Commerce			3			5 U.S.C. 552(B)(3)(4); 15 CFR 4.6(e).
1H	Office of the Secretary			2			5 U.S.C. 552(B)(4)(5).
1I	Maritime Administration			22			5 U.S.C. 552(B)(4)(5).
1J	Patent Office			9			5 U.S.C. 552(B)(3)(4) and (5).
2	Department of Labor	33	4	28	1	0	5 U.S.C. 552(B)(4)(5)(7). 20 CFR 501.8(2).
3	National Mediation Board	1	0	0	1	0	Railway Labor Act, Sec. 2(9); 5 U.S.C. 552(B)(7); 29 CFR 1208 (National Mediation Board rules, Pt. 1208.4(b)).
4	National Labor Relations Board	5	1	3	1	0	5 U.S.C. 552(B)(4)(6) and (7). (See Note 2).
5	Federal Mediation and Conciliation Service	23	23	0	0	0	Not available.

Note: The Department of Commerce in its letter of transmittal, noted that 7 cases "were withdrawn before acted upon, 1 was for records at another agency, 1 was for nonexistent records, and 1 is unrecorded as to action taken." The National Labor Relations Board reports 4 instances of litigation without prior formal request in the information area.

OPPONENTS OF GUN CONTROL: CHICAGO TRIBUNE TASK FORCE REPORT, PART IX

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1972

Mr. MIKVA. Mr. Speaker, there are 25 to 30 million handguns in this country, because Americans want them or feel they need them. Many owners of these weapons oppose legislation curtailing the use and sale of handguns.

Firearms kill 10,000 Americans a year. The Chicago Tribune recently created a Task Force to study this epidemic of violence. This is the ninth in series of 10 Task Force reports.

Today's entry is based on interviews with handgun owners. Many urban dwellers are convinced they need a handgun for protection, in spite of widespread agreement among law enforcement experts that handguns are not effective for self-protection in the home. For every homeowner who successfully

repels an intruder with a handgun, four die from gun accidents in the home.

Sportsmen sometimes oppose gun control legislation, claiming that it would penalize law-abiding citizens who use handguns for their own enjoyment or pleasure. But the facts do not support their fears. Proposed strong handgun controls would not inhibit the target shooter. Licensed gun clubs could keep the weapons locked on the premises when not in use.

What is too often overlooked is that all of our rights are infringed upon by the absence of strong gun-control laws. It is the law-abiding victim who suffers most from the availability of handguns.

The article follows:

[From the Chicago Tribune, July 3, 1972]

GUN CURBS: PENALTIES FOR THE LAW-ABIDING?

Wayne Baughman believes that gun control laws ultimately punish rural dwellers for the sins committed by those who live in the big cities.

A spokesman for the Illinois Agricultural Association, Baughman said that almost all of its 200,000 members own firearms and seldom, if ever, use them in crimes.

The Association represents three-fourths of Illinois' farmers, and it has opposed gun control proposals in the General Assembly. In the world of the farmer, a world far removed from the intense social pressures of the cities, guns have a place similar to the place they had on the American frontier—they are used in hunting and as an instrument in the rite by which a boy passes into manhood.

"There is a pride in gun ownership," Baughman said. "I own three shotguns and a rifle and I have owned guns since I was a boy. Most of our people hunt. It's a generational thing, a boy and his father going out to hunt."

"Some of my fondest memories are of my Dad telling me on a fall morning, 'Hey, son, let's go out rabbit hunting.' It's a father and son activity."

The rural argument against firearms legislation, Baughman said, is a philosophical one.

PENALIZED FOR CITY CRIMES

"The general feeling among rural people is that gun controls will penalize them for the crimes that are committed in the big cities. Our philosophy is that we have an inalienable right to the possession of all types of firearms. You can take the Bill of Rights and twist it around—make it read what you want. We read it [the 2d Amend-

ment] this way: We have a right to possess and lawfully use firearms, period."

Baughman recognizes that the unlawful use of firearms is a serious problem in urban areas, and offers this solution:

"To resolve the question, you have to resolve the question of penalties. Our feeling is that the courts have not given the penalties they should have for those people who commit violent crimes."

CITIES ARE EXAMPLES

When gun control advocates argue for firearms legislation, their eyes are almost always on cities like Chicago, New York, and Detroit. They point out that guns are unnecessary in an urban, industrial environment.

Americans no longer need a Winchester rifle or Colt Peacemaker to kill game and defend themselves against hostile Indians, they say.

Marvin Dyer, 47, lives in an urban, industrial environment, and he vigorously disagrees with that contention. Dyer believes he needs a firearm as much as the pioneers of the past.

In Dyer's case, the hostile "Indians" are a tribe of teenage hoodlums called the 95th Street Black Outlaws, who have threatened his life, the life of his son, Daryl, 17, and have terrorized the South Side neighborhood where he lives.

CITIES NEED OF GUNS

"Don't talk to me about gun control," Dyer said. "They say they want people to stand up to these gangs, but how can you stand up to the gangs without guns when they have guns. As far as these gun control laws are concerned if they take those guns away from the people, 10 boys could come over here and beat you to death before the police came."

Dyer has stood up to the gangs and has used a gun to do it. His struggle began almost two years ago, when the Outlaws tried to recruit his son.

The younger Dyer, who aspires to be an attorney, resisted their offers. Consequently, gang enforcers beat him up in Euclid Park. The next day, the Dyers swore out an arrest warrant against the youth's assailants.

THEN THREATS BEGIN

That is when the threats began. Gang members began riding past the family's home shouting that they would burn down the house. Young Dyer was warned that the gang had marked him for death, and reportedly two Outlaws had been seen in the park displaying the carbine which they said they would use to kill him.

For self protection, Daryl Dyer armed himself with a .22 caliber handgun which his father had given to his sister. Hiding the gun in his jacket, Dyer carried it to classes at Harlan High School, where he knew that at least 10 of the 150-man gang were armed.

On Sept. 22, 1971, Marvin Washington, 19, a gang member, approached Dyer in the school lunchroom and gave him this warning:

"It would be disloyal of me to let you get away with fighting our chief. Don't go thru the park."

When the elder Dyer picked up his son that afternoon, Daryl told him of the incident. It was at that point, Dyer said, that he became "fed up" with hearing the threats.

Taking a .22 magnum derringer from his glove compartment, Dyer went into the school with his son to look for the security guard.

"He wasn't where he usually sat," Dyer said. "We went into the school and ran right into the gang. They were beating up a kid in the park, and Marvin [Washington] had just come back into the school after beating this kid up. The school assistant principal had his arm around his shoulder patting him like to say 'be a good boy.' Can you imagine that?"

Daryl pointed to Washington and said, "There he is, Dad."

PREPARE FOR FIGHT

Dyer then asked Washington why he was bothering his son, after which the gang member and his friends stripped off their shirts to prepare for a fight.

Daryl recalls that he thought they were going to kill his father.

"It seemed like a dream," he said. "It happened so fast. I saw the kids taking off their shirts and I shot. It was the first time I ever shot a gun."

Washington fell to the floor, wounded in the right side. His companions started screaming at the Dyers, "You're dead. You're dead."

In the aftermath, Daryl was charged with aggravated battery and unlawful use of a weapon, and his father with assault and unlawful use of a weapon. All charges, except the battery charge, were dismissed, for which Daryl Dyer received six months probation.

SURVIVES HIS WOUND

Washington, who was not charged, survived the wound. Altho the Outlaws have not relented on their death threats, the Dyers have refused to move from the neighborhood.

"We didn't move because we've lived here 13 years and where would we move to? There are gang problems everywhere," Dyer said.

Raymond Powell, 28, manages a drugstore in the tough Englewood District, and his opposition to gun controls is based on the violent realities of the neighborhood where he works.

"Guns are a necessity here," he said. "There is no police protection and a gun is the only thing that will do it. Why, 90 per cent of the people in this neighborhood carry guns."

This is why Powell feels that way:

ARRIVE, GUNS BLAZING

Two years ago three members of the Scuffers street gang burst into a drugstore Powell used to manage at 443 W. 63d St., their guns blazing in revenge for Powell's resistance to their extortion attempts.

"The bullets flew all around me," he recalls. "They went everywhere but in me."

Police later arrested the three gang members, who received only 45 days in jail after Powell made six court appearances.

Powell closed up the store and began operating a new store at 500 W. 59th St., but the gangs continued to rob his customers. It reached a climax last month when Powell kicked two of the hoodlums out of the store, breaking the arm of one of them in the scuffle.

The next day, Powell said, Charles Johnson, leader of the Scuffers, entered the store armed with a gun.

TELLS OF THREAT

"I'm going to waste you," Powell quotes Johnson as saying. He called the police for help, warning them that Johnson and his friends were carrying guns. The police did not respond.

Fifteen minutes later, Mrs. Bobby Wallis, 37, left Powell's store after making a purchase. Powell heard several shots and Mrs. Wallis ran back into the store with blood streaming from her neck. Powell rushed outside with his gun and into the path of a bullet.

Wounded in the abdomen (the bullet is still there), Powell called police, but said they did not arrive for 20 minutes. An hour passed before he was taken to the hospital.

"Did I think I would die?" he responded to a question. "I've been shot so many times that I don't even worry about it anymore."

STILL AT LARGE

Johnson is still at large. According to police, the young gang leader was not even supposed to be in Chicago because a judge had ordered him out of the state as "punishment" for shooting six people a year ago.

Powell said his war with the gang is now at a savage kill-or-be-killed level. "I'm either going to have to waste Chuckie, or Chuckie will waste me," he said.

"I've just had to take it on myself to protect this place and our patrons. The police don't want to get involved because they've told me they feel they're handcuffed by the courts."

As for gun control laws, he said, "If you can assure the public that they will get the police protection they need, it would be all right. But not until then. I wouldn't turn my gun in until I felt sure of that. Otherwise, we wouldn't stand a chance."

FIRES AT TARGETS

Elwood Krueger fires several hundred rounds from his pistol every week—at paper targets.

The west suburban businessman is president of the Illinois Match Masters Pistol Club, and is the indoor and outdoor target pistol champion of four midwestern states.

Like most sportsmen, he believes that the problem with firearms control lies in the courts, not in the legislature.

"We should enforce the laws that are on the books and come down hard on people who commit crimes with guns, as they do in England."

Krueger had sharp words for the political furor that arose in Washington after the shooting of Alabama Gov. George Wallace.

"Those politicians don't care about some poor jerk on the street being shot, but they sure move when a politician is. I don't think anybody's death is more important than any one else's."

Krueger said that he opposed measures that would ban the manufacture of all handguns, citing the distinction between a quality handgun and the cheap, concealable Saturday Night Specials.

"Target pistols can be compared with an Indianapolis racing car, and Saturday Night Specials with a 15-year-old junk automobile. They have four wheels and an internal combustion engine and that's it. Most fine target pistols cost \$300 to \$400."

Krueger's club is affiliated with the National Rifle Association (N.R.A.), which has 50,000 members who are competitive pistol shooters.

In 1971 there were 3,305 shooting tournaments in the United States which drew 106,821 entries, according to the N. R. A. annual report.

PENALIZE ALL PERSONS

A weapons instructor in World War II, Krueger said that strong gun control laws, such as those sponsored by Rep. Abner J. Mikva (D., Ill.), "will penalize people who use handguns for their own enjoyment and pleasure. Yes, you would reduce crimes of passion, but then they would just make a dive for a knife instead of a gun."

Mervin Ohm, state President of the Citizens Against Gun Confiscation (C.A.G.C.) agrees with Krueger, arguing that gun control advocates, "seem to be laboring under the idea that if you get rid of guns you will get rid of crime. They are saying half truths."

C. A. G. C. was formed in December, 1971 by a small group of Olney, Ill., residents. Ohm said the organization now has more than 30,000 members in Illinois and 52 county chapters. The group wants the 1968 federal Gun Control Act and the Illinois state gun law repealed. They oppose all recent gun control proposals and want to go back to the old 1938 gun law, Ohm said.

GUN LAWS USELESS

"The gun laws we have are useless," Ohm explained. "They don't work and never will work. Only honest people are going to register their guns so why bother? They say we should register firearms like we register automobiles. What has registration of automobiles done to prevent accidents? Not a thing. . . . We don't need gun laws. We need enforcement of the criminal laws we already have."

Ohm, an Olney motel owner, said he owns rifles, shotguns, and handguns. "I enjoy plinking around (shooting at cans), and I also have a few older firearms."

"Saying I don't have a right to have a gun is like saying I don't have a right to own a cat or a dog. No one has to have those things. But I don't want the federal government telling me what I can and can't own."

CRIME INSURANCE RATES CUT AS MUCH AS 50 PERCENT

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1972

Mr. ANNUNZIO. Mr. Speaker, since the passage of the crime insurance legislation, which I authored last year, I have sought to have the rates for these policies, which are written by the Federal Government, reduced to the lowest possible premium.

In this regard, I am happy that today the Department of Housing and Urban Development has followed my suggestion and has reduced the cost of these policies as much as 50 percent.

This means that thousands of small businesses across the country which were unable to afford the policies and were operating in constant fear of one burglary or robbery that could put them out of business, will now be able to afford crime insurance coverage.

Mr. Speaker, I am including in my remarks an article from today's Chicago Tribune entitled "Annunzio Wins Cut in Rates." The article discusses in detail what the rate changes mean to a typical small businessman:

ANNUNZIO WINS CUT IN RATES

WASHINGTON, July 27.—Rep. Frank Annunzio [D., Ill.] today won a year's battle to get the government to reduce its rates for robbery and burglary insurance for businesses in high crime areas.

Annunzio received word from the Department of Housing and Urban Development that effective Aug. 1, its insurance rates would be reduced as much as 50 per cent.

Annunzio, who has represented Chicago's Loop business district and its adjoining near West side in Congress, has been a leader in the fight to get insurance made available for store owners and businessmen seeking to return to areas burned in the 1968 riots.

All insurance agents and insurance companies selling robbery and burglary insurance handle the government insurance policies, Annunzio said.

Annunzio said a Chicago store whose gross receipts are less than \$100,000 a year will be able to get a combined \$1,000 burglary and robbery policy for \$100 a year. Until now, robbery insurance has cost \$120 per year per \$1,000, and \$100 per \$1,000 for burglary coverage, or \$200 for a combined policy.

Previously, the HUD policies cost businessmen doing between \$25,000 and \$100,000 a year gross business, substantially more than the really small company whose receipts were less than \$25,000.

Rate reductions also are offered to businesses in the \$100,000 to \$1,000,000 class. Larger companies in the over \$1,000,000 class will get rate reductions only when their insurance coverage exceeds \$1,000.

FREEDOM AND THE BALTIC STATES

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1972

Mr. MANN. Mr. Speaker, today marks the 50th anniversary of de jure recognition by the United States of America of the three Baltic Republics of Estonia, Latvia, and Lithuania on July 28, 1922.

Within the past 5 months of this year, well-documented protests and, in at least one case, rioting, have spoken to the world of the spirit of the peoples of these three countries and their burning love of freedom. These incidents, considered along with the following communication, dated April 6, 1922, more than 50 years ago, and addressed to the U.S. Department of State by Evan E. Young, then our Commissioner to the Baltic States, speaks I feel, as eloquently as anything can for the people of Estonia, Latvia, and Lithuania.

The simple fact is that these nationalities (Letts, Estonians, and Lithuanians) though unquestionably animated by nationalistic aspirations, preferred the creation and establishment of what may be termed modern civilized governments to their existence either as a part of Soviet Russia under a communistic regime or with the status of autonomous Soviet republics. Whatever their future may be, it is certain that their action in proclaiming their independence has resulted in the maintenance of at least this part of the former Russian Empire free from ravages and destruction of communism and

bolshevism. (Papers relating to Foreign Relations of the United States, 1922, II, 871.)

Today the fires of freedom still burn in the people of the Baltic States. Our wish for them is that their dreams and aspirations may soon be realized.

AHEPA OBSERVES GOLDEN ANNIVERSARY

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1972

Mr. PRICE of Illinois. Mr. Speaker, I would like to take this opportunity to pay tribute to the Order of Ahepa on the occasion of its golden anniversary. On July 26, 1922, in Atlanta, Ga., the American Hellenic Education Progressive Association was founded as a patriotic public service organization and has contributed much to the welfare of the world during its 50 years of existence by providing needed disaster assistance all over the world and participating in the establishment of libraries, educational institutions, and scholarship programs.

The members of the Order of Ahepa have proven their community-minded spirit time and time again, and it is fitting that the Congress take time to salute the organization on its 50th anniversary and recognize the good deeds of its members. Congratulations and keep up the good work.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 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 1,757 American prisoners of war and their families.

How long?

HOUSE OF REPRESENTATIVES—Monday, July 31, 1972

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let not your heart be troubled: believe in God.—John 14: 1.

O God, our Father, we wait upon Thee for the gift of Thy Spirit which clarifies our minds, cleanses our hearts, and leads us in the ways of righteousness and good will. Quicken within us every generous impulse that we may walk with integrity, keeping our lives free from malice and filled with brotherly affection.

We thank Thee for the life of our Senator colleague who has left our earthly scene for the glories of the heavenly life. Grant that his character and achievements may be written in letters of gold

on the pages of history that others may be inspired to live useful and noble lives. Bless those bound to him by the ties of family and friendship. May their faith, and ours, give them strength for daily living.

In the spirit of Him whom to know is life eternal, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed resolutions, as follows:

S. RES. 332

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Honorable Allen J. Ellender, late President pro tempore of the Senate and late a Senator from the State of Louisiana.

Resolved, That the President of the Senate appoint a committee, of which he shall be a member, to attend the funeral of the deceased Senator.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.