

Grace, Daniel L., Jr.	Isham, Don Jr.	Malone, John S.	O'Bold, Charles E.	Scales, Carter H.	Torstenson, Richard J.
Graf, Donald V.	Jameson, Robert Q.	Malone, Michael E.	O'Connell, William B.	Schleier, John H.	Tranchell, William J.
Grauer, John A.	Janss, Charles E., Jr.	Mann, Charles K.	Ohea, William C.	Schoen, Rodric B.	Trimmer, Terry
Gray, John W., Jr.	Jefferson, James F.	Marjenhoff, August J.	Oliver, William L., III	Scholes, John F.	Troemel, Arthur H.
Green, Clyde L., Jr.	Jeffords, James M.	Martel, Leon C., Jr.	Orecchio, John J.	Schultz, Roman V.	Truesdell, Lemoyne F.
Green, Don H.	Jenkins, Emmanuel L.	Martin, Michael J.	Osciak, John W.	Schutt, Harold J.	Turner, Peter C.
Greene, Marshall W.	Jetton, Thomas C.	Martin, Thomas W.	O'Sullivan, Paul L.	Secker, Charles W., Jr.	Twist, Gerald A.
Greenlee, Wilfred M.	Johnson, Paul S., Jr.	Martini, Joseph C.	Owens, James W.	Sell, Curtis W.	Valentine, Alden G.
Greenspan, Alan E.	Johnson, William C., Jr.	Mason, John A., III	Paillette, Donald D.	Sessions, Joseph W.	Vanarsdale, Jack M.
Grey, Edward R., Jr.	Johnston, David R.	Masterson, Russell W.	Papritz, Gordon R.	Severin, Marlow P.	Vancise, Richard A.
Grief, Donald J.	Johnstone, William N.	Mathews, Richard A.	Pare, David F.	Sharp, George K.	Vanoni, Roy T.
Grimes, Roy T.	Joyce, Harrison T., Jr.	Matza, Joseph A.	Parsons, Milton K.	Shepherd, Charles W.	Vaughn, William H.
Grocki, Chester J.	Jung, Charles A.	Mayer, Paul J.	Patterson, Ralph A., Jr.	Sherck, David L.	Vestal, Ellis B.
Grosskopf, George W.	Justus, Norman E.	McCauley, Hugh W.	Patterson, Robert A.	Sieber, Donald C.	Voepel, William C., Jr.
Grow, Bruce W.	Kaempfer, Frederick P.	McCormick, Paul J.	Peters, William J., III	Simmons, Roger A.	Vonlorenz, James E.
Gutowski, Leopold	Kahabka, Clarence T.	McGuinness, James P.	Peterson, Dennis H.	Sink, John D.	Wagner, Richard G.
Hair, Max A.	Kale, Stephen H.	McIlvain, William C., Jr.	Peterson, Thorild F.	Sinnott, George P., Jr.	Walberg, Robert F.
Hajek, Victor V.	Kashmanian, Gregory	McKay, Bruce B.	Pietkiewicz, Wesley	Skahan, Robert J.	Wangerin, Ronald R.
Hald, Rodney D.	Kelcher, Charles R.	McLallen, Walter F.	Piner, Thomas	Sloan, Robert L.	Wattenburger, Walter W., Jr.
Haley, Thomas O.	Kelley, Eugene	McLean, James C., Jr.	Pitts, Phillip R.	Smith, Denis G.	Weaver, Donald E.
Hall, Charles W.	Kelly, William S.	McMahon, Thomas T.	Pizzeck, Eugene X.	Smith, Paul E., Jr.	Webster, Kenneth A.
Hall, Vaughn E.	Kershner, Roger P.	McMillan, Joseph C.	Platts, Paul K.	Smith, Ralph W., Jr.	Weigman, Jay M.
Hall, Wilford H.	Kevin, Steven G.	McMinn, Jim T., Jr.	Poff, Philip W.	Snyder, William P.	Weintrub, Arnold
Hallett, John D.	Kilburg, Robert G.	McNergney, Robert P.	Poison, Ralph W.	Sorensen, Edward J.	Weiss, Mitchell L.
Hansen, Helmut H.	Kildea, James T.	McWhorter, Bruce N.	Potter, John L.	Spano, Salvador B., Jr.	Welch, Houston L., Jr.
Hardin, James T.	Kilgore, James C.	McWhorter, William C.	Potts, Edward S.	Spare, Robert L.	Welch, Joseph R.
Hardt, Dan A. II	Klapp, David G.	Means, John H., III	Precht, Jerome S.	Stainton, David G., Jr.	Weldon, Joseph D.
Hardy, Edward W.	Kirby, Lawrence G.	Meggitt, William F.	Price, James C.	Stanfill, Hiram J.	Wellborn, Earl E.
III	Kolb, Stanley D., Jr.	Melberg, Kenneth E.	Prickett, Gordon O.	Stanton, Paul F.	Welton, Robert G.
Harmon, George P. W.	Konetchy, Howard A.	Melville, Reld T.	Prince, William G.	Stapleford, Thomas C.	White, Robert F.
Hartley, Edward S., Jr.	Korinke, Robert F.	Menke, Allen G.	Proctor, Donald J.	Steacy, Bernard H., Jr.	White, Robert R.
Hartman, James W., Jr.	Krummeck, "K" Kenneth	Menzie, Douglas	Prophet, John M.	Steere, Donald J.	White, Thomas G., Jr.
Haruch, John	Kuehn, Gregory T.	Merriman, Marcus A.	Pulice, John	Stephan, Charles A.	Whitlow, George S., Jr.
Harwell, Layne H.	Kunst, Arthur F.	Merritt, William A., Jr.	Pullo, Anthony R.	Stephen, Earl M., Jr.	Whitney, Clarence C.
Hausmann, Albert C.	Lackowski, Donald H.	Mesics, Joseph C.	Rash, Paul J., Jr.	Stephenson, John M., Jr.	Wiant, Mark C.
Hawkinson, Arthur A.	Laidlaw, Scott D.	Messner, Karl R.	Rausa, Rosario M.	Sternberg, Harold I.	Wilkins, John M.
Hayes, Charles C.	Lait, Hale H.	Meyer, Walter C.	Ray, Edward J.	Stevens, Rollin M., II	Williams, Harmon M.
Hayes, Robert T.	Lambden, Jerry D.	Milatt, John P.	Reardon, Freddie H.	Steyer, Francis J.	Williams, John A., Jr.
Hazlett, Arthur W.	Lancaster, John S.	Miller, Ralph E.	Reavis, Marshall W., III	Stieber, Conrad H.	Williams, Kenneth T.
Hazley, George J.	Landers, John D.	Miller, Wayne F.	Redmond, James W., Jr.	Stinson, Robert G.	Wilson, Alan F.
Hearn, Neal E.	Landsverk, George R.	Mitchell, Richard J., Jr.	Reidy, William J.	Storey, Sammy M.	Wilson, Bruce B.
Hedrich, David R.	Larocca, Joseph P.	Mitchell, Robert D., Jr.	Reynolds, David W.	Strickland, James M.	Wilson, Lynn R.
Hedrick, Charles W., Jr.	Larson, Lowell D.	Mizer, George A., Jr.	Rich, James H., Jr.	Stuart, Douglas A.	Winters, Robert D.
Helweg, Otto J.	Lau, Bernard S. K.	Moll, Frank H.	Richards, James H.	Surovchak, Richard J.	Wolf, Charles R.
Henshall, John H.	Lawes, Robert B.	Monahan, Robert E., Jr.	Riebe, Richard C.	Swenson, Maynard L.	Wooddell, John G.
Hertel, John R.	Lawson, Donald R.	Monell, Gary E.	Riggs, Joseph R.	Tansor, Robert H.	Wooddridge, Clark E.
Hessel, Mark L.	Leary, Donald W.	Moon, Tylman R.	Riley, Mark C.	Tapley, John T., Jr.	Wright, Darryl L.
Hinson, Brue H.	Lee, Roland D.	Morehead, John A.	Rimington, John B.	Tarn, John L.	Wright, Jack R.
Hipkiss, Robert A.	Lell, Virgil G.	Morgan, Bobby S.	Ritner, Joseph W.	Tassell, Harry P., Jr.	Wright, John R.
Hobson, Robert L.	Leo, Paul P.	Morgan, Donald A.	Rittenberry, James G.	Teare, Paul L.	Yeager, Robert D.
Hodella, Fred H.	Leonard, Archibald S.	Moriarty, Brian M.	Robbins, Charles R.	Thompson, Donald E.	Yorio, Beniamino
Hohman, Glenn W.	Leukhardt, Martin W.	Morris, Edwin G.	Roberts, Tim H.	Thompson, Neal P.	Yonel, Donald A.
Holland, Maurice J.	Levin, Roger L.	Morrison, Joseph G.	Robertson, Edward B., Jr.	Tiedemann, John G.	Young, Charles F.
Hollenbach, Roger C.	Lewis, Robert T.	Morss, Strafford	Robinson, William A.	Tivnan, Edmund L.	Young, Harold H.
Hooker, John B.	Ligtenberg, Victor R.	Moses, Thomas H.	Roche, Kevin J.	Tomlinson, Allen R., III	Young, Stanford
Hooper, John R.	Lillie, Robert B.	Mullaney, James F.	Rodgers, Tommie J.	Torsen, Richard M.	Yusem, Stephen G.
Hostetler, John E.	Littlefield, Ralph W.	Mullen, Edward W.	Roe, John E.		Zeh, Thurber G., Jr.
Houldsworth, John C.	Livingston, John G., Jr.	Mulligan, John R.	Roffey, Robert C., Jr.		Ziemann, Terry N.
Howard, William J., Jr.	Loy, William G.	Mulvey, James H., Jr.	Rogers, George M.		Zimmerman, Richard.
Hoy, William H.	Luetge, James D.	Murphy, Robert J., III			
Huch, Francis R.	Lusk, Marvin M.	Myers, Thomas W.			
Huffer, Nicholas R.	Luthringer, John D.	Nasife, Lewis I.			
Huggins, Richard, Jr.	Lynch, Harvey J.	Neal, Rodney D.			
Hughes, Bruce N.	Lynch, Maurice P.	Needham, Robert M.			
Humber, John L.	MacFarlane, Robert C.	Neff, Benjamin G., Jr.			
Hunt, Alan G.	Maciolek, Ronald J.	Nellan, Harvey D.			
Hunter, Carlyle E.	MacQuarrie, John C.	Neill, Lawrence D.			
Hunter, Malcolm K., III	MacWilliams, Walter W.	Neims, Harry A.			
Hylan, Leo P.	Magill, James E.	Nelson, Clinton A.			
Iborg, Eugene L.	Maier, Richard L.	Nord, Frederic J.			
Imeson, Horace L., Jr.		North, John H., III			
		Nourse, David A.			

EXTENSIONS OF REMARKS

THE AMTRAK RECORD

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, April 4, 1972

Mr. METCALF. Mr. President, prior to Amtrak, I often said that it appeared to

me the railroads had purposely reduced their service and discouraged public use of their lines in an effort to bring about abandonment of their responsibility in passenger service.

I supported the legislation establishing the National Passenger Corporation because we were told there was no other way to stop train discontinuances and

because we were assured that a quasi-government corporation and Federal money would provide what the carriers had not provided—efficient and pleasant passenger service.

Regrettably, many of my constituents report that reality has fallen short of promise. Service is about as indifferent as before the carriers became operators

LINE

Barron, Douglas W. Nelson, Mark Van Vey
Derryberry, William D. Sommer, Henry J., Jr.
Farnham, David W. Sullivan, Gerald F.
McFerren, Robert W.

for Amtrak. Thus there is a familiar refrain describing hours of waiting in dirty depots, delayed arrivals and departures, cold dirty cars, unfriendly personnel, oversold reservations, and locked bathrooms.

In Montana, there is an added factor that is cause for great concern. When Amtrak restored partial service on Montana's southern route, the old Northern Pacific line, we were told to "use it or lose it." Mr. President, the service is such as to defy passengers to use it. And I am told that "lose it" often refers to baggage.

The parallel with pre-Amtrak days of deliberate downgrading is very uncomfortable. It is alarming when a constituent tells you that at least 200 fellow passengers on a recent trip say they would never again ride the train. Mr. President, is Montana going to lose rail passenger service again, and for the same old reasons?

On December 24, 1971, Mr. Louis W. Menk, chairman of Burlington Northern Railroad and a member of Amtrak's Board, issued a prepared statement from his office in Minneapolis-St. Paul. He said:

My company and its predecessors have a long record of operating excellent passenger service and we intend to continue that on behalf of Amtrak.

Perhaps Mr. Menk spends much of his time in the corporation offices, or travels only as the chairman on his very own railroad might be expected to travel—as a VIP. Many Burlington Northern passengers receive different VIP treatment—they travel as very ignored passengers.

However, in all fairness, Mr. Menk has not always pointed with pride. According to the January 20, 1972, issue of Public Utilities Fortnightly, he reiterated his prophecy that—

The long-distance passenger train is in the same position now as the stagecoach once was to railroading; it is time to let it die an honorable death.

The people of Montana want passenger trains; they will patronize them; they would welcome the excellent service that was Mr. Menk's pride and joy in December.

The spokesmen for an organization I refer to as CASTRO—Conglomerate America's Slick Transportation Rip-Off—Wally Schirra, continuously asks in misleading TV and radio advertisements, "Who needs them?" Mr. President, the people of Montana and other States need their railroads; they need good passenger service. More than 440,000 people patronized Burlington Northern passenger trains between May and December, 1971.

The order that restored part-time service through southern Montana will be reviewed before September of this year. My constituents are asking me if Amtrak is purposely providing poor service in an effort to abandon the route. One describes her "bad trip" with the conclusion:

It appeared to the passengers that so many things could not go wrong without being done intentionally.

Mr. President, I have sent every one of my constituents' complaints to Amtrak. But they keep coming in.

I should like to share these letters with Senators so that the realities of passenger train service will be before them when Amtrak legislation is considered.

I ask unanimous consent that the letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

BOZEMAN, MONT.

DIRECTOR OF PASSENGER SERVICES, AMTRAK,
Burlington Northern Inc.,
St. Paul, Minnesota

DEAR SIR: I have a sad tale which begs to be told!

During the last week of November, 1971, I made reservations to go to Seattle on Train #9, leaving Bozeman, Montana on December 19, and returning from Seattle to Bozeman on December 27, 1971. The train was on time out of Bozeman on December 19th, and all went according to schedule to Spokane, Washington, where we arrived at 12 midnight. At Spokane we were put on a siding without dining services or heat and we stayed there until 8 a.m., December 20th. During this eight hour vigil the railway personnel walked through the cars occasionally, but did not tell the passengers what was going on or how long we might expect to be marooned there. Of course, the train was crowded, as was to be expected during this season, but some of the seats were reserved as many as three times just in the near vicinity of the seat which I occupied (#46, car #932). The train from Seattle to Bozeman was very dirty: there were three large brown paper bags overflowing with garbage in the ladies' room on car #932, and the ladies' rooms in the cars both in back and in front of car #932 were out of order and were locked!

We were scheduled to arrive in Seattle at 11:30 a.m., and finally arrived at 6:30 p.m. During this entire trip the Conductors did not announce a single stop in our car. Passengers determined where we were by consultation with each other and by peeking out the windows to try to read the names on the stations along the way. I can understand how schedule delays can be unavoidable, but the surely unresponsive attitudes of the train service personnel is difficult, if not impossible, to understand.

My return trip, Seattle to Bozeman, on Train #10—Car #1032, seat #36, started very well and only one hour late. The train was clean, the service personnel neat and much more friendly and cooperative than the crew had been on the Bozeman to Seattle trip. I enjoyed the trip until we reached Garrison, Montana at 7:45 a.m., when the conductor awakened me and told me to get my things together as the train was to be rerouted to Helena (instead of going through to Butte), where I would be taken off the train along with all the passengers whose destination was Bozeman or Butte, and where I was to be put on a bus and taken to Bozeman. That would inconvenience us somewhat, but would have been bearable. But—About 150 of us got off the train at approximately 9 a.m. and packed into the station in Helena where it was cold, crowded and no one seemed to know what was going on.

There were two busses (Capacity, 38 passengers each), brought to the station. This despite the fact that the railroad personnel had known for at least two hours about the planned transfer of passengers to busses, and $38 \times 2 = 76$, or about half enough space for the passengers being transferred! At 10:30 a.m., we were told to go outside and get aboard the busses. We could not even determine for sure which bus was going to Butte and which to Bozeman, or whether both would go to one destination. Finally, I stood in a line with the people who were going to Bozeman and the first 38 people were loaded on one bus. We then stood in line

(outside in the cold weather), at the second bus until a decision was made for that bus to go to Butte. At this point we were sent back into the station and were told that two more busses had been ordered and would arrive soon. About noon two more busses were brought to the station. After much ado, one of these was loaded for Butte and one for Bozeman.

There were not enough seats on the second Bozeman bus for all Bozeman passengers. Those of us who did get a seat sat in the loaded bus with all our carry-on belongings for one-half hour when one gentleman went inside the station to report that we were very cold. There were old people, children, and at least one small baby on this bus load. A man came from the station and started the bus motor and turned on the heater. After another half-hour the fumes inside the bus were making the passengers ill, though we felt no heat as yet. So, once again, an old gentleman reported this to someone inside the station. A man came out of the station and into the bus and turned off the motor, saying we couldn't have heat and fresh air. I called to this man from my seat near the middle of the bus and asked if he had any idea of how long it would be before our driver arrived and we would get underway because if there was to be enough time some of us would like to go into the beanery or a nearby cafe and get coffee and something to eat.

The man hesitated and then answered, "I'm not supposed to tell you this and will probably lose my job for it—but, this bus isn't going anywhere!" When I asked why we had been kept on the bus under such extremely uncomfortable conditions for an hour without being told, he said, "Because they don't want you back in the station. It's too crowded." I couldn't believe my ears! All passengers left the bus immediately and most of us went into the beanery which was warm and nearly empty. What a blessed relief! Soon an announcement was made in the beanery that our train was being brought back to Helena and that we would occupy the same seats we had left at 9 a.m. and would resume our trip to Bozeman. Meanwhile, our train had been rerouted and was 30-35 miles on its way to Great Falls.

Upon reboarding the train and resuming my seat, I was told by passengers across the aisle, whose destination was Jamestown, No. Dakota, that the train had been backed all the way back to Helena. The people who had been loaded on the first bus for Bozeman had moved around the block; we, in our bus, had not moved at all; and since we did not go through Butte, I assume that the Butte passengers were bussed to their destination.

Finally, after this extraordinary comedy of errors, our train delivered us to Bozeman at 3:50 p.m.—5 hours, 20 minutes late—for no good reason.

During this trip I heard at least 200 people state that they would never ride a train again. From the quality of the service, most of us suspect that AMTRAK is another name for "Executioner," to be used to "finish off," the passenger service. "Use it or lose it," does not seem to be a valid admonition, since the train was over-sold on the Bozeman to Seattle part of the trip and almost full on the Seattle to Bozeman trip. It appeared to the passengers that so many things could not go wrong without being done intentionally. If this is indeed the case, and the passenger service is to be finished-off, you were remarkably successful in alienating a large segment of potential passenger clientele with just one, "bad trip."

I sincerely hope that this is not the case, and that you are making a genuine effort to serve the public. The people do not want to lose their passenger train service. This letter is written with the intent of helping you see AMTRAK from the passenger's point of view. I hope this may help you to take some action to correct the many indignities and in-

conveniences which the passengers so patiently suffer.

Sincerely yours,

Mrs. ALICE I. DURANCEAU.

MISSOULA, MONTANA.

HON. LEE METCALF,
United States Senate,
Washington, D.C.

DEAR MR. METCALF: Enclosed (in case you don't subscribe) in an article that struck home with me. It seems the Amtrak system is trying even harder than the individual railroads to discourage passengers, at least on the Southern Montana route. Then when the time comes they can say people wouldn't use it and we're abandoning service.

My sister came from Bozeman to Missoula a week before Christmas. She too had a reservation plus a paid 50c charge they've added on for a seat. Someone else had the seats she'd paid for her and her granddaughter. They were left with the observation car which was dirty and contained a cigar smoker which is not supposed to be permitted. Then to top it off they sent her baggage to Paradise and she didn't get it back until two days later when she was leaving on the same train that was bringing it back.

Something needs to be done to bring this to the people's attention. You have done much good in the past and I feel you could aid this situation.

CATHERINE MOLITOR.

BOZEMAN, MONT.,

January 20, 1972.

HON. LEE METCALF,
United States Senate,
Washington, D.C.

DEAR MR. METCALF: Enclosed is a copy of a brief letter to the chief executive of Amtrak stating my concern about the way Amtrak is being run, and the reasons for my concern.

Can anything be done about this incredible situation? The billions of dollars in land and subsidies given to the railroads in the past and present would seem to obligate them to provide service, or at least make a serious attempt to do so. Yet they make no such effort, and now even subsidize the firm relieving them of their responsibilities (to the public and even their own employees with passes).

Are you doing anything to correct this?

Sincerely yours,

RICHARD STROUP,
SANDRA STROUP

BOZEMAN, MONT.,

January 20, 1972.

CHIEF EXECUTIVE,
Amtrak,
Washington, D.C.

DEAR SIR: I am writing to report and protest the shocking decline in the quantity and quality of rail passenger service in Montana and the Northwest since Amtrak began operation. I believe the account below of my recent rail experience amply supports the following contentions:

(a) Amtrak's general policies and style of operations are not consistent (by design or otherwise) with attracting or keeping travel customers, and thus with keeping rail service viable.

(b) The day-to-day operations of the system (at least in this area) are in an incredible mess, considering the hundreds of millions of dollars in fares and government subsidies being expended.

Some of the problems encountered on my recent trip with my family are listed below. On the same trip, I heard several people say that never, never again would they subject themselves to this kind of treatment by traveling Amtrak. I sincerely hope that this is not the result desired by Amtrak.

1. Having requested and received confirmed sleeper coach reservations in advance of the Bozeman-Pasco trip, I was

called a few days before departure and told that my reservations were revoked. This service was being discontinued without even existing obligations being fulfilled. (This service had earlier been reduced to three days per week.) No alternative accommodations were offered, as they would have been by a customer-conscious travel mode.

2. We re-applied for reservations (coach) and received them. On boarding the train, however, we discovered that the reservations were useless. Our seats (and most others, at least in that car) had been sold at least twice. The conductor told us brusquely to "fend for ourselves" and that it wasn't his fault, which of course was true.

3. Without a place to sit, we trudged (children in tow) to the club car to find temporary seats and refreshments. Before we could even sit down, the waiter (or porter?) told us very sharply that there were "no soft drinks!" When we continued toward some seats, he repeated the statement even more loudly and rudely. Since it was dark, we were able to find some seats in the Vista Dome though, of course, they did not recline. Finally, coming to a large town where several people would get off, we hovered like vultures over some seats which would be vacant, and which thereafter we would be unable to leave for fear of losing them.

4. In Spokane, we were delayed for about 8 hours without warning, information during the wait, or later explanation. This total lack of information, explanation, or apparent concern for the comfort of passengers contrasts sharply with treatment that airlines, for example, offer. There, a late flight is routinely handled with a courteous apology and explanation, and a meal and/or motel stay provided. Even though we were stuck in the large Spokane terminal, we couldn't even so much as buy ourselves a sandwich.

5. All through the trip, there appeared to be several empty bedroom units although the ticket office said there were none available. Never was this space offered even to those without seats due to the reservations foul-up. This was infuriating, as surely this could have soothed the plight of several wronged people, at little or no cost to Amtrak. Why wasn't it done?

In summary, both the quantity and quality of rail service have declined, by our experience, since Amtrak went into operation. My conclusion is that, unless your purpose is to quickly kill the passenger rail business, both the general policies and the day-to-day operations of Amtrak need quick and thorough revision.

Is anything being done?

Sincerely yours,

RICHARD L. STROUP.

JANUARY 17, 1972.

HON. LEE METCALF,
Senate Office Building,
Washington, D.C.

DEAR SIR: The attached letter is an account of my experience with the new Amtrak rail passenger service. I am sending you this copy with the thought that you might be interested in this one encounter which suggests that the new Amtrak system still leaves a very great deal to be desired.

Respectfully,

JOHN M. LONG.

ELLENSBURG, WASHINGTON,
January 17, 1972.

Mr. S. T. THORSON,
Regional Manager, Passenger Sales, Burlington Northern Amtrak, Seattle, Washington

DEAR SIR: This letter is a follow-up on our telephone conversation December 14, 1971, and the result of an incredible string of errors incident to my trying to acquire round-trip Amtrak reservations to Detroit, climaxed

by a \$122.00 error in the quoted price! The events of this painful process were as follows:

November 29, 1971: I telephoned the passenger ticket sales office in Ellensburg, Washington and inquired whether it would be possible to get reservations to Detroit, leaving December 15, and returning around January 1. The immediate answer was yes, there was still ample time. I then inquired about the cost of the tickets, specifying the most economical accommodations with sleeping facilities for my wife and a three year old child. The price quoted was \$342.00 total.

November 30, 1971: I called the Ellensburg depot and instructed them to go ahead and obtain the above reservations. I gave them several alternative dates. The price was also reaffirmed at that time as \$342.00.

December 6, 1971: My wife called the depot and in response to her inquiry was told the reservations had been made (leaving Ellensburg Dec. 15—returning Jan. 1) and we could pick them up anytime up to the date of departure. No mention was made of the price in that conversation.

December 10, 1971: I went to the depot to pay for the tickets. However, at that time they discovered that they had reservations only from Ellensburg to Chicago—they had failed to make reservations for the return trip. When I expressed concern, I was assured that there was still ample time. I then stated I would wait at the station until they had called Chicago for reservation confirmation. They informed me that it would be impractical since it often took them days to get an open line to the Chicago reservations office. I was also told that the Amtrak reservations system in Chicago is almost hopelessly inadequate. To impress me with the futility of waiting I was further regaled with stories of ticket agents calling the Chicago reservations office via long-distance telephone, but when finally getting through, being put on "hold" for 30 minutes or more, only to be hung up on in the end.

December 12, 1971: After having telephoned the Ellensburg passenger service daily, I was finally informed that they have been able to make return-trip reservations for me leaving January 2 (the fifth of five alternative dates I gave them). No further mention was made of the price.

December 14, 1971: I made my second trip to the Ellensburg depot to purchase our tickets. When I identified myself I was immediately informed that there was one additional problem: the new price was \$464.00—\$122.00 higher than the price originally quoted and earlier reconfirmed! When I complained about the \$122.00 error I was simply told by the agent that they couldn't be expected to know everything! I then called you at your office in Seattle.

Since I was one day away from departure, and had made commitments I was obligated to keep, I was forced to pay the additional money and take the reservations. However, I found that in response to a call you made to Ellensburg, that the second price was also an error! The price I finally had to pay was \$427.20—still \$85.00 more than the original.

I appreciate the assistance you gave me on December 14, but I feel that your organization has an obligation to do more.

On the basis of the original price quoted to me, I chose Amtrak over available reservations on the Canadian National Railway (from Vancouver, B.C. to Toronto, Ontario) and air reservations out of Seattle. By the time the Amtrak errors had all been revealed, all my alternatives had been eliminated.

The ticket sales people I talked to, however inept they may have been, were acting as agents of your organization and I feel you have at least a moral obligation to absorb the consequences of their errors.

I feel that your organization should hold to your original commitment and reimburse me the \$85.20 difference between the original price and the final price I paid.

I might add that the reservations I finally received were for first class accommodations which I specifically stated in the beginning I did not want.

Very truly yours,

JOHN M. LONG,
Assistant Professor of Business Administration,
Central Washington State College.

P.S.—For the sake of future passengers, as well as myself, I hope your organization can do something about a system that takes 17 days just to find out if a reservation is available, ticket agent personnel who consider errors as the norm, and a reservation service which seems to treat passenger service (in my case at least) as a nuisance rather than a business.

ST. PAUL, MINN.,
January 31, 1972.

Mr. JOHN M. LONG,
Assistant Professor of Business Administration,
Central Washington State College,
Ellensburg, Wash.

DEAR PROFESSOR LONG: I am sorry to learn of the difficulties experienced in arranging for your recent trip from Ellensburg to Detroit, Michigan, as outlined in your letter of January 17 to Mr. S. T. Thorson.

As a member of Amtrak, the Burlington Northern is dedicated to making this venture a successful one, and I want to assure you a thorough investigation will be made of the circumstances reported by you.

I appreciate your writing and will contact you again as soon as our investigation is complete.

Sincerely,

L. W. MENK,
Chairman.

BILLINGS, MONT.,
January 7, 1972.

HON. MIKE MANSFIELD,
HON. LEE METCALF,
HON. JOHN MELCHER.

GENTLEMEN: You gentlemen are quite interested in rail passenger service, particularly the continuance of such service through Montana via the Southern route on what formerly was Northern Pacific. Prior to Amtrak the Burlington Northern had a slumber coach on its North Coast Limited, but did not have such a car on its Empire Builder. This slumber coach has since been discontinued on the North Coast train through here, but notice it is now being operated on the Empire Builder through the Northern part of the state. There has been quite a bit of comment on this around here as travel on the slumber coach was considerably cheaper and the accommodations just about as good as on the regular sleeping cars.

To use the slumber coach the coach rate was charged instead of first-class, and also the family plan applied. Also the berth accommodations were cheaper. Shown below is breakdown of cost from Billings to Minneapolis in slumber coach as compared to first class sleeping cars:

Slumber coach	
Self	\$31.25
Wife	20.90
Dbl. BR	17.95
Total OW	70.10
Total RT	140.20
Standard sleeper	
Self	\$39.75
Wife	39.75
Dbl. BR	27.20
Total OW	106.70
Total RT	213.40

Conductors running through here on the North Coast Ltd. tell me the slumber coach was patronized more than the standard sleeper, and they have heard much comment on the discontinuance of this car. Naturally,

we are all interested in trying to get as much revenue for Amtrak as we can, and we who are living on the Southern Montana route want to have our passenger service continued, but think we should have the same advantage of the reduced cost of slumber coach fare as our friends to the north.

Your consideration of this matter will be greatly appreciated.

Respectfully,

W. L. WOOD.

JANUARY 20, 1972.

Re W. L. Wood, Billings, Montana
Hon. LEE METCALF,
United States Senate,
Washington, D.C.

MY DEAR SENATOR METCALF: Your communication has been received and is receiving our attention.

Response will be sent to you as soon as possible.

Sincerely,

GERALD D. MORGAN,
Vice President, Government Affairs.

BILLINGS, MONTANA,
January 6, 1972.

Mr. K. D. WALTON,
Trainmaster B. N. Railroad,
Livingston, Montana

DEAR MR. WALTON: Per our conversation on January 4, 1972 as to the reason that I did not allow passengers to board train No. 9 at Livingston on January 2, 1972.

Be advised that the train consisted of five coaches, two sleepers, and the observation lounge car. The train was filled to full visual capacity out of Billings with about fifteen people standing in the isles and sitting on their luggage. All coach seats, dome seats, and all seats in the lounge car were full as well as people sitting in the rest rooms. There were also many coach passengers sitting in the bedrooms and roomettes. At Livingston we found two bedrooms we could use to Missoula, this space we filled at Livingston.

People are what we want on this train but we think that they should have a place to sit, therefore, the only solution is to give us some coaches during these holidays. I did not make a head count on this day but we, the crew, estimate that we had about four hundred and twenty (420) people on this train at Livingston. I do know that I had eighty eight for Bozeman and one hundred and forty for Missoula at Livingston.

Some four weeks ago I talked to Mr. Burks' office in St. Paul and at that time I asked where all of the coaches were that we had the year before to handle the holiday traffic. I was advised that they were in Minneapolis yard. I therefore asked why they were not available and I was told that they were in bad order and could not be used and that Burlington Northern would not repair them and neither would Amtrak. I was also told that we would have five or six coaches with which to handle the holiday traffic. To me this was a big deal when last year, 1970, we had eight and nine coaches on this train.

May I again say that it would have been nice to have some of the very intelligent Amtrak personnel riding these trains during the holidays and possibly they could see the conditions that exist, as well as how unsatisfactory their reservation system functions.

Hoping that this letter will suffice, I remain

Yours truly,

C. O. MOORE.

JANUARY 11, 1972.

Mr. DAVID W. KENDALL,
Chairman of the Board, National Railroad
Passenger Corporation, Washington, D.C.

DEAR MR. KENDALL: Enclosed is a copy of a letter I have received from Mr. C. O. Moore

of Billings, Montana, describing inadequate accommodations for passengers on Train No. 9, Burlington-Northern on 2 January.

You may recall that the resumption of BN service on the southern Montana route was accompanied by the admonition, Use it or Lose it. The history of rail passenger service in the last several years was replete with examples of carrier practices, often deliberate, designed to discourage patronage. Where carriers succeeded in evading prospective passengers (by closing depots, failing to answer telephones, reducing consists, sending passenger trains to sidings to await passage of freight trains, or the use of only the dirtiest available of passenger coaches) they brought their statistics to the Interstate Commerce Commission and said the public had abandoned them.

I profoundly hope that instances such as that cited by Mr. Moore will not be used by Amtrak to demonstrate that the southern route service is not being patronized and therefore should be discontinued.

Very truly yours,

ICC-AMTRAK.

BILLINGS, MONT.,
December 13, 1971.

Senator LEE METCALF,
Senate Office Building,
Washington, D.C.

Would appreciate your trying to prevent Amtrak and/or Burlington Northern down grading passenger service for southern Montana particularly during holidays between Seattle and Chicago. They are not providing sufficient sleeping and other cars.

F. W. POWELL.

DECEMBER 29, 1971.

HON. LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR METCALF: Your communication has been received attaching telegram to you from F. W. Powell of Billings.

We have added as many cars as were available to take care of as many people as we can at this holiday time. Be assured we are putting as much equipment on the line as possible.

Kindest regards,

Sincerely,

GERALD D. MORGAN,
Vice President, Government Affairs.

MONTANA STATE
HOUSE OF REPRESENTATIVES,
Forsyth, Mont., November 6, 1971.

Mr. DAVID KENDALL,
Director, Amtrak,
Department of Transportation,
Washington, D.C.

DEAR MR. KENDALL: I am enclosing a copy of my letter addressed to The Today Show referring to what appears to be a considerable down-grading of our present Amtrak service in my particular area. My wife and I travel to Seattle quite often by train because she cannot fly, so we have a considerable personal interest in addition to the public interest. My experience in the past has always been that slumber coach reservations are always much more difficult to obtain while pullman space was very often practically unoccupied. We always thought the slumber coach was the answer to getting more people to use sleeping accommodations. In many cases we have found them superior to some pullman space, one example being that you don't have to put the bed away to get to the toilet, a sizeable factor in many peoples' lives. I am sure that dropping these cars will impair any efforts to attain your goals and I urge reconsideration not only of the sleeping accommodations but also hope there will be no

April 4, 1972

degrading of dining facilities, which I am sure contribute much to the urge to travel. Sincerely yours,

VIC EAST,
State Representative.

MONTANA STATE,
HOUSE OF REPRESENTATIVES,
Forsyth, Mont., November 6, 1971.

Mr. FRANK MCGEE,
The Today Show,
National Broadcasting Co.,
New York City, N.Y.

DEAR MR. MCGEE: Your subject on November 5, 1971, regarding Amtrak was of great interest to me and no doubt to many Americans. It was gratifying to know Mr. Cunningham felt that some improvement had been made though his experiences were evidently confined to east of Chicago where the service has been beneath that of the western railroads. You may know that after considerable battle we were able to convince Amtrak to provide on a temporary basis of Use it or Lose it service three times a week between Minneapolis and Seattle by way of a southern route through the most populated areas of North Dakota and Montana to supplement the daily service through the northern route they originally felt to be the most logical.

Later in the day, after your program, I went to the railroad station here at Forsyth to make reservations to Butte and Missoula this weekend and to Seattle next month. I was told that on November 14th the slumber coaches would no longer be carried, which causes me great concern because this will force anyone who desires sleeping accommodations to first buy a first class ticket at a considerably higher price and in addition pay a higher price for pullman accommodations.

This will hit hardest at those to whom the train means the most, the aged and infirm, those of moderate means and those whose health may prohibit flying or busing. It seems to me that if we are trying to provide the service needed to those who will ride the trains this is extremely short-sighted. I was also advised the dining facilities would be a "dining lounge car." While this may not be the repulsive automat or self-service car, it sounds suspiciously like a "beer and sandwich" type of thing. I hope I am wrong. Your guest, Mr. Cunningham, made much of the satisfaction of sitting in the nice surroundings of a traditional dining car and enjoying America going by and I think everyone who rides a train feels exactly like that. The employees interviewed on your program spoke of the flowers and the linens again being used and that they really felt everything at last was up, up, up.

Now, in this instance, we seem to be going down, down, down again, and I and thousands of others feel that to now degrade the service or price it out of reach of the great majority would be a tragedy. I would appreciate your giving the enclosed extra copy to Mr. Cunningham and assure you that programs such as we see on Today are much appreciated by many of us.

Sincerely yours,

VIC EAST,
State Representative.

DECEMBER 21, 1971.

HON. LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR METCALF: David Kendall has asked me to respond to your communication of November 11, 1971 concerning service on the North Coast Hiawatha.

It is true that the North Coast Hiawatha is being operated from September 15 to approximately June 15 without the slumber coaches. Our Marketing people tell me that good marketing judgment requires that these

EXTENSIONS OF REMARKS

cars be placed in the services which have sufficient ridership to justify their inclusion in the consist. We intend to return them to the Southern Montana service in June of next year.

During the off-season, the only possible solution for a train such as the North Coast is its operation at absolute minimal cost, for ridership both at present and in years past has not been sufficient to justify an expensive train. The train will continue to have full leg-rest coaches and domes, and, in fact, will be upgraded to the extent that it has acquired ex-California Zephyr bedroom, lounge and observation domes.

Regarding the dining facilities, arrangements have been made to acquire and ready for service a group of four Santa Fe combination dining-counter-dormitory cars, but I am informed that during the upcoming Holiday Season some standard 36 seat diners will be in use on this run.

Amtrak has no intention of downgrading any service, but rather to use its limited equipment in the most productive manner. Sincerely,

GERALD D. MORGAN,
Vice President, Government Affairs.

MISSOULA, MONT.,
April 12, 1971.

HON. LEE A. METCALF,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: While writing you about another matter, I would like to include a few words about the "Railpax" situation.

Writing both as a citizen of "The Lost Wilderness of Southern Montana", and as a former railroad employee, it seems that the interests and welfare of both classes have been over-ridden for something else—for what?

Railroads were built to transport people and goods. From the beginning of railroad history free transportation has been an inferred, (though unwritten) right for railroad employees and retired railroad employees. In fact it always has been one of the "fringe benefits" whether written or inferred. Now, all of a sudden, it is not going to be possible to even "buy" passage on a train without traveling a hundred miles or more to where a passenger train stops, and then, the chances are against the passenger going to the identical point where the train will let him off, which will necessitate other means of transportation to the passenger's destination. Probably it would be best to not attempt the trip at all, as with only one train per day, say, from Chicago to Seattle, one might not be able to get a seat on the train for several days.

Congress created Railpax. Will Congress discipline Railpax? or is it to be a Bureaucracy answerable to no one? Can anything be done to improve a very sad outlook?

Sincerely yours,

E. H. MURRAY.

CHRISTCHURCH, NEW ZEALAND,
August 8, 1971.

DEAR SENATOR METCALF: I took that Amtrak train to Missoula from here July 23 through the most beautiful country in the land at night. My return reservation was (Monday July 26) for a day when there was no train out of Missoula, though my purchase of the ticket was specifically on the premise there would be. Nor did the Burlington Northern compensate me for having to remain in Missoula another day. Indeed I had to buy a return ticket on the Tuesday (Partially I am sure because I would not relinquish the ticket which proved their negligence or malfeasance). The slumber coach from Spokane to Missoula was—on the total run from Seattle to Missoula two and

11511

one half hours late, which without an accident, must be impossible.

The return trip was in a coach which was the noisiest and filthiest I have experienced all over the world. The toilets for instance were pig sties without soap. I wrote a letter for "damages" to the President of the Burlington-Northern in St. Paul. Should he answer it I shall send that and my original along for your amusement. But the evidence is simply cumulative that with these people in charge public transport hasn't a prayer.

Prof. RICHARD T. TENCH.

AUGUST 10, 1971.

Mr. RICHARD T. TENCH,
Professor of Law,
Spokane, Wash.

DEAR MR. TENCH: We appreciated your letter of July 29, 1971, in which you call attention to the very serious error of our ticket office at Spokane in advising that you could return from Missoula to Spokane on July 26, 1971, when in fact the train was not scheduled to operate through Missoula on that date. We very much regret this unusual mistake on the part of an experienced ticket staff and I certainly understand your feelings as to the resulting inconvenience.

You have paid for one round trip ticket between Spokane and Missoula and one one-way ticket from Missoula to Spokane. All you have received is the round trip transportation. We feel that we should refund what you paid for the one way ticket from Missoula to Spokane in the amount of \$9.50 and will be more than happy to do so. For accounting purposes, we require return of the unused portion of the round trip ticket. Upon receipt by us of that portion of the ticket, we will see that refund is promptly made.

For your convenience, a return addressed envelope is enclosed.

Sincerely,

LOUIS W. MENK.

DETROIT, MICH.,
October 11, 1971.

Prof. RICHARD T. TENCH,
Christchurch, New Zealand

DEAR PROFESSOR TENCH: Senator Metcalf has forwarded to me a portion of your letter telling of the troubles which you unfortunately had on the train out of Missoula. I can't tell you how sorry we are that any inconvenience at all, let alone what was apparently a major one, should have occurred.

In the first place, these are not things which we think should happen to anyone and particularly to one from your beautiful country, visiting what we think great scenery in ours.

I have sent copies of this correspondence to the people involved, hoping that it will prevent a recurrence of such an unfortunate incident.

I don't suppose you visit Montana with any frequency at all from the other side of the world, but should you plan another trip, please get in touch with us ahead of time.

With very best regard,
Sincerely,

DAVID W. KENDALL,
Director, National Railroad Passenger Corporation.

ST. PAUL, MINN.,
January 13, 1972.

HON. LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR METCALF: I am cognizant of the correspondence with Professor Richard Tench, including correspondence from your office and David Kendall of Amtrak, and my own reply dated August 10 which apparently was neither forwarded nor received. It was

April 4, 1972

addressed to Professor Tench at Spokane. As he apparently moved to Florida and later to New Zealand, it may not have been received by him. I am, therefore, enclosing a copy of it with this letter and favoring him with a copy of my letter to you.

There is little more to add except to again acknowledge an error on the part of the reservation people at Spokane and to say that our operating people have been alerted as to complaint concerning the alleged condition of the car on the return portion of the journey.

I feel keenly about the obligation of Burlington Northern to do its part in providing a comfortable and efficient service and you may be sure that any deficiencies brought to light are made a matter of concern to our Operating Department. Amtrak passenger trains are in constant operation over our lines and I am fully aware that travellers' verified complaints are an important part of helping BN, as operator, to maintain a commendable level of rail passenger service and this is a concern that we do not take lightly, while admitting that situations such as Professor Tench describes can occur. It is our desire and objective to minimize or eliminate the recurrence of unsatisfactory conditions.

Sincerely,

L. W. MENK.

MISSOULA, MONT.,
August 31, 1971.

MR. ROGER LEWIS,
National Railroad Passenger Corp.
Washington, D.C.

DEAR MR. LEWIS: Remembering Amtrak's warning, "Use it or Lose it!", I took my grandchildren from Helena to Missoula in mid-Aug. on the train, rather on the bus to Butte, where we were told the train would be 3½ hours late. Instead it was over 4½ hours late, making up some time out of Butte to get us into Missoula at ten, instead of six. What irked me was the fact that we were assured in Helena that the train was on time, whereas, as a matter of fact, employees of Amtrak in Butte told me the train had been four to six hours late for thirty days. I had friends coming to visit me in Missoula that same afternoon with whom I could have had a ride, but I chose to use Amtrak.

I have been a very frequent passenger on trains previously, having gone to Chicago, Seattle, Thompson Falls, and Helena frequently in the past year. I also testified at hearings here in the federal building when the train was going to be taken away from Missoula. It is a very harrowing trip for a widow to drive over the mountain passes alone in the winter.

There was no snack bar service on Amtrak; or was there even a waiter to serve softdrinks or cocktails in the Traveler's Rest, as there always had been previously. I saw some old people sit in that miserable train depot in Butte the entire 4½ hours with no place to get a snack, one a paralyzed old man, who could have stayed in Helena another few hours at home or in the veteran hospital, where he was probably released.

One woman told me she had left Casper for Billings with two small children at three in the morning, thinking the train was on time. Instead she waited over six hours in the Billings station. She said service and connections were even worse coming from Seattle.

Who are you kidding, "Use it or Lose it?" I was so exhausted after my trip from Helena to Missoula with two small children. I shall certainly hesitate before I make that trip again, especially in view of the fact that you have raised the fare from \$7.50 to \$10.00 round trip.

Another complaint is the fact that the train was posted on the board to leave Butte at seven when we returned from roaming all

over the area to pass the time. Yet the train didn't leave the station until after eight o'clock with about fifty people waiting impatiently on the platform. I do not know how many were passengers and how many seeing others off.

Yours truly,

MARY S. GALLAGHER.

SECRETARY OF TRANSPORTATION,
Washington, D.C., September 23, 1971.
HON. LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR METCALF: On behalf of Secretary Volpe, I wish to thank you for your recent letter, accompanied with a copy of a letter from Mrs. Mary S. Gallagher of Missoula, concerning the operation of rail passenger service by the National Railroad Passenger Corporation.

All decisions concerning schedules, fares, reservations, tours, excursions, special trains, passenger services, promotions, other marketing or operational services are made by the Corporation. For this reason, we have forwarded your correspondence to the Corporation for appropriate handling.

You may also wish to write the Corporation, known as AMTRAK. The headquarters are located at 955 L'Enfant Plaza North, Washington, D.C. 20024.

We sincerely appreciate your interest in the improvement of rail passenger service.

Sincerely,

A. B. VIRKLER LEGATE,
Executive Secretary.

OCTOBER 6, 1971.

MRS. MARY S. GALLAGHER,
Missoula, Mont.

DEAR MRS. GALLAGHER: I hope you will accept my apology on behalf of Amtrak for your very disagreeable encounter with rail passenger service. While not attempting to make excuses, I would appreciate the opportunity to explain.

The quality of rail travel has been deteriorating for many years prior to the takeover of operations by the National Railroad Passenger Corporation (Amtrak) on May 1st of this year. Since Amtrak must rely on the member railroads to provide track, stations, equipment and personnel, there was obviously little change that could have been reasonably expected overnight from April 30th to May 1st, nor for the immediate weeks following.

What did come into being on that day was a corporation which would bring together a central management team responsible for operating, planning, and marketing rail passenger service to attempt to reverse the decades-old trend of loss of revenue and ridership.

To accomplish this, Amtrak faced the challenge of actually keeping the trains running, while at the same time beginning the process of selecting the best equipment to purchase, and then scheduling the refurbishment of these cars according to our new designs before introducing them into service on routes throughout the country. Concurrently, we had to begin a complete revision of the many different rate and tariff structures applied by the railroads and unify them into a single, easier-to-understand national system.

We also initiated studies on improving communications which therefore would provide better means for passengers to obtain information and reservation assistance. Food—its quality, variety, preparation and methods of service, and its cost—is now undergoing intensive priority attention. And finally, a complete program of public information, promotion and advertising—that is, marketing—is being developed to let our present and potential passengers know of the improvements we are planning as we are able to introduce these updated programs

for more comfortable, efficient, and desirable rail passenger travel.

I hope you will understand by this explanation that what you experienced was not the kind of service that Amtrak stands for. We shall immediately investigate the circumstances to avoid this situation in the future, and we are very grateful you cared enough to write to us.

Sincerely,

MARY REISNER,
Manager, Customer Relations.
"Report back, please."

OCTOBER 14, 1971.

HON. LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR METCALF: With further reference to your communication of September 8 regarding travel experience of Mrs. Mary S. Gallagher, we are enclosing copy of October 6 letter sent to Mrs. Gallagher by Miss Mary Reisner, Manager of Customer Relations.

We are sorry Mrs. Gallagher encountered problems and certainly appreciate your courtesy in passing along her letter. It will help us in our effort to make passenger train travel a pleasure.

Sincerely,

GERALD D. MORGAN,
Vice President, Government Affairs.

A CONSTITUENT EXPLAINS HOW HE IS PENALIZED BECAUSE HE WORKS HARD AND GETS ABOVE POVERTY-LEVEL

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1972

MR. FISHER. Mr. Speaker, we hear much these days—from presidential candidates and others—about burdens being borne by the middle class. They talk most about disproportionate tax burdens, but there are other areas which should not be overlooked. Among them is Government financing of housing.

Much of this latter complaint relates to the Housing Act of 1968, which included the famous sections 235 and 236—under which the more enterprising are penalized. The lower income are favored with 1 percent loan rates, little or no down payments, and middle-class-type housing loans are available to them.

Reports are multiplying of vast losses by the Government on loans made under those two sections. And considerable community disturbance has resulted. It happens that I was one of those who voted against the 1968 act.

Under leave to extend my remarks, I include a letter from a constituent who as a middle-class wage earner is a victim of the arbitrary application of the laws which foster housing loans.

The letter follows:

DEAR MR. FISHER: I am 32 years old and have had to work since I was 14—every day, except for three years in the Army—20 months in the Middle of the desert in Turkey during which I volunteered for duty in Vietnam. I have 5 years of college and work for an insurance company here in San Antonio, a job I have held for 6 years.

I make \$710.00 per month. After taxes, Social Security, and \$30 per month which goes into a company savings plan, I take

home \$499. I pay \$130 rent for a two-room apartment in a 30-year-old 4-plex. I pay a bank note \$74 for some furniture and doctor bills incurred three years ago.

After the first of the year my wife and I started looking for a house as we have lived in this apartment for 3 years since our marriage in 1969. We don't have the few thousand dollars it would take to buy someone's equity and take up payments, so my only means is through the VA.

I went to a well-known local Savings and Loan and was informed that on my salary I could only qualify to purchase a \$14,000-\$14,500 house. Of course, I was told by the loan officer, if I made less than \$6,000 per year or was on welfare that they could put me in a \$20,000 to \$22,000 house and let the government pay for it under the 235 bill. And, after I moved in, we could stock the pantry with food purchased with food stamps.

Of course this isn't news to you, you being a member of the House of Representatives. It wasn't news to me either but it has become a very cold, hard fact that it is hard-working, honest persons like myself who are paying for the good life of the welfare chislers and are reaping none of the benefits.

I could, of course, take my \$14,000 house, which would be on the west side of San Antonio and be the first WASP "blackbuster" over there but I fear for the safety of my family should I take this course of action.

To just accentuate the above I submit this tidbit: About 3 weeks ago I read in the paper that a man had been arrested for some crime and when he was booked at County Jail it was discerned he was a "wetback" and when he was searched there was found in his pocket an *Approved Application* for this wetback's government-financed 235 house. Now, this is just too much to stomach!

Mr. Fisher, I don't expect any consolation from you as I realize as do everyone I know that today's trend is towards the "big giveaway" to the "minorities" and the rich and let the man in the middle pay for it all. However, I fear (do I really?) that some day, maybe in the near future, there is going to be a "middle-class" backlash that is going to bring this nation to its knees and all the freeloaders, chislers and crybabies and the "pay-no-tax" rich are going to get what they deserve.

In the meantime, I will continue to work for a living so I can help support them all while I live in these two rooms and watch television for entertainment.

Thank you for the time it took you to read this.

Yours truly,

ODDS SPEAKING AND SHIFTING AGAINST TRANS-ALASKA PIPELINE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1972

Mr. ASPIN. Mr. Speaker, I insert in the RECORD today an article discussing the proposed trans-Alaska oil pipeline and the most prominent alternative to it, a trans-Canadian pipeline. This article, from the March 28 issue of the *Toronto Globe*, discusses in some depth and with real understanding the relative environmental, economic, and political aspects of these two possible pipeline routes. Anyone even marginally interested in the

trans-Alaska pipeline issue will find this article worth reading.

It follows:

ODDS BEGIN SHIFTING AGAINST TAPS PLAN (By Ross H. Munro)

WASHINGTON.—In just one week, the prospect of oil from Alaska's North Slope flowing through a Canadian pipeline to the Lower 48 states has become a real possibility rather than a near impossibility.

The odds began shifting last Monday when a U.S. Interior Department report produced evidence that a Canadian line would create less environmental damage than the original Trans Alaska Pipeline System proposal for bringing out Alaska's oil—a trans-Alaska pipeline system consisting of a north-south line across Alaska and a fleet of tankers to carry the oil down the Pacific Coast.

Political clout was added Saturday evening when 243 Democratic and Republican senators issued a call for public hearings on the environmental dangers of the TAPS before it is permitted to go ahead.

The growing attractions of a Canadian pipeline for Alaska's oil are becoming increasingly worrisome to some powerful interests in the United States. During the past few days, the Canadian alternative to the TAPS has been attacked by leaders in U.S. Government and industry. They know the odds still favor the TAPS but they see those odds decreasing.

The Canadian Government already has seized upon the changing circumstances. Energy Minister Donald Macdonald, for instance, said last week that the Government has "a fairly strong belief" that a Canadian pipeline is the best way of getting oil out of Alaska. And for many months Canada has been quietly telling the United States that it will "welcome" any proposals for a Canadian line.

ALREADY PREDISPOSED

Even though it will not receive reports on the economic and environmental feasibility of a Canadian pipeline until the end of the year, the Canadian Government is already strongly predisposed toward a Canadian line. This line would cross Alaska into the Yukon, then run down the Mackenzie River Valley in the Northwest Territories, across Alberta, Saskatchewan and Manitoba to the U.S. border. From there it would proceed to Chicago.

Given the mood of Canadian economic nationalism, why is the Canadian Government already predisposed toward a pipeline through Canada that would carry U.S. oil to U.S. customers? There are three basic reasons.

First, if the TAPS goes ahead the B.C. coastline will fall victim to oil spills by tankers travelling from the southern terminus of the Alaska pipeline to refineries in Washington state and California. Last week's report on the environmental impact of the TAPS says such spills are inevitable. The spills could scar the shoreline and kill fish, birds and shellfish. This has become a big political issue in British Columbia and Ottawa is taking notice.

The second reason is the existence of oil in the Mackenzie River delta area. The problem is that exploration has not yet proved that enough oil can be extracted to justify the cost of building a separate pipeline to the south. But if a Canadian line is built for Alaskan oil, it would cost relatively little to use it eventually for Canadian Arctic oil.

The third argument for a Canadian line is the general impact it could have on Canada's economic development. A pipeline means a corridor, a corridor means a road and a road means greater access to Canada's northern resources.

Three counter-arguments suggest themselves. The first is that Canada should not be

anxious to develop energy resources that will not be used domestically but by the United States. The only answer here is that Canada seems already committed to this course by giving its go-ahead to the oil companies to explore for oil in the Arctic.

Another related drawback, in the eyes of some Canadians, would be an inevitable increase in Canada-U.S. interdependence. Although this could well stop short of any continental energy agreement, the two countries would have to reach an understanding on the sale of Canadian Arctic oil. And Canada would inevitably be forced to allow much of the labor and material for the pipeline to come from the United States—if only to avoid a balance of payments crisis.

The other counter-argument is an ecological one. Although it probably won't cause as much environmental damage as the TAPS, a Canadian pipeline would inevitably disrupt the environment as well.

There is an answer here, too, although it is a negative one: some sort of pipeline through the Mackenzie valley is almost an eventual certainty. If it is not a pipeline for Canadian Arctic oil then it would be a pipeline for natural gas from Alaska's North Slope.

According to last week's U.S. Government report, the tremendous amount of natural gas that will surface along with the oil on the North Slope cannot feasibly be reinjected indefinitely into the ground or shipped by tanker. It will have to be transported by pipeline. In other words, through Canada.

A cool natural gas line, however, would not pose the same threat to the North's permafrost that a hot oil line would. The consolation here is that the permafrost along the Canadian route is much less vulnerable, according to the U.S. report, than the permafrost along the Alaska route.

The Alaska permafrost has a generally higher ice content along a route with more mountains and with two earthquake zones. Earthquakes create a significant possibility of a line breaking and oil escaping to melt the permafrost and permanently scar the landscape.

This is one of the arguments that will be used by the U.S. environmental groups that are preparing their attempts to block the TAPS, or at least to stall the U.S. Government from granting a permit to begin its construction.

New hope for a delay of the TAPS was raised Saturday night by the call for public hearings in a letter drafted by senators Philip Hart (D, Mich.) and Clifford P. Case (R., N.J.) and signed by 21 other senators. They called the TAPS the largest engineering undertaking in history, which should be subjected to "the closest public scrutiny".

"Many are also concerned about whether alternatives have been given adequate consideration", the senators said, in an obvious reference to the Canadian route.

MINOR ISSUE

The TAPS therefore shows signs of becoming a minor issue during the U.S. presidential election this year. The predominantly Democratic make-up of the TAPS opponents also makes it obvious that if a Democrat were somehow to replace Richard Nixon in the White House next year the odds would turn against the TAPS.

Even if this does not happen, the politicians and the environmentalists in the United States may possibly delay the start of construction on the TAPS for some time. And if the delay continues into 1973 the Canadian Government will be able to call for formal proposals for a Canadian line. This would heighten the TAPS issue in the United States and confront the oil companies with a real dilemma.

The Canadian Government has a dilemma on its own right now. How does it keep the possibility of a Canadian route alive in the

United States without souring its already touchy relations with the U.S. Government?

Obviously, Canada is going to continue to tell the U.S. Government privately that it does not want oil spills on the West Coast and that it does want time to develop the proposal for an alternative Canadian pipeline.

Mr. Macdonald has already said he will talk to U.S. Interior Secretary Rogers Morton this week about it. This may prepare the way for Prime Minister Pierre Trudeau to say a few words to Mr. Nixon when he visits Ottawa in mid-April. It is just possible that Mr. Nixon, facing a reelection battle this year, will be a little bit receptive.

Somehow the Canadian Government must also ensure that U.S. politicians and environmentalists fighting the TAPS become better aware of the Canadian position on the pipeline. This would include an awareness that the Interior Department's report last week did not include any concrete references to the information already assembled by the Canadian Government on a Canadian route.

CONFUSED ISSUES

After the report came out, the alternative of a Canadian pipeline was attacked by U.S. Government spokesmen and by the TAPS proponents in such a way as to confuse rather than clarify the issues.

Mr. Morton, for instance, appeared on NBC's Today Show and argued that "a great deal more land" would be disturbed by a Canadian pipeline. This is true, but his argument did not address itself to the nature of the environmental disturbance or the problem of oil spills on the West Coast.

Mr. Morton also conveyed the impression that the Canadian line is nothing more than a hypothetical alternative. "There is no application before us for a pipeline other than the one through Alaska", he told the TV audience.

The next day the Interior Department's radio news service made available a tape-recording of undersecretary William T. Pecora stressing the supposed drawbacks of the Canadian route.

"To serve its purpose, the Canadian line would have to divide somewhere in Alberta. One portion would cross the Rockies, the Cascades and probably the Sierra Nevada mountains on the way to Seattle or California", Dr. Pecora warned.

This was a new twist. Everyone else assumes that any oil from the Canadian pipeline destined for Washington state could be carried by an expansion of the Trans Mountain Oil Pipe Line Co. system. A line all the way to California is not being taken seriously by anyone at present.

But why do Mr. Morton and Dr. Pecora attack the Canadian alternative even though the Interior Department ostensibly is maintaining its neutrality until a final decision is reached on granting or denying a permit for the TAPS?

MAIN REASONS

These are the main reasons why it is almost universally believed that Mr. Morton and the Nixon Administration want the TAPS, and not the Canadian line to go ahead:

The oil shortage. Every year the United States consumes increasingly more oil than it produces. While the delivery of North Slope oil to the Lower 48 states will not reverse this trend it will slow it down. A Canadian line will take longer to complete than the TAPS and this would mean a greater U.S. dependence on foreign oil for a greater length of time.

Shipping: The TAPS would require spending \$1.1-billion for oil tankers—a shot in the arm for the chronically ailing U.S. shipbuilding industry and a decrease in U.S. dependence on foreign-owned tankers.

Alaska's economy: The TAPS would increase employment and economic activity for an ailing state economy.

Industry pressure: The oil companies that largely control the North Slope reserves and Alyeska—the consortium that would build and operate the TAPS—have invested their money, time, know-how and prestige in the TAPS.

A look at Atlantic Richfield, one of the major companies involved, is instructive. Analysts of the oil industry say Atlantic Richfield has less available crude oil, especially on the West Coast, than most other major oil companies. It needs the Taps and it needs it soon.

Its chief executive officer is Robert O. Anderson, who is close to the Nixon Administration. He is the Republican national committeeman for New Mexico and is currently advising the U.S. Secretary of State on environmental matters. It can be assumed that Mr. Morton pays attention to Mr. Anderson's point of view.

Taken together, all these factors mean that the odds still favor the TAPS over the Canadian alternative, even though those odds are getting smaller. But U.S. politics, Canadian initiative and the fact that time is working against the TAPS could change all of that.

HIS MEMORY A BENEDICTION

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1972

Mr. CHAPPELL. Mr. Speaker, in answer to the question, "What is success?" a writer once wrote:

He has achieved success who has lived well, laughed often and loved much; who has gained the respect of men and the love of little children; who has filled his niche and accomplished his task. Who has made the world a better place, no matter how small the contribution; who gave unselfishly of himself so that others might enjoy a better life; whose life was an inspiration; whose memory a benediction.

Mr. Speaker, I can think of no better words to describe the life of Melvin T. Dixon, whose service to the veterans of this Nation spanned 27 years. Melvin was only 54 at the time of his death, but the service he rendered as State service officer and director of the Florida Department of Veterans Affairs will make the burdens of those veterans disabled in the defense of our Nation a little easier to bear.

Melvin's work with veterans began in 1945, soon after his retirement from the U.S. Air Force because of disabilities incurred during his wartime military service as an officer. He served as contact representative for the Veterans' Administration Regional Office in St. Petersburg, Fla., and trained most of the post-war contact representatives hired during that period.

He joined the Florida Department of Veterans Affairs as a claims specialist and in 1948 was named senior assistant State service officer. One year later he assumed the directorship of the State office.

Concurrently, he served the American Legion Department of Florida as its department service officer, and held a similar position with AMVETS.

His administrative abilities, coupled with his ability to get to the crux of a problem with empathy and understand-

ing, earned him the respect of his fellow service officers throughout America.

He served as president of the Southeastern State Service Officers Association, the Southern Governors Veterans Advisory Council, the National Association of State Directors of Veterans Affairs, and the National Association of Department Service Officers of the American Legion.

President Johnson took note of Mel Dixon's abilities and in 1967 appointed him to the U.S. Veterans Advisory Commission which was charged with the responsibility of holding hearings throughout America on the overall veterans benefits program.

As a result of the studies of this commission, legislation was developed and passed by the Congress which will have untold effect upon the lives of present and future veterans, their dependents and survivors.

With all of his responsibilities, Mel Dixon was never too busy to counsel with a disabled veteran, to encourage him to make a success despite his handicap. He offered no sympathy. Instead, he offered understanding, determination, and stability to troubled men and helped to make them useful, productive citizens.

Truly, Mr. Speaker, Melvin T. Dixon filled his niche and accomplished his task and made the world a better place with contributions big and small. He set an example for others to follow. To his family and the thousands of veterans whose lives he touched, his life was an inspiration, his memory a benediction.

AID INACTION RESULTS IN DEATH OF 350 CIVILIANS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday March 29, 1972

Mr. ASPIN. Mr. Speaker, I am releasing to the public today a document written by a senior Agency for International Development—AID—officer in South Vietnam that reveals that American officials failed to report a serious health problem in Pleiku Province that resulted in the death of 350 Vietnamese civilians. It is a national disgrace that our own officials failed to report a serious health problem in Pleiku that resulted in the death of 350 war victims. A simple call for help could have saved 350 lives.

Specifically, the AID document charges that despite the fact that 350 people died of "exposure, malnutrition, tuberculosis, and pneumonia," reports by American officials in Pleiku Province "failed completely to indicate the seriousness of the situation—since at least 350 people died it might be expected that the word 'death' would appear at some point. It does not."

"The situation in Pleiku province became known through unofficial channels reported by people who, although not directly concerned, were moved by humanitarian concern to do what they could."

"Had CORDS (the U.S. Military Aid Command) been forced to rely on offi-

cial reports from Pleiku, this tragedy would not have been known until much later, with even worse human suffering the result."

The document goes on to charge that this is "inexcusable conduct" that should result in "punitive action" and urges the reporting in the future be much more accurate.

Mr. Speaker, yesterday I called upon AID Director John A. Hannah to report what action he had taken against officials who have been directly responsible for the tragic death of 350 innocent people.

The problem of officials in the field reporting half truths and sugarcoated reports that cover up the truth must be stopped. All that I am asking is that our officials in the field be honest. Currently they nurture and nurse the documents and reports so that bad is removed and the good shines out. It is this kind of reporting and this kind of dishonesty that got us involved in Vietnam in the first place. All of us recall the glowing documents reporting improvements and security in the countryside many of which apparently were fabrications.

I am asking Dr. Hannah to report at length what his agency has done to insure that the truth reaches senior officials in South Vietnam and eventually reaches the American people.

While our participation in ground combat may be limited, we still have a moral responsibility to alleviate the human suffering caused by this tragic and seemingly endless war.

I am inserting at this point in the RECORD the AID document which I have obtained and my letter to Dr. Hannah, Director of AID:

Dr. JOHN A. HANNAH,
Director, Agency for International Development, Washington, D.C.

DEAR DR. HANNAH: I am enclosing a copy of a memorandum prepared by an official of your agency in South Vietnam last June regarding the needless death of 350 innocent Vietnamese civilians.

This document indicates that reports from CORDS personnel in Pleiku province "failed completely to indicate the seriousness of this situation". Apparently 350 people died as a result of a serious health problem in that region. AID officials did little, if anything, to alleviate the problem. The document goes on to discuss this "inexcusable conduct" and concludes "it is my firm belief that punitive action is called for in this place."

I am writing to you to find out what action the Agency for International Development has taken against officials who have been directly responsible for the tragic death of 350 innocent people.

The document also indicates that reporting from the field has been less than honest. I wonder how many other unnecessary deaths could have been prevented if our officials had simply told the truth about the situation in that part of Vietnam.

I hope that you will report at length what has been done to assure that the truth reaches senior officials in South Vietnam and the American people.

While our participation in ground combat may be limited, we still have a responsibility to alleviate human suffering caused by the war.

Sincerely,

LES ASPIN,
Member of Congress.

REPORTING OF PROBLEMS IN PROVINCIAL MONTHLY REPORT

1. The War Victims Directorate is extremely disturbed when instances come to light where serious problems involving human suffering are not reported by those whose responsibility it is to prevent and/or alleviate such suffering.

2. A case in point is the serious public health problem as the De Grol/Plei Kotu and Plei Blong 3 relocation sites in Pleiku. Over three hundred (300) people have died at De Grol/Plei Kotu, and a lesser number at Plei Blong 3, since these sites were relocated in December and January. Deaths are due to exposure, malnutrition, tuberculosis, pneumonia. During the time period from December to April, the Provincial Monthly Report from Pleiku failed completely to indicate the seriousness of the situation. Only one mention exists—in February, of a health problem in Plei Blong 3; De Grol/Plei Kotu was not mentioned in regard to public health in any fashion until April. Since at least 350 people have died, it might be expected that the word "death" would appear at some point. It does not. Even when the PSA denied to mention the problem, it was in generalities, couched in terms of progress being made.

3. That progress being made is due solely to the fact that the situation became known through unofficial channels, reported by people who, although not directly concerned, were moved by humanitarian concern to do what they could. Had CORDS been forced to rely on official report from Pleiku, this tragedy would not have been known until much later, with even worse human suffering the result. This is an example of inexcusable conduct on the part of the PSA, who at the very least, is personally responsible for reporting events, be they good or bad. It is my firm belief that punitive action is called for in this case, and renewed emphasis upon couple, reliable reporting from the field, to prevent such tragedies from occurring again. I urge you to take decisive action on both these points.

REPORT ON STATUS OF 180-DAY NOTICES ON FEDERAL-STATE WATER QUALITY STANDARDS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday March 29, 1972

Mr. DINGELL. Mr. Speaker, on September 10, 1971, I wrote to the Environmental Protection Agency requesting a report on the status of 180-day notices issued to municipalities and industries for violation of Federal-State water quality standards.

I have received responses to this and a subsequent letter which would appear to be of interest to my colleagues and, therefore, I insert the text of various letters and reports relating to this matter appear at this point in the CONGRESSIONAL RECORD:

ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., March 1, 1972.

HON. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR MR. DINGELL: This is in response to your letter of January 18, 1972, requesting detailed information on the status of several industries and municipalities which were issued 180-day notices of water quality standards violations.

The following information is provided in response to each of the points you have raised.

1. "Chicopee, Massachusetts has failed to take action since the issuance of a notice which expired on November 9, 1971. When will Court action be brought against the city?"

The Massachusetts Division of Water Pollution Control took legal action against the City of Chicopee. The final decree was entered on July 28, 1971, with the Suffolk County Court establishing a detailed abatement schedule. This Court-imposed schedule requires Chicopee to provide a report and preliminary plans by March 1972.

Although Chicopee has been recalcitrant in meeting prior due dates, the City has authorized funds for necessary abatement projects. It is our view, in keeping with the intent of section 10(b) of the Federal Water Pollution Control Act, that State action should not be supplanted by the Federal Government at this time. We have recommended that our Regional Office carefully monitor compliance with the court-imposed schedule. Federal legal action will be initiated promptly should the State of Massachusetts or the Suffolk County Court fail to take further action as may be indicated to abate pollution.

2. "EPA stated that the Piel Bros. Inc. of Chicopee, Massachusetts has presented a program which would send its wastes into the Chicopee treatment system. Since Chicopee, Massachusetts is not complying with the EPA's notification, how is it possible that Piel Bros. Inc. proposed program can be considered adequate by EPA?"

As required, Piel's Brothers has taken steps to reduce its waste discharge through in-plant modifications. Moreover, the company is proceeding with the design of the pretreatment facilities needed before connection to the planned municipal system. At present, the company is complying with the program developed as a result of the 180-day proceedings. Since connection to the City system is the most desirable treatment process in this case, our primary interest is focused on the City of Chicopee toward assuring timely completion of the required facilities.

3. "The City of Pepperell, Massachusetts was to have drawn final plans and specifications for its proposed sewage treatment facility by November 30 of last year. Have they complied with this directive and, if so, will you please send me a report on those specific arrangements?"

The City of Pepperell did not meet the precise program developed and a recommendation for court action was cleared. While this action was developing the City did take the required action and we have temporarily stayed our court suit. Our Regional Office will monitor progress by Pepperell and advise us promptly should reactivation of our court suit be required.

4. "EPA requested the Santa Fe Land Improvement Company in Kansas City, Kansas to obtain, in writing, a commitment from the city permitting the company to tie into its treatment facilities. Has such a commitment been received? On what date is the connection expected to be made? Does the city's treatment facility fully meet water quality requirements?"

The Santa Fe Land Improvement Company pollution abatement situation has been complicated by recent action on the part of the Company in deeding over its entire sewer system to the City of Kansas City, Kansas. The City of Kansas City, at present, provides primary treatment and is required under Federally approved water quality standards to complete secondary treatment facilities by January 1, 1975. Although the 180-day period for the Santa Fe Land Improvement Company has expired, our Regional staff will continue their negotiations with the Company

and the City toward effecting a definite program to provide adequate treatment for Santa Fe's wastes through the Kansas City municipal treatment facility. Our Office of Enforcement and General Counsel will review this situation in four weeks, and you will be advised of further developments.

5. "The Ashland Oil and Refining Company of Kent, Ohio was also to have submitted a schedule. Has your office received notice from this company, if not, when can it be expected?"

Our 180-day notice action involved Ashland Oil at Ashland, Kentucky. A schedule has been developed for Ashland Oil and Refining Company. This schedule, which calls for completion of the recommended waste treatment facilities by November 1, 1974, was submitted as part of Kentucky's amended water quality standards which I formally approved on December 23, 1971.

6. "I understand that samplings will be taken from the Holly Sugar Company in Wyoming during the month of January. I would appreciate receiving, at the earliest possible date, a detailed report of your findings."

Holly Sugar at Torrington, Wyoming, was sampled by our technical staff in Denver on January 6, 7, 8, 9, and 10, 1972. We are informed that the report on the results of this survey is in preparation and will be sent to us shortly. A copy will be forwarded to you as soon as we receive it.

7. "Finally I feel that the brief descriptions in the December status report, relating to the Cleveland suburbs, need considerable clarification and expansion. I would appreciate receiving more detailed analyses of the Cleveland situation before February 10th."

Our Enforcement staff have prepared a detailed report on this situation. This report is enclosed.

Sincerely yours,

WILLIAM D. RUCKELSHAUS,
Administrator.

STAFF REPORT, OFFICE OF ENFORCEMENT AND
GENERAL COUNSEL—180-DAY NOTICE ACTION—CLEVELAND, OHIO AND SUBURBAN COMMUNITIES

This report summarizes the situation concerning the 180-day notices issued to 30 Cleveland suburbs on August 9, 1971. Although 31 suburbs discharge to the Cleveland sewerage system, only 30 suburbs were issued notices as part of this action. The 31st, the City of Euclid, was the subject of a separate 180-day notice, issued July 30, 1971, based upon its separate discharge to Lake Erie.

BACKGROUND

On December 9, 1970, a 180-day notice was issued to the City of Cleveland, Ohio, for violation of Federal-State water quality standards for Lake Erie. The violations cited concerned public water supply criteria for bacteria, recreational criteria for bacteria, and the "four freedoms." On January 28, 1971, an informal hearing was held pursuant to the established 180-day notice procedures. After months of negotiations between EPA, the City of Cleveland, and the State of Ohio, an agreement was reached. This agreement has not been fully implemented principally as a result of:

1. The lack of approval by the Cleveland City Council of an increase in the sewer rate structure required to implement the plan; and,

2. The lack of an agreement between Cleveland and the 31 suburban communities that are connected to the Cleveland system.

On July 20, 1971, EPA called a meeting in Cleveland to assess the necessity for further direct EPA abatement action in the Cleveland area in order to fully implement the agreement between EPA and Cleveland. It was clear that the plan agreed to by the City of Cleveland and EPA, even though rea-

sonable in terms of dates for compliance and facilities to be built, could not be met unless the City of Cleveland and the suburbs it serves reached an agreement quickly on a plan to pay for the needed improvements. The City of Cleveland and the 31 suburbs (including Euclid) were invited to attend the July meeting, but only 23 of the suburbs attended and of these only nine made any type of statement.

ISSUANCE OF THE 180-DAY NOTICES TO THE SUBURBS

On August 9, 1971, the Administrator issued 180-day notices to the 30 suburban dischargers to the City of Cleveland sewerage system for violation of Federal-State water quality standards; these violations being public water supply criteria for bacteria, recreational criteria for bacteria, and the "four freedoms."

The Lake Erie water quality criteria compliance schedule violations result from the collective discharges by Cleveland and the suburbs through Cleveland's three inadequate treatment plants. The suburbs account for approximately 40 percent of the wastes discharged. Therefore, the suburbs are equally at fault, along with Cleveland, for continuing pollution of Lake Erie and consequently are responsible for doing whatever is necessary in terms of financing and management to see that water quality standards are met.

Prior to the issuance of the 180-day notices to the suburbs, the responsibility and burden for control of pollution in the Cleveland area had essentially been placed on the City of Cleveland alone. The State of Ohio, in April of 1970, imposed a building ban on the City of Cleveland to halt further connections to the sewer system. This ban, which is still in effect, curtailed construction within the central city while the suburbs continued "business as usual."

On September 24, 1971, an informal hearing was held, pursuant to the 180-day notice, between EPA and the 30 suburban dischargers. The State of Ohio and the City of Cleveland also participated. At the hearing all parties emphasized the need for the City and the suburbs to reach an expeditious agreement as to financing and management of the Cleveland Sewerage System. The Board of County Commissioners of Cuyahoga County proposed a program whereby the County would run the system on a county basis. As the hearing progressed, substantial distrust between Cleveland and the suburbs surfaced indicating that voluntary formulation of a regional system would be a most difficult task.

Subsequent to the 180-day notice hearing, contracts were made with the suburbs and the City of Cleveland on a number of occasions by both the EPA Great Lakes Regional Office and the Region's Ohio District Office located in suburban Cleveland. Numerous attempts were made to schedule follow-up meetings, but no formal meeting was ever held. At that point, meaningful negotiations toward a regional system had virtually reached a standstill.

ACTIONS IN THE CUYAHOGA COUNTY COURT OF COMMON PLEAS

On December 1, 1971, a judicial hearing in the on-going case of the Water Pollution Control Board of the State of Ohio v. the City of Cleveland was held in Cleveland. The action had been initiated by the Ohio Water Pollution Board in 1970 to enforce the building ban which it had placed on Cleveland in April of 1970. At the 1971 hearing, the court heard testimony from both parties as to the violations by Cleveland of the Board's order and the pollution problem in general in the Cleveland area. The court, at the conclusion of testimony, granted Cleveland's motion to implead the suburban dischargers as third party defendants. A new hearing date of January 18, 1972, was set for

Cleveland's motion to extend the building ban to the suburbs. EPA made a formal presentation as a court witness, urging extension of the building ban to all suburban dischargers as a form of additional pressure to break the impasse.

On December 7, 1971, there was also a hearing in a separate local case before the Cuyahoga County Court of Common Pleas concerning sewer rates being charged to certain suburbs by the City of Cleveland. The court issued an order, whereby the City of Cleveland could collect 95 percent of the sewer rate charged from East Cleveland and Cleveland Heights, both of which had been withholding payments, but little was accomplished by this decision as far as providing sufficient long-term rate structures to implement the massive building requirements to abate existing pollution. However, a surprising development at this hearing was the merging of the rate case with the Ohio Water Pollution Control Board's building ban case and a court order that directed:

"On or before January 11, 1972, all parties (Cleveland and the 31 suburbs) will formulate and file with the court a plan, acceptable to themselves, for a metropolitan sewer system."

A hearing was set for January 18, 1972, to discuss the plans submitted by the parties, in addition to considering Cleveland's motion to extend the building ban to the suburbs.

At the January 18, 1972, hearing both Cleveland and the suburbs submitted their respective metropolitan or regional treatment system proposals. The plans, as submitted, were very far apart and the court ordered the parties to meet on January 26, 1972, to discuss the differences in their proposals. The three main differences centered around control of the system, plant operation, and rate structure. On the issue of the building ban, the court granted Cleveland's motion for a temporary restraining order extending the ban to the suburbs for 14 days (until midnight February 2, 1972) without a formal hearing on the merits.

On February 1, 1972, the three major areas of difference were discussed in open court by the parties. The temporary restraining order was extended another 14 days without a formal hearing. The suburbs amended their pleading to include a counterclaim for \$100 million against the City of Cleveland for violation of their agreement to adequately treat the suburban wastes. The court severed this counterclaim from the rest of the trial. The judge then met in chambers with both Cleveland and the suburbs to discuss going to trial on the merits. The parties agreed to a stipulation that sufficient evidence had been received as to the existence of pollution upon which the court should grant relief in accordance with the court's plenary equity powers. The parties will attend a hearing on February 15, 1972, with reference to the type, makeup, and conditions that should be established in creating a metropolitan Cleveland sewer district. The court also severed the rate issue from the case by appointing a referee who will be responsible for establishing fair and equitable rates to enable a metropolitan district to function properly.

FURTHER ACTION

It is anticipated that following the February 15, 1972, hearing, the court will establish a regional system if the parties involved cannot agree to one. In addition, the State of Ohio's Attorney General, representing the Ohio Water Pollution Control Board has stated that the Board does not wish the building ban to extend into the spring building season. The Board could invoke a new State law enabling the State to take over in situations such as this. The State could then plan, control, and operate the system, imposing the rate structure necessary to enable it to function.

JANUARY 18, 1972.

Mr. WILLIAM D. RUCKELSHAUS,
Administrator, Environmental Protection
Agency, Washington, D.C.

DEAR MR. RUCKELSHAUS: According to the EPA's status report of December 7, 1971, a number of the 180-day notices issued for violation of Federal-State water quality standards remain in limbo. I am particularly concerned that several municipalities and companies have failed to take effective action toward compliance, thereby challenging the present enforcement system.

For example, Chicopee, Massachusetts has failed to take action since the issuance of a notice which expired on November 9, 1971. When will Court action be brought against the city?

EPA stated that the Piels Bros. Inc. of Chicopee, Massachusetts has presented a program which would send its wastes into the Chicopee treatment system. Since Chicopee, Massachusetts is not complying with the EPA's notification, how is it possible that the Piels Bros. Inc. proposed program can be considered adequate by EPA?

The city of Pepperell, Massachusetts was to have drawn final plans and specifications for its proposed sewage treatment facility by November 30 of last year. Have they complied with this directive and, if so, will you please send me a report on those specific arrangements?

EPA requested the Santa Fe Land Improvement Company in Kansas City, Kansas to obtain, in writing, a commitment from the city permitting the company to tie into its treatment facilities. Has such a commitment been received? On what date is the connection expected to be made? Does the city's treatment facility fully meet water quality requirements?

The Ashland Oil and Refining Company of Kent, Ohio was also to have submitted a schedule. Has your office received notice from this company and, if not, when can it be expected?

I understand that samplings will be taken from the Holly Sugar Company in Wyoming during the month of January. I would appreciate receiving, at the earliest possible date, a detailed report of your findings.

Finally, I feel that the brief descriptions in the December status report, relating to the Cleveland suburbs need considerable clarification and expansion. I would appreciate receiving more detailed analyses of the Cleveland situation before February 10th.

With every good wish,

Sincerely yours,

JOHN D. DINGELL,
Member of House Committee on Merchant Marine and Fisheries.

ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., December 17, 1971.

HON. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR MR. DINGELL: In further response to your letter of September 10, 1971, we are enclosing the current status report on 180-day notice actions, as promised in our letter of October 6, 1971.

Sincerely yours,

HOWARD A. COHEN,
Director, Office of Legislation.

STATUS 180-DAY NOTICE ACTIONS (December 1970 to December 1971)

1. City of Atlanta, Georgia (Chattahoochee River).

Notice issued on December 9, 1970.

Informal hearing held on January 12, 1971.

At the informal hearing, the Mayor of Atlanta agreed to propose a detailed plan to the City's Board of Aldermen at the Board's January 18, 1971, meeting, for funding the necessary treatment facilities so that a detailed construction schedule could be developed.

oped. Action was promptly initiated by the City to finance and schedule the construction of remedial facilities. On June 11, 1971, the Administrator approved the time schedule, agreed to by the City of Atlanta, for construction of the necessary facilities. Atlanta is currently on schedule and construction is underway. Surveillance of the progress of construction will be maintained.

2. City of Detroit, Michigan (Detroit River-Lake Erie).

Notice issued on December 9, 1970.

Informal hearing held on January 25, 1971.

Agreement among the EPA, the City of Detroit, and the State of Michigan was reached at the informal hearing. Specifics of the agreement are embodied in a Final Order of Determination issued to Detroit by the Michigan Water Resources Commission on May 21, 1971. Construction is currently underway. Surveillance of progress of the construction will be maintained. No further enforcement action is recommended at this time.

3. City of Cleveland, Ohio (Lake Erie).

Notice issued on December 9, 1970.

Informal hearing held on January 28, 1971.

The informal hearing resulted in an approval plan of implementation between the Environmental Protection Agency and the City. However, it was found necessary to issue separate 180-day notices to Cleveland's suburban communities in order to involve them directly in the proposed implementation plan. (See Nos. 19 to 48.)

The agreement which was reached at the informal hearing established the need for three things:

- (1) A general expansion of facilities
 - (2) Year-round disinfection
 - (3) An increase in the level of treatment
- No further enforcement action is recommended at this time.

4. Bemis Company Inc. (Nashua River) East Pepperell, Massachusetts.

Notice issued on April 6, 1971.

Informal hearing held on June 3, 1971.

Bemis Company is planning to tie into the Town of Pepperell's proposed sewage treatment plant for treatment of the Company's domestic wastes. However, the Town is not proceeding in an expeditious manner to complete the municipal system. Bemis has received a permit for disposal of its industrial wastes (paste and ink waste wash-up) from the Pepperell Board of Health, pursuant to the Company's installation of a new pit with polyethylene lining to take industrial waste and dye washup and paste. Satisfactory progress is being made, and no further enforcement action is recommended at this time.

5. Pepperell Paper Company (Nashua River) (formerly St. Regis Paper Company).

Notice issued on April 6, 1971.

Informal hearing held on June 3, 1971.

On July 30, 1971, Pepperell submitted a preliminary engineering report. Final plans and specifications for the required wastewater treatment facilities have also been submitted. Pepperell is making many in-house changes including embarking on a program to recycle 100% of its wood fiber wastes, which can be reused as inexpensive container stuffing or remade into cardboard. Satisfactory progress is being made. No further enforcement action is recommended at this time.

6. Pepperell, Massachusetts (Nashua River).

Notice issued on April 6, 1971.

Informal hearing held on June 3, 1971.

At a special meeting held on June 14, 1971, the Town voted to raise and appropriate the sum of \$1,800,000 to construct a sewage treatment facility. Surveyor maps detailing meets and bounds of the proposed sewage treatment plant site have been forwarded to the Massachusetts Division of Water Pollution Control. The Town has not yet selected an engineering firm to draw final plans and specifications.

ifications, which was required by November 30, 1971.

7. Chicopee, Massachusetts (Connecticut River).

Notice issued on April 6, 1971.

Informal hearing held on June 2, 1971.

Within the 180-day period, Chicopee has failed to take effective action toward compliance with State and Federal water quality standards.

8. Piels Bros. Inc. (Connecticut River).

Notice issued on April 6, 1971.

Informal hearing held on June 2, 1971.

Piels Bros., Inc., has taken steps to remove 1,800 pounds per week of hops; 36,000 pounds per week of yeast solids; and 2,100 pounds per week of labels from the bottle washing operation. In addition, piping changes to remove stormwater from the industrial waste system are in progress. On July 2, 1971, Piels Bros. entered into an agreement with the City of Chicopee under which the City agreed to accept and treat the industrial wastes from Piels Bros., Inc. No further enforcement action is recommended at this time.

9. Reserve Mining Company (Lake Superior) Silver Bay, Minnesota.

Notice issued on April 28, 1971.

Informal hearing held June 3, 1971.

Reserve Mining has been informed that if it does not develop a satisfactory plan to dispose of 67,000 tons per day of taconite tailings now being discharged untreated into Lake Superior, Federal court action will be brought against the Company. Reserve Mining engaged the services of Roy F. Weston, Inc., to develop a concept evaluation of feasible treatment and disposal alternatives. The Weston report has been issued and is now under review. The Environmental Protection Agency is preparing for possible litigation.

10. Santa Fe Land Improvement Company (Kansas River) Kansas City, Kansas.

Notice issued on June 1, 1971.

Informal hearing held on July 13, 1971.

Engineering studies have been completed in accordance with a resolution passed by the City of Kansas City, Kansas. At an informal meeting, held on November 23, 1971, with EPA and Company representatives, the Company presented its accomplishments to date. The Company is presently completing work on its interim treatment system in order to tie into the Kansas City system. EPA has requested the Company to obtain, in writing, a commitment from the City with regard to the date that the connection may be expected. Satisfactory progress is being made.

11. Holly Sugar Company (North Platte River) Torrington, Wyoming.

Notice issued on June 15, 1971.

Informal hearing held on July 21, 1971.

Holly Sugar has completed its interim treatment facility. The Company has complied with all requirements and the implementation schedule which were agreed upon at the informal hearing. Sampling of the Company's outfall will be performed by EPA in January. Satisfactory progress is being made. No further enforcement action is recommended at this time.

12. Ashland Oil and Refining Company (Big Sandy River) Ashland, Kentucky.

Notice issued on June 22, 1971.

Informal hearing held on August 6, 1971.

A follow-up meeting was held on September 22, 1971, at which a schedule was agreed upon. This proposed schedule will be submitted to the Administrator for his approval in the near future.

13. Stamford, Connecticut (Long Island Sound).

Notice issued on July 16, 1971.

Informal hearing held on September 3, 1971.

Stamford has signed an agreement to let the Town of Darien tie into its proposed treatment plant. Satisfactory progress is being made. No further enforcement action is recommended at this time.

14. Darien Connecticut (Long Island Sound).

Notice issued on July 16, 1971.

Informal hearing held on September 3, 1971.

The Town of Darien is planning to tie into the Town of Stamford's sewage treatment plant. Satisfactory progress is being made. No further enforcement action is recommended at this time.

15. Bogalusa, Louisiana (Pearl River).

Notice issued on July 21, 1971.

Informal hearing held on September 9, 1971.

The principal impediment to a successful abatement program by the City has been the inability to pass a bond referendum. This factor controlled the development of an implementation plan at the informal hearing and is the key to Bogalusa's remedial program. Based on testimony at the hearing, it appeared reasonable to rely on Mayor Rawls's judgment that the referendum be by special election in February, as it was believed that the bond referendum vote would be lost or overshadowed in the general election held in November 1971.

The implementation schedule agreed upon at the hearing is as follows:

Bond referendum election, February 1972.

Complete plans and specifications, December 1972.

Advertise for bids, January 1973.

Award contract, February 1973.

Complete construction, August 1974.

16. Eastlake, Ohio (Lake Erie).

Notice issued on July 30, 1971.

Informal hearing held on September 9, 1971.

An additional follow-up meeting was held on September 27, 1971. Although this is still under negotiation, it is believed that Eastlake is making satisfactory progress toward reaching an agreement.

17. Willoughby, Ohio (Lake Erie).

Notice issued on July 30, 1971.

Informal hearing held on September 9, 1971.

An additional follow-up meeting was held on September 27, 1971. Although this is still under negotiation, it is believed that Willoughby is making satisfactory progress toward reaching an agreement.

18. Euclid, Ohio (Lake Erie).

Notice issued on July 30, 1971.

Informal hearing held on September 9, 1971.

Additional meetings were held on September 27, 1971, and October 26, 1971, and were attended by representatives of Euclid, the State of Ohio, and the Environmental Protection Agency. Resolution of the problem is still under negotiation, pending approval by City, State, and EPA.

19. Beachwood, Ohio.

20. Bratenahl, Ohio.

21. Cleveland Heights, Ohio.

22. East Cleveland, Ohio.

23. Gates Mills, Ohio.

24. Lyndhurst, Ohio.

25. Mayfield Heights, Ohio.

26. Richmond Heights, Ohio.

27. South Euclid, Ohio.

28. Lakewood, Ohio.

29. Brooklyn, Ohio.

30. Brook Park, Ohio.

31. Garfield Heights, Ohio.

32. Maple Heights, Ohio.

33. Newburgh Heights, Ohio.

34. Highland Heights, Ohio.

35. Mayfield Village, Ohio.

36. Shaker Heights, Ohio.

37. University Heights, Ohio.

38. Bedford Heights, Ohio.

39. Brooklyn Heights, Ohio.

40. Cuyahoga Heights, Ohio.

41. Linndale, Ohio.

42. Middleburg Heights, Ohio.

43. North Randall, Ohio.

44. Parma, Ohio.

45. Seven Hills, Ohio.

46. Parma Heights, Ohio.

47. Warrensville Heights, Ohio.

48. Warrensville Township, Ohio.

Notices issued on August 10, 1971.

Informal hearings held on September 23-24, 1971.

Negotiations are continuing. Delay is due to recent elections of Mayors.

49. Franklin, New Hampshire (Winnepeaukee and Merrimack Rivers).

Notice issued on August 20, 1971.

Informal hearing held on October 19, 1971.

A regional treatment plan is under consideration which may include the City of Franklin. A meeting will be held in January, attended by representatives of the City, the State, and EPA, at which the regional treatment plan will be discussed. Funds and land have been appropriated by Franklin to be used in the event that the City is not included in the regional plan.

50. Vincennes, Indiana (Wabash River).

Notice issued on September 3, 1971.

Informal hearing held on October 8, 1971.

An additional meeting was held on November 4, 1971. Negotiations are continuing.

51. Superior, Wisconsin (Lake Superior).

Notice issued on September 30, 1971.

Informal hearing held on November 17, 1971.

A follow-up meeting was held on November 29, 1971. Negotiations are continuing.

52. Superior Fiber Products (Lake Superior) Superior, Wisconsin.

Notice issued on September 30, 1971.

Informal hearing held on November 17, 1971.

A follow-up meeting was held on November 29, 1971. Negotiations are continuing.

53. Hurley, Wisconsin (Montreal River).

Notice issued on September 30, 1971.

Informal hearing held on November 18, 1971.

A follow-up meeting was held on November 29, 1971. Negotiations are continuing.

54. Hammond Sanitary District (Lake Michigan).

Notices issued on October 12, 1971.

Informal hearing held on December 1, 1971.

Another meeting is tentatively scheduled for the middle of December.

55. Whiting, Indiana (Lake Michigan).

Notice issued on October 12, 1971.

Informal hearing held on December 1, 1971.

Another meeting is tentatively scheduled for the middle of December.

56. Dunkirk, New York (Lake Erie).

Notice issued on October 22, 1971.

Informal hearing held on December 1, 1971.

At the informal hearing, information was developed on which EPA will be able to base a decision on a new schedule for construction of the required secondary treatment facilities. Dunkirk is to present the new schedule at a meeting to be held on January 27, 1972.

57. Covington, Indiana (Wabash River).

Notice issued on November 3, 1971.

Informal hearing scheduled for January 5, 1972.

58. Montezuma, Indiana (Wabash River).

Notice issued on November 3, 1971.

Informal hearing scheduled for January 5, 1972.

59. Logansport, Indiana (Wabash River).

Notice issued on November 3, 1971.

Informal hearing scheduled for December 14, 1971.

60. Tahoe-Douglas District (Lake Tahoe Basin) Zephyr Cove, Nevada.

Notice issued on November 9, 1971.

Informal hearing date has not yet been established.

61. Kingsbury General Improvement District (Lake Tahoe Basin) Stateline, Nevada.

Notice issued on November 9, 1971.

Informal hearing date has not yet been established.

ENVIRONMENTAL PROTECTION AGENCY,

Washington, D.C., October 6, 1971.

HON. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR MR. DINGELL: Administrator Ruckelshaus has asked me to reply to your letter of September 10, 1971, requesting a report outlining the cause for each of the 180-day notices issued to municipalities and industries for violation of Federal-State water quality standards, and the current status of each.

Enclosed is a listing of the 180-day notices issued to date, together with copies of the individual notices of violation.

A status report is in the process of being prepared at this time, and will be forwarded to you as soon as it is completed.

Sincerely yours,

GRAHAM W. MCGOWAN,

Director of Congressional Affairs.

ENFORCEMENT WATER QUALITY STANDARDS (180-Day Notice of Water Quality Standards Violation)

Under the provisions of section 10(c) (5) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151 *et seq.*), notices have been issued by the Administrator of the Environmental Protection Agency to the following sources of waste that an abatement action could be brought by the United States unless action were taken to resolve the problem within 180 days:

On December 9, 1970, the Administrator of the Environmental Protection Agency issued 180-day notices of water quality standards violations as follows:

1. City of Atlanta, Georgia (Chattahoochee River) Informal hearing held January 12, 1971.

2. City of Cleveland, Ohio (Lake Erie) Informal hearing held January 28, 1971.

3. City of Detroit, Michigan (Detroit River-Lake Erie) Informal hearing held January 25, 1971.

On April 6, 1971, the Administrator of the Environmental Protection Agency issued 180-day notices of water quality standards violations as follows:

1. Bemis Company, Inc., East Pepperell, Massachusetts (Nashua River) Informal hearing held June 3, 1971.

2. St. Regis Paper Company, East Pepperell, Mass. (Nashua River) (New owners—James River Paper Company, Richmond, Virginia) Informal hearing held June 3, 1971.

3. City of Pepperell, Massachusetts (Nashua River) Informal hearing held June 3, 1971.

4. City of Chicopee, Massachusetts (Connecticut River) Informal hearing held June 2, 1971.

5. Piels Bros., Inc., Chicopee, Massachusetts (Connecticut River) Informal hearing held June 2, 1971.

On April 28, 1971, the Administrator issued a 180-day notice of water quality standards violation to: Reserve Mining Company, Silver Bay, Minnesota. Informal hearing held June 3, 1971.

On June 1, 1971, the Administrator issued a 180-day notice to: Santa Fe Land Improvement Company, Kansas City, Kansas. The informal hearing was held on July 13, 1971, at Kansas City, Kansas.

On June 15, 1971, the Administrator issued a 180-day notice to: Holly Sugar Company, Torrington, Wyoming. Informal hearing held on July 21, 1971.

On June 22, 1971, the Administrator issued a 180-day notice to: Ashland Oil and Refining Company, Ashland, Kentucky. Informal hearing held on August 6, 1971.

On July 16, 1971, the Administrator issued 180-day notices to: Stamford, Connecticut, informal hearing held on September 3, 1971, and Darien, Connecticut, informal hearing held on September 3, 1971.

On July 21, 1971, the Administrator issued a 180-day notice to: Bogalusa, Louisiana. Informal hearing held on September 9, 1971.

On July 30, 1971, the Administrator issued 180-day notices to: Eastlake, Ohio, informal hearing held on September 9, 1971; and Wilmoughby, Ohio, informal hearing held on September 9, 1971, one hearing, Euclid, Ohio, informal hearing held on September 9, 1971.

On August 10, 1971, the Administrator issued 180-day notices to the following suburban communities of Cleveland, Ohio:

1. Beachwood, Ohio.
2. Bratenahl, Ohio.
3. Cleveland Heights, Ohio.
4. East Cleveland, Ohio.
5. Gates Mills, Ohio.
6. Lyndhurst, Ohio.
7. Mayfield Heights, Ohio.
8. Richmond Heights, Ohio.
9. South Euclid, Ohio.
10. Lakewood, Ohio.
11. Brooklyn, Ohio.
12. Brook Park, Ohio.
13. Garfield Heights, Ohio.
14. Maple Heights, Ohio.
15. Newburgh Heights, Ohio.
16. Highland Heights, Ohio.
17. Mayfield Village, Ohio.
18. Shaker Heights, Ohio.
19. University Heights, Ohio.
20. Bedford Heights, Ohio.
21. Brooklyn Heights, Ohio.
22. Cuyahoga Heights, Ohio.
23. Linndale, Ohio.
24. Middleburg Heights, Ohio.
25. North Randall, Ohio.
26. Parma, Ohio.
27. Seven Hills, Ohio.
28. Parma Heights, Ohio.
29. Warrensville Heights, Ohio.
30. Warrensville Township, Ohio.

On August 20, 1971, the Administrator issued a 180-day notice of water quality standards violation to: Franklin, New Hampshire, (Winnepesaukee River-Merrimack River).

DO DOCTORS CHARGE TOO MUCH?

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1972

Mr. FISHER. Mr. Speaker, we are all naturally inclined to think that doctors charge too much. The same can be said of those who repair TV sets, fix the plumbing, overhaul your automobile, or who engage in other specialties. An electrical repairman is ordinarily well paid. No doubt some of them gouge the public, and I feel sure the same can be said of some doctors.

But, at the same time, we are talking about the exception and not the rule. In an interesting article which appeared in the spring issue of the American Mercury, Dr. Irwin Ross puts doctors' charges in proper perspective. Here is one paragraph:

Most people do not realize that less than one-third of the total amount of money spent for medical care in the United States goes to doctors. Out of every hundred dollars spent by the average American family, \$4.35 goes for medical care; out of this the physician receives only \$1.22, the hospital gets a somewhat smaller share, and the rest of the money goes for drugs, dentists, nurses, etc.

One thing we do know: The medical profession in this country has done more to advance medical science, prolong life,

and alleviate suffering than has been the case in most of the nations of the world. Let us protect this advantage by repudiating moves to socialize medicine and thereby contribute to a deterioration of the quality of medical care in our society.

Under leave to extend my remarks I include the article written by Dr. Ross. It follows:

DO DOCTORS CHARGE TOO MUCH?

(By Irwin Ross, Ph. D.)

SOME FACTS AND FIGURES BEHIND YOUR DOCTOR'S BILL

Recently you have been very ill, or just moderately ill, or perhaps your doctor has used his time and skill to determine that you were not ill at all. You are grateful—that is, until you receive his bill. Then, quite often, resentment takes the place of gratitude.

The bill never seems to break down into \$10 or \$20 or \$30 a visit. Always there appears to have been something added, and you are convinced you have been overcharged. Why is it that the setting of equitable fees seems to be so difficult?

One reason is that the doctor sells his services, not a product. Even when the care he renders the patient is lifesaving, some people feel that he charges too much. These people are becoming resentful and very vocal about it.

With their help, the American Medical Association has publicly denounced the few unscrupulous doctors who have been sending big bills for ordinary services, or who have refused to perform operations unless large sums were paid in advance, or who would not make house calls unless assured of immediate cash payment. But what about the charges made by the great majority of doctors? Are those too high?

To get a better understanding of the economic problems involved, consider Mrs. Smith's recent difficulty. Mrs. Smith, a young newlywed, was excited and pleased when her husband said he was bringing his boss home for dinner. She knew that if the boss liked her, and the way she ran the home, he husband might get a raise.

She was happily preparing dinner when suddenly the kitchen sink plugged up. She called Joe, the plumber. Joe worked briskly and efficiently, but it took almost two hours to clear the pipes. He charged \$39.80 for the job—\$30 of this for labor.

Mrs. Smith cheerfully paid him and her evening was a success. But an older person might have remembered that in 1955, the cost of labor would probably have been only \$7 for the same job—and materials would have cost less, also.

ALLOWANCE FOR INFLATION

Most people, like Mrs. Smith, seem to feel that because of inflation, it is proper for workers to be paid much more than they were ten years ago. But strangely enough, when it comes to doctors' bills, they have a different attitude.

Let me tell you about my friend, Bob, a businessman of 42. Not long ago he had to attend a management meeting in New York City. At the banquet that followed, he ate too much lobster. At 3:00 a.m., he was awakened by a frightful itching.

Looking in the mirror, he was horrified to see his face disfigured by a puffy, red swelling. Promptly he called his doctor. Half an hour later, the drowsy-voiced doctor arrived at his house and told him: "You have a case of giant hives. Probably the lobster you ate."

FAST RELIEF

Some injections and a few pills gave Bob quick relief. Soon after the doctor left, he fell asleep and next morning felt fine and was able to go to work.

A month later, Bob phoned me. "I've gotten a bill from that doctor—it's robbery!"

When Bob quieted down, I learned that the bill was for \$30. For this, the physician had seen him in the middle of the night and spent half an hour administering medical care.

I asked: "How much do you think he should have charged?"

Bob thought a moment. "The last time I had to call a doctor at night, he only charged \$10.00."

It turned out that this visit was made in 1952, the year you could get a jumbo banana split for 30 cents, send a postcard for a penny, or buy a brand new Ford for \$1,400.

A doctor friend of mine in his early days of practice decided to allow each hospitalized patient to set the price for services rendered. This seemed like a fair and painless method of handling the fee problem.

Among the first 20 patients were a secretary, a millionaire, several well-to-do businessmen a successful lawyer, several housewives, a chemist, a toolmaker and an engineer. Out of these patients, one paid about three times the average fee for services received. Two paid just the average. The remainder paid some small sum.

When his accountant tallied the results, he found the doctor had been paid an average of \$1.75 for each hour of actual service rendered. From that time onward, the doctor set his fees according to services rendered, the nature of the case and the patient's ability to pay.

Patients generally get the type of medical care they want—and at a price which nearly always is fair. Some patients want care only when they have a specific illness; others want to see their doctor periodically; still others require more or less continuous care.

For more than 20 years, statistics show that the average sum spent for medical care amounts to only a little more than four per cent of total consumer expenses. This seems to be a small figure to pay for health. Furthermore, the United States Bureau of Labor Statistics reports that, while the cost of living for the average American family has risen 92% since after World War II, physicians' fees have increased by only 61%.

Most people do not realize that less than one-third of the total amount of money spent for medical care in the United States goes to doctors. Out of every hundred dollars spent by the average American family, \$4.35 goes for medical care; out of this the physician receives only \$1.22, the hospital gets a somewhat smaller share, and the rest of the money goes for drugs, dentists, nurses, etc.

Moreover, the latest Department of Commerce statistics show that the nation's tobacco and alcohol bill is more than five times as high as its collective doctor bill! And every year the public pays more for television, automobiles and musical instruments than they do for doctors' services.

UNEXPECTED EXPENSE

But statistics fail to tell the whole story. Medical expenses tend to pile up unexpectedly during certain periods of life. It is during these times that the doctor is most likely to be accused of charging excessively high fees.

Young couples getting started in life often have heavy medical expenses as a result of the birth of children and subsequent childhood illnesses. Accidents or major illnesses may create severe economic problems, especially when these affect the breadwinner. Again, in the older years, illness can cause serious trouble.

The principal way of tiding oneself over such trying periods is by developing a special item in the budget for sickness. This alone, however, is likely to be inadequate, especially when serious illness strikes. Additional help is obtained through carrying insurance. In extreme need the help of private charities or governmental agencies may be needed.

NOT IN THE BUDGET

Few people today budget for medical expenses. Even when this item does occur, it is at the very bottom of a heavy list of "must"—which includes a new car, vacation, entertainment.

Most people believe that doctors are well-to-do and keep all the money they take in. Few realize that a doctor spends 40 per cent of his gross income for expenses in connection with his practice. The mean net income for doctors runs around \$35,510 a year. To earn this, the average doctor works more than 60 hours a week. His net income per hour of work averages about \$7.50. Surely this is not overpayment for his services when you consider the importance of his work.

THE DOCTOR'S FINANCES

A doctor has financial problems peculiar to his profession. He rarely begins practicing before 28, by which time he has spent nine or more years preparing for his career. During these years he has usually gone into debt. When he starts practice, he goes further into debt to finance the opening and maintenance of his office. Then it usually takes him several years to build up his practice so that he reaches the financial break-even point.

But the doctor's real income is even less than it appears. He is obliged to maintain a high standard of living in order to appear successful. He has to pay for his continuing post-graduate medical education, which does not increase his earning ability but merely improves the efficiency of the services he renders you.

If he gets sick, his practice ceases, as does most of his income. Furthermore, there is no such thing as a paid vacation for him. If he does take a much-needed holiday, not only does his income cease but he may even lose patients.

Despite these special financial problems, most doctors try to keep their fees low, even though by so doing they automatically limit their earning capacity. For example, several years ago in various localities medical societies tried to standardize charges for various services. On the surface, this seemed like a good thing. But unfortunately there are no two patients who have exactly the same type of illness and need exactly the same type of care.

Ideally, each patient must be treated as an individual case. But the fixed-fee system means that if a doctor is to earn an average living, he cannot afford to give his patients more than a rationed amount of time. This puts a premium on seeing the greatest number of patients in the shortest period. As a result of doctor and patient dissatisfaction with this method, some fixed-fee schemes have already been modified or discarded.

FEES ARE SET ARBITRARILY

The most serious problems in fee-setting are faced by surgeons. Most believe the patient should pay according to his ability to do so, the complexity of the operation and the amount of care given. They set the fees arbitrarily.

This means that one patient may pay \$200 for a given surgical operation, whereas another may pay \$1,000. Wealthy patients object to this arrangement and feel that they are being unduly penalized.

The charges of specialists are generally higher than non-specialists, but even within these categories, some doctors charge more than others for approximately the same services. Those physicians who develop the highest degrees of skill, the best professional reputations, do charge more. This results from the workings of the law of supply and demand. Medicine is an intensely competitive profession in which doctors try to excel in accomplishments to reap honors and financial rewards. This is true even though financial considerations are always secondary to

the satisfactions a doctor gets from practicing his profession.

If one takes away the realistic rewards for superiority and substitutes the fixed-fee system, one reverts to the type of backsliding which has overtaken many physicians who, in England, participate in nationalized medicine. Whenever the law puts fetters on medicine, prescribing how it should be practiced, without taking into consideration what is really best for patients and doctors alike, medicine develops prison-pallor.

FACTORS IN ESTIMATING FEES

Doctors usually base their fees on their own estimate of the skill they have, the time they must spend with the patient, their office expenses, the customary charges made for such services in their locality, and the patient's ability to pay. Doctors have always scaled down fees to fit the economic status of the patient, and permitted deferred payments. But, always, the doctor has contributed a considerable amount of his own time to the care of many patients who pay only token fees, or no fees at all.

Yes, some complaints about overcharges are valid. But these are rare, and organized medicine is attempting to reduce even these to a minimum.

The best system for setting charges is, first, where the doctor places some realistic evaluation on his services. Then, if necessary, the fee may have to be adjusted to suit the economic needs of the patient. This requires that the patient ask his doctor to discuss fees frankly.

On his side, the patient will divulge the special reasons why the fee should be modified. There is no reason why the doctor should make all the economic sacrifices. Often, to pay for necessary care, a patient may have to forego some luxuries. Or the patient may have to recognize that he must carefully budget for illness as well as health.

To receive the most from your medical care, you must have faith in your doctor, believing that he will not only give you the best service he can, but that he will also charge a fair fee. Likewise, the doctor must have faith that you will follow his medical advice and also recompense him fairly for the services he has rendered.

When I think of what doctors can do for patients today that couldn't be done ten or 15 years ago, I am convinced that the costs of medical care are low. For example, many dangerous infections which formerly created prolonged illnesses requiring hospitalization and nursing care, are now tamed in a few days at small expense with powerful drugs. Even when complicated surgical procedures are required, the average stay in the hospital is shorter and the patient's period of invalidism is reduced.

Do doctors charge too much? My answer is this: dollar for dollar, the price you pay your doctor for medical care is not out of line with the price you pay for everything else in the world today.

ASPIN SUES PENTAGON

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday March 29, 1972

Mr. ASPIN. Mr. Speaker, yesterday I filed suit in Federal district court in the District of Columbia in order to force the Army to publicly release its investigation of the Mylai massacre. I believe that the Pentagon is guilty of covering up the criminal conspiracy on the part

of senior American officials in the aftermath of the Mylai massacre.

I am filing this action under the Freedom of Information Act which requires all Government agencies to provide documents sought by private citizens except in special circumstances such as when the national security is involved. My distinguished colleague, the gentleman from New York (Mr. STRATTON) has written to the Pentagon asking for release of the report. The Army did not even have the courtesy to formally answer his request. Members of the press have asked the Pentagon to release the report. The Department of Defense has consistently refused to make this document public. The Pentagon's adamant refusal to release the report only raises new doubts about the extent of the brutal massacre and the subsequent coverup by senior American officials.

It is my hope that the filing of this suit and the eventual release of the report will stimulate debate on how effective our system of military justice has been. The Peers Commission report also makes a series of recommendations for improvement in the system of military justice and education of our troops in their rights and obligations under the military code of justice and international law. The Army's implementation of these recommendations should be scrutinized.

The most distressing aspect of this entire tragic chapter in the history of the Vietnam war is that the Pentagon is covering up its own investigation which first unearthed the initial conspiracy guide of the truth about Mylai. The military is guilty of a double coverup—first with the massacre and now with the investigation.

It is my belief that as a Member of Congress and a private citizen, I have a right to know why 25 men were charged with criminal offenses and only one man convicted. Surely the American people have the same right to know the truth about the aftermath of the Mylai massacre.

Specifically I am requesting the release of the Peers Commission report chaired by Lt. Gen. William Peers that investigated the initial investigation of the Mylai massacre. The aftermath of this horrible incident has been the indictment of 25 American soldiers including two generals but the result has been a conviction of only one man, Lt. William Calley.

My suit names Secretary of Defense, Melvin Laird, and Army Secretary, Robert Froehke, as defendants. Under the Freedom of Information Act the burden of proof is on the Pentagon to show why the report should be withheld. Thus my suit requests an injunction against Laird and Froehke requiring them to cease from withholding the document.

Previously the Pentagon has refused to release the report contending that since the Calley case was on appeal, the release of the report might prejudice the court. However, all the relevant portions of the Peers Commission report have been made available to both the prosecution and defendants in the Calley case. Furthermore, normally on appeal only points of law and matters of pro-

cedure are open for consideration rather than the introduction of new evidence.

The Pentagon also asserts that the Peers Commission report is an internal memorandum and a preliminary investigation and thus is outside the provisions of the Freedom of Information Act. Strangely enough this internal document was in large part, written by two civilian lawyers brought from outside the Department of Defense to work on the case. In addition, the Peers Commission report functions very much like an indictment in a criminal proceeding that outlines charges against particular individuals and the reasons that those charges have been brought.

Quite frankly, I believe that the Pentagon's excuses are phoney. They are simply afraid of the truth being made public.

I am being represented by public interest lawyer, Benny Kass, who assisted in the drafting of the Freedom of Information Act. Attorney Kass previously represented two Members of Congress, the distinguished gentleman from California (Mr. Moss), and the distinguished gentleman from New York (Mr. Reid) who sought release of the Pentagon Papers last June in the Freedom of Information Act action.

My exchange of letters with the Department of Defense and the text of my complaint file in Federal District Court follows:

FEBRUARY 18, 1972.

HON. MELVIN R. LAIRD,
Secretary of Defense,
Pentagon,
Washington, D.C.

DEAR MR. SECRETARY: More than two and a half years ago the My Lai massacre occurred. The Army commissioned a major investigation of this incident officially designated "Department of the Army Review of the Preliminary Investigation into the My Lai Incident" and commonly referred to as the Peers Commission.

This document is the most comprehensive and authoritative report on the My Lai incident but it has been withheld from the general public. The Army's rationale has been that prosecution recommended by the report has not been completed and that the document was part of an investigation and therefore an internal working document.

I find that rationale unsatisfactory. All of the trials resulting from indictments contained in the Peers Commission Report have been completed and one convicted individual has entered an appeal on points of law and procedure not facts. The Peers Commission Report was not an internal document. Rather its role was similar to that of an indictment handed down by a grand jury.

As a member of Congress who is concerned with the system of military justice I believe I have a right to study this report and transmit its finding to my colleagues and the general public. As a private citizen I also have a right and an obligation to review the report.

I am requesting that you release the Peers Commission Report to me or the general public. This request is made pursuant to the Freedom of Information Act (5 U.S.C. 552) which places the burden of proof for withholding a document upon the administrative authority.

Since I am sure that you are very familiar with this case I expect that you will be able to notify me of your decision and the rationale for such a decision by February 29, 1972.

Sincerely,

LES ASPIN,
Member of Congress.

CXVIII—727—Part 9

DEPARTMENT OF THE ARMY,
Washington, D.C., March 1, 1972.

HON. LES ASPIN,
House of Representatives,
Washington, D.C.

DEAR MR. ASPIN: The Secretary of Defense has asked me to respond to your inquiry of February 18, 1972, in which you request, both as a Member of Congress and as a private citizen, the report of investigation prepared by the Peers Commission.

Last year the entire report was made available to the Armed Services Committee of the House of Representatives. Since you currently serve on that Committee, I would suggest that it would be appropriate for you to direct that part of your request to the leadership of the Committee itself.

Because the Freedom of Information Act, by its own terms, 5 U.S.C. § 552(c), does not apply to the release of information to Congress, I shall assume that your reference to the Act was intended to support your request for release of the report as a private citizen or as a Member of Congress desiring to "... transmit its findings to ... the general public." As a result, your request must be considered in accordance with 5 U.S.C. § 552 and Army Regulation 345-20.

The Freedom of Information Act exempts from mandatory disclosure to the public several statutorily defined and judicially developed categories of information. Among these categories, each of which constitutes a separate exemption, are included several which, in our view, offer valid legal justifications for withholding from mandatory public release portions of the report you have requested. 5 U.S.C. § 552(b) (4), (5), (6), (7).

To the extent that information contained in the report was elicited from sources who were previously assured that confidentiality would be maintained, nondisclosure is authorized under the provisions of 5 U.S.C. § 552(b) (4), which exempts from release information of a privileged or confidential nature.

Moreover, based on all the information obtained, the Peers Commission submitted its findings, recommendations and conclusions to both the Secretary of the Army and the Chief of Staff. Such findings, recommendations, and conclusions are precisely the type of information contained in "intra-agency memorandums," which the fifth exemption to the Act, 5 U.S.C. § 552(b) (5) was designed to protect from public release. Nondisclosure of these matters serves the legitimate purpose of ensuring that agency action is informed by a frank and uninhibited exchange of views among government officials.

Furthermore, much of the testimony obtained by the Commission includes raw and unevaluated allegations, the disclosure of which is likely to constitute, in the terms of the sixth exemption, 5 U.S.C. § 552(b) (6), "a clearly unwarranted invasion of personal privacy."

Finally, the report as a whole may be properly characterized as an investigatory file compiled for law enforcement purposes, which would be exempt from mandatory release under 5 U.S.C. § 552(b) (7). As you may know, judicial proceedings in one case are still pending, and a number of administrative actions are also presently unresolved. With respect to the on-going judicial proceedings, it is our view that public disclosure of the report would risk jeopardizing a fair and impartial disposition of the case, regardless of the grounds for the defendant's appeal. The report is also a crucial part of the pending administrative actions.

You may rest assured that our decision to withhold the documents in question was reached only after weighing carefully the strong policy reasons for public release which you and other interested persons have expressed from time to time. For the present, however, our position is to withhold the report from the public. As Secretary Froehke

announced at his press conference on January 28, 1972, once the reviews are completed in all actions involved within the scope of the Peers Commission inquiry, the Army will once again consider the issue of release to the public. Until then, I hope you will be satisfied that the Army's position is based upon what we perceive to be the best interests of all concerned. The paramount interest at this time is to maintain an atmosphere in which military justice can be dispensed without prejudice to the rights of those individuals involved.

We appreciate your expression of deep concern in this matter and regret that our reply could not have been more favorable.

Sincerely,

ROBERT W. BERRY,
General Counsel.

[United States District Court for the District of Columbia, Civil Action No. —]

Les Aspin, 515 Cannon Office Building, Washington, D.C., and William B. Broydrick, 515 Cannon Office Building, Washington, D.C., Plaintiffs v. Department of Defense and Melvin R. Laird, Secretary, Department of Defense, Washington, D.C., and Department of the Army and Robert F. Froehke, Secretary of the Army, Defendants.

COMPLAINT UNDER "FREEDOM OF INFORMATION ACT" FOR INJUNCTION AGAINST WITHHOLDING

1. This is an action under the Public Information Section of the Administrative Procedure Act, 5 U.S.C. § 552, popularly known as the Freedom of Information Act of 1966. Plaintiffs sue to obtain an order and judgement of this Court enjoining the Defendants from withholding, and ordering them to produce, a report entitled: "Department of the Army Review of the Preliminary Investigation into the My Lai Incident", more commonly referred to as the "Peers Commission Report".

2. Plaintiff Aspin is a member of Congress, a citizen of the United States and a resident of the State of Wisconsin. Plaintiff Broydrick is a citizen of the United States, a resident of the state of New York, and is employed by Plaintiff Aspin.

3. Defendants Department of Defense and Department of the Army are agencies of the United States. Defendants Melvin R. Laird and Robert F. Froehke are herein sued in their official capacity, respectively, as the duly appointed and qualified Secretary of the Department of Defense and Secretary of the Department of the Army. Both have their official office in Washington, D.C. Under and by virtue of the statutes of the United States. Defendants Laird and Froehke are responsible for the proper execution and administration of all laws administered by their respective Departments. Furthermore, both Defendants Laird and Froehke have authority to make rules and regulations necessary and proper to carry out the laws administered by the Department of Defense, the Department of the Army and the constituent agencies.

4. Jurisdiction is conferred on this Court by the public information section of the Administrative Procedure Act, Public Law 89-487, 80 Stat. 250 (July 4, 1966), as codified, Public Law 90-23, 81 Stat. 54. 5 U.S.C. § 552(a) (3).

5. Venue of this action is based upon 5 U.S.C. § 552(a) (3) and lies within this District because the plaintiffs' principal place of business lies in this District.

6. Public Law 90-23, 81 Stat. 54. 5 U.S.C. § 552(a) (3) provides in pertinent part:

"... each agency, on request for identifiable records made in accordance with published rule stating the time, place, fees to the extent authorized by statute, and procedure to the followed, shall make the records promptly available to any person."

7. On February 18, 1972, Plaintiff Aspin made written application to Defendant Laird seeking release of the documents in ques-

tion. Said letter included the following request: "Since I am sure that you are very familiar with this case I expect that you will be able to notify me of your decision and the rationale for such a decision by February 29, 1972." (See Plaintiff's Exhibit A).

8. On or about March 6, 1972, Plaintiff Aspin received a letter dated March 1, 1972, from a Mr. Robert W. Berry, General Counsel, Department of the Army. (Plaintiff's Exhibit B). In rejecting Plaintiff Aspin's request for a copy of the Peers Commission report, Mr. Berry stated, *inter alia*:

"You may rest assured that our decision to withhold the documents in question was reached only after weighing carefully the strong policy reasons for public release which you and other interested persons have expressed from time to time. For the present, however, our position is to withhold the report from the public . . . I hope you will be satisfied that the Army's position is based upon what we perceive to be the best interests of all concerned. . . ."

9. Plaintiffs have not received the material requested from Defendants.

10. Plaintiffs have exhausted the adminis-

trative remedies by which they could have obtained the withheld reports.

11. Plaintiffs have a right to inspect and copy the requested documents pursuant to 5 U.S.C. § 552(a)(3). Defendants are improperly withholding the material contrary to statute, contrary to the intent and policy of the Freedom of Information Act as expressed by Congress in enacting the law, by the President in approving it, and by the Attorney General's memorandum on the public information section of the Administrative Procedure Act (June, 1967) which advised all government agencies, *inter alia*, that the policy of the Act required ". . . that disclosure be the general rule, not the exception . . . (and) that there be a change in government policy and attitude." (pp. ii-iv)

12. The public information section of the Administrative Procedure Act, 5 U.S.C. § 552 (a)(3), further provides that in any legal action brought pursuant thereto "the burden is on the agency to sustain its action" in refusing disclosure. Plaintiffs do not believe that Defendants have met this burden, nor have in any way justified their withholding.

13. The public information section of the Administrative Procedure Act, 5 U.S.C. 552

(a)(3) also provides that proceedings under this Act, with certain exceptions, "take precedence on the docket over all other causes and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way."

WHEREFORE, Plaintiffs pray that this Court:

(i) issue a preliminary and final injunction directing Defendants to cease from withholding from Plaintiffs the report entitled: "Department of the Army Review of the Preliminary Investigations into the My Lai Incident", commonly referred to as the "Peers Commission Report".

(ii) order Defendants to make available to Plaintiffs, or their designated representative or representatives, for inspection and copy the report in question;

(iii) direct that this cause receive the precedence in hearing and trial and expedited treatment required by statute; and

(iv) for such other and further relief as this Court deems just and proper.

BENNY L. KASS,
Attorney for Plaintiffs.

Dated: April 3, 1972

SENATE—Wednesday, April 5, 1972

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

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

O Thou Creator Spirit, we thank Thee for the resurrection of springtime and for the symphony of beauty all about us. We thank Thee for the beauty of color and motion, for the beauty of sound and silence, and for the beauty of day and night.

Create in us, O Lord, an inner beauty, in harmony with the splendor of the world about us. Take from our common life the discord which separates man from man and man from God. Make our lives incandescent with Thy presence that in selfless service to the Nation we may be instruments for the making of a new world of justice, peace, and brotherhood which sets forward Thy kingdom on earth as it is in heaven. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, April 4, 1972, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

TRIBUTE BY FOUR FRIENDS TO THE LATE BILL LAWRENCE, OUTSTANDING JOURNALIST

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the RECORD remarks at the National Press Club by four friends of the late Bill Lawrence, an outstanding journalist who died on the campaign trail in New Hampshire while on assignment for ABC. The thoughts are of former Chief Justice Earl Warren; Elmer W. Lower, president of ABC News; Warren Rogers, president of the National Press Club; and Arthur Krock, former Washington bureau chief of the New York Times, longtime associate of Bill Lawrence while he was covering politics for that newspaper.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

IN APPRECIATION OF BILL LAWRENCE,
1916-1972

CHIEF JUSTICE EARL WARREN

If Bill Lawrence had known of our determination to have a memorial service for him in this setting, I am sure he would have approved. To Bill, these quarters of the National Press Club were sacred halls, and in the membership of the club are those with whom he shared the most thrilling and rewarding experiences of his life.

This room and the people here are reminiscent of his world-wide treks reporting the poignancy of war and other human crises that make both the news of the day and world history.

He would not want us to attribute perfection to him, and we shall not try because, like the rest of us, he was subject to common infirmities of human nature.

He knew all the moves in journalism, but on one occasion, at least, he could not find his way home from a night baseball game in old Griffith Park. As the crowd moved out after the game, he and my daughter, Virginia, whom he had taken there, fell into a sidewalk excavation. And Bill phoned me from George Washington Hospital to say that she was there with a broken leg. He neglected to

tell me—but I suppose he could be pardoned for that because he might think I would know anyway—that the Senators lost the ball game, also.

He knew how to marshal all his reportorial talents for exciting trips to distant parts of the world, but sometimes he would forget his clothes.

Once when he was hurrying to Africa and was at our home before going to the airport, he suddenly discovered the only shirt he was taking with him was the one on his back, and my wife was obliged to expropriate some of mine for him.

With him, journalism was a passion. He not only believed the public has a right to know and to judge for themselves the events of the day, but he believed they must know if our institutions are to serve their true purpose.

It was to this cause that he dedicated his entire adult life of more than a third of a century. No journey was too long; no assignment too difficult; no danger to his health or safety too great if there was a job to be done. He worked to the bitter end not unmindful of the danger involved. Advised by his doctor and forewarned by a series of heart seizures, he knew that any unusual strain might mean the end.

It was not necessary for him to go to New Hampshire, but there were incidents there to be reported to the American people, and he went to that snow-bound state when he could well have remained here or comfortably in a warmer climate to the south.

He passed on, as any man of action would prefer, reading background material for his work, without a struggle and looking forward to whatever might develop.

As president of the National Press Club, he presided in this room and presented many important men of his time for discussion or world problems. He accepted that presidency as well as other journalistic honors which came to him, not for the honor they represented, but as further dedication to his profession. He made this room more meaningful as your presence here to honor his memory also enriches it.

If, at his insistence, this is not to be a solemn occasion, certainly it can be one of respect for that dedication, for his warm human qualities, and of appreciation for his friendship. I am sure he would not have denied us that privilege.