H.R. 6972. A bill to establish annual import quotas on certain textile and footwear articles; to the Committee on Ways and Means.

H.R. 6973. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. YATRON (for himself, Mr. WILLIAM D. FORD, Mr. PEPPER, Mr. PODELL, Mr. STEIGER of Wisconsin, Mr. DAVIS of Georgia, Mr. HELSTOSKI, Mr. FORSYTHE, Mr. HARRINGTON, Mr. RANGEL, Mr. EILBERG, Mr. RIEGLE, Mr. CLARK, Mr. KASTENMEIER, Mr. MELCHER, Mr. MOORHEAD of Pennsylvania and Mr. GINN):

H.R. 6974. A bill to amend title 32, United States Code, to provide that Army and Air Force National Guard technicians shall not be required to wear the military uniform while performing their duties in a civilian status; to the Committee on Armed Services.

By Mr. BAKER:

H.J. Res. 505. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. CHAPPELL:

H.J. Res. 506. Joint resolution authorizing the President to proclaim the first day of January of each year as "Appreciate America Day"; to the Committee on the Judiciary.

By Mr. DINGELL (for himself and Mr. HAWKINS):

H.J. Res. 507. Joint resolution to establish the Tule Elk National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. STAGGERS:

H.J. Res. 508. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois (for himself, Mr. FASCELL, Mr. RHODES, Mr. PEPPER, Mr. MALLARY, Mr. MADIGAN, Mr. KETCHUM, Mr. ESCH, Mr. BEARD, Mr. MURPHY of Illinois, and Mr. BELL):

H. Con. Res. 196. Concurrent resolution authorizing and directing the Joint Study Committee on Budget Control to report legislation to the Congress no later than June 1, 1973, providing procedures for improving congressional control of budgetary outlay and receipt totals, the operation of a limitation on expenditures and net lending commencing with the fiscal year beginning July 1, 1973, and for limiting the authority of the President to impound or otherwise withhold funds authorized and appropriated by the Congress; to the Committee on Rules.

By Mr. RANDALL:

H. Con. Res. 197. Concurrent resolution; it is the sense of the Congress that the President should continue in operation the programs and activities authorized under the provisions of the Economic Opportunity Act of 1964, and in accordance with the provisions of that act, until and unless Congress determines otherwise; and submit a revised budget request for such activities for fiscal year 1974; to the Committee on Education and Labor.

By Mr. YATRON (for himself, Mr. COUGHLIN, Mr. DRINAN, and Mr. ROE):

H. Con. Res. 198. Concurrent resolution expressing the sense of Congress that our NATO allies should contribute more to the cost of their own defense; to the Committee on Foreign Affairs.

By Mr. WOLFF (for himself and Mr. SARASIN):

H. Con. Res. 199. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII,

142. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to granting favored nation status to the Soviet Union; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BELL:

H.R. 6975. A bill for the relief of Mr. Agostinho Rodrigues; to the Committee on the Judiciary.

By Mr. HOGAN:

H.R. 6976. A bill for the relief of Patricia P. Grant; to the Committee on the Judiciary.

H.R. 6977. A bill for the relief of Esaki Konar; to the Committee on the Judiciary.

By Mr. JOHNSON of Colorado:

H.R. 6978. A bill to authorize the Secretary of the Interior to consider and act upon an application for modification of Bureau of Land Management coal lease No. D-034365; to the Committee on Interior and Insular Affairs.

By Mr. MADIGAN:

H.R. 6979. A bill for the relief of Monroe A. Lucas; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

164. By the SPEAKER: Petition of Larry Rodriguez, Key West, Fla., and 78 other law enforcement officers in Monroe County, Fla., relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

165. Also, petition of James J. Kelledy, Calumet Park, Ill., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

166. Also, petition of John R. O'Keefe and other members of Fort Pitt Lodge No. 1, Fraternal Order of Police, Pittsburgh, Pa., relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

167. Also, petition of Edward R. Rumpler and others, Pittsburgh, Pa., relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

168. Also, petition of James Werner, Quakertown, Pa., relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

169. Also, petition of George Robb, Wheeling, W. Va., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

170. Also, petition of Keith R. Dumesic, Kenosha, Wis., relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

SENATOR RANDOLPH URGES REALISM IN THE QUEST FOR ENVIRONMENTAL QUALITY

HON. HENRY M. JACKSON

OF WASHINGTON

IN THE SENATE OF THE UNITED STATES

Thursday, April 12, 1973

Mr. JACKSON. Mr. President, on April 5, 1973, the senior Senator from West Virginia and distinguished chairman of the Public Works Committee (Mr. RANDOLPH) delivered the keynote address to the first Government Affairs seminar of the Air Pollution Control Association. The Senator's speech raises some very cogent points concerning the need to obtain a reasonable balance between the implementation of Federal environmental policies and the attainment of other national requirements such as our growing energy needs.

As we are all aware, and as the Senator from West Virginia points out so clearly, the country has not done well in finding a suitable and equitable balance between energy requirements and environmental goals.

The consequence has been severe implications for domestic energy supplies. This is already apparent from hearings of the Senate's national fuels and energy policy study, which I had the pleasure of cosponsoring with the Senator from West Virginia over 2 years ago. Through his foresight over the years we now have an opportunity, in the Senate, to address the balance between energy and the environment and other major energy policy issues. I commend my distinguished colleague's foresight in this area and recommend his speech of April 5 to my colleagues.

Mr. President, I ask unanimous consent that the text of the speech be printed at this point in the RECORD.

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

LUNCHEON ADDRESS BY SENATOR JENNINGS RANDOLPH

It is gratifying to be invited to address the First Government Affairs Seminar of the Air Pollution Control Association.

On many occasions over the last ten years an event such as this could have helped to stimulate dialogue and understanding among government and industry and the environmentalist, alike. I say "ten-years" because it has been that long since the Senate Public Works established its Subcommittee on Air and Water Pollution. Together, we have journeyed over a long and arduous course. We still have a difficult journey ahead.

This Seminar has been concentrating, appropriately, on the policy issues arising out of the implementation of the 1970 Federal Clean Air Amendments and the resultant State implementation plans. And, this is a timely discussion, as are the public policy debates as to whether or not the auto industry can achieve the 1975 auto emission standards prescribed by the Congress. During the next two years, the Congress and the American people must evaluate the status of our national quest for clean air and the adequacy of the commitment by government,

industry, and the public, toward achievement of our country's environmental goals.

I am reminded of the words of President Nixon in his February 1970 Environmental Message to the Congress:

"The task of cleaning up our environment calls for a total mobilization by all of us. It involves government at every level; it requires the help of every citizen. It cannot be a matter of sitting back and blaming someone else."

This statement was made by the President in response to a new awareness in America that environmental degradation threatens the public health and the quality of our lives. Later, that same year, the Environmental Protection Agency was established by law to insure our country's quest for environmental quality.

Today, however, these goals are jeopardized. There has been too much talk and too little action by government and industry, alike, Government actions, short on perspective, have actually threatened the long-term success of Federal environmental policies. I speak principally of energy supply problems arising out of implementation of the Clean Air Act Amendments of 1970 by EPA and the states of the Union. The choice, ultimately, may be clean air or energy.

But many current difficulties also are of industry origin. Unfortunately, and all too often, industry has not cooperated sufficiently with the Federal environmental policies, hoping for eventual variances or even repeal. And, unfortunately, all parties, and particularly, the Federal Environmental Protection Agency, have not undertaken the statutorially mandated programs necessary for the timely development of air pollution control technologies.

REALISM IS NEEDED

Without question, there is a need for realism in our country's implementation of environmental policies. Doubtless, there are those among you who believe that the prevailing policies enunciated in statute and regulations are unduly restrictive. But, they are the law of the land and are to be taken seriously. We surely can see our recent failures to make reasonable attempts to implement soundly the Federal and State environmental policies. We have not done well in finding a suitable, or equitable, balance between energy and the environment, and I emphasize, "energy AND environment." Rather, it seems that we have adopted a national posture of environment *versus* energy, to the very substantial disadvantage of domestic energy supplies. The consequences has been an exacerbation of an already difficult energy supply problem.

The answers are to be found, in some degree in the administration of the oil import program. But, the answers, in large part, are to be found in the form of the Environmental Protection Agency's Clean Air guidelines and regulations, and the resultant State emission standards and their time schedules. For there is ample evidence that EPA did not consider, at the time of their approval, the aggregate effect on domestic energy supplies of State implementation plans.

As a result, present State regulations will render 155 million tons of current coal production unusable, putting 26,000 miners out of jobs. This amounts to roughly one-third of the non-coking coal used in the United States.

And, ample alternative and acceptable energy supplies are NOT available. By 1975, an additional 125 million tons of coal, or its equivalent in other fuels, will be needed to satisfy rising energy demands.

From newspaper reports, I was encouraged to believe that the President's February 1973 Environmental Message would recognize in some degree—hopefully, a substantial degree—the cumulative impact caused by implementation of several Federal environmental policies, including those of the National Environmental Policy Act and other statutes. For these policies have carried numerous of our country's energy problems to the rim overlooking the valley of chaos.

What appears to have happened is that the cumulative effect of laws, regulations thereunder, the enforcement thereof, and actions by the courts moved us beyond the ability of known technology to keep pace. I was discouraged, when the President's Environmental Message provided little recognition of this reality.

I have long endorsed the statutory policy that protection of public health should not be subordinated to economic feasibility. This was the underlying premise of the Air Quality Act of 1967. And, I would not want in any way to jeopardize the long-term success of overall Federal environmental policies. But it is obvious to me that short-term environmental concerns have dominated EPA's implementation of the Clean Air Amendments of 1970 so dramatically that our country's energy requirements cannot be met until unrealistic environmental constraints, predicated upon protection of public welfare, are slowed down to "reasonable" time schedules. Only that for which there is technology available can be accomplished.

MUST RETURN TO STATUTORY POLICIES

After long deliberation in 1967, and again in 1970, the Congress enacted a Federal air pollution control policy that distinguishes between concerns for public health and concerns for welfare. Twice the Congress rejected the concept of national emission standards. Yet, as so frequently has occurred in recent years, the Administration ignored flexibility contained in the 1970 Clean Air Amendments and encouraged the States to adopt, in effect, national emission standards which bear no relationship to ambient air quality standards.

Nevertheless, don't look to the Congress for "wholesale" variance from existing regulations. Judicial remedies were provided, in 1970, for this purpose. A realistic distinction is needed between potential and actual problem areas. Then let's talk. For the issue is not repeal, but whether there has been a "good-faith" attempt to incorporate environmental and social concerns into management decisions by government and industry, alike.

For example, it is unrealistic to look for an environmental scapegoat for our emerging energy crisis. What has occurred is that hastily adopted environmental policies have expanded the problem and made it even more complex.

TECHNOLOGY OFFERS THE KEY

For many years, I have been in the vanguard of the too few Members of the Congress, urging more emphasis on the development of technologies to make the use of coal environmentally acceptable. This can be accomplished through better control of sulphur oxides and more rapid development of coal gasification and coal liquefaction and advanced power cycles for the generation of electricity.

When both the 1967, and 1970, Clean Air Act Amendments were under consideration in the Senate Public Works Committee, and in the Senate, I warned that the current situation might develop. I predicted potentially damaging consequences, not only for energy, but, also, for the success of environmental policies. Repeatedly, I offered amendments to increase both authorizations and appropriations for research and development. Most of my amendments were accepted, and are now in the law, but the Executive Branch consistently has done too little toward the financing of research on energy-related environmental control technologies.

Even when increased funds were fought through the Administration's budget councils and the Congress, EPA often declined to obligate them. Admittedly, the Office of Management and Budget, as usual, resisted budget increases; however, in this case, appropriated funds were not even committed to the effort. This was due to the failure of EPA's program managers to focus adequately on this problem and the statutory program to deal with it. That consequence is a badly out-of-balance condition of such proportions that our domestic coal industry—and the people involved in and depending on it—are in a tenuous position.

What is most disturbing, however, is that EPA regulators admit that all aspects of State implementation, in their aggregate, cannot be achieved by 1975, despite the best efforts of government and the private sector. Yet, in February 1973, when Administrator Ruckelshaus announced EPA's fiscal 1974 budget, it showed a decrease in funds for air pollution control programs and research.

The disturbing proposal, however, is termination of EPA's $5 million program to develop sulfur oxide control technologies to control air pollution emissions—for example, from the combustion of high-sulfur coals. The agency's justification for this is that EPA, to date, has devoted more than $86 million to development and demonstration of first-generation technology for reducing and controlling air emissions from stationary and mobile sources. EPA now plans to move into a second phase where the private sector is expected to further refine and improve this technology.

EPA's position on these budget cuts reflects a policy that the development of sulfur oxide control technology is the responsibility of the private sector, not government; yet, this position does not reflect the Congressionally enunciated policy contained in the Clean Air Act (Section 104). Is EPA under the law or does it consider itself above the law?

This budget cut is even inconsistent with recent recommendations of the Interagency Sulfur Oxide Control Technology Assessment Panel (SOCTAP), which states:

"In particular, Federal R & D efforts should be expanded to accelerate the development of improved scrub or solid waste management processes. It also is strongly recommended that the Federal government continue support of ongoing government sponsored program (SIC) to develop SOx processes."

At this point, I wish to emphasize excerpts from an October 13, 1972, letter from EPA Deputy Administrator Fri to the Office of Management and Budget—four months before the budget was submitted to the Congress:

"(The proposed reductions for stationary source air pollution control technology) will . . . eliminate the funding of the sixth (sulfur oxide) flue gas control technology demonstration and prevent EPA funding of the completion of the fifth. *This abandons the Presidential commitment to fund six of these demonstrations.* (Italic added) Eliminating these demonstrations does increase the risk that we will ultimately not be able to sustain the large scale steam generation SOx new source standard, but we think this risk is not unacceptable in view of the current legal situation and the progress that has been made in the first four demonstrations, in the private sector since the standard was set, and in foreign countries."

These cuts also affect the nitrogen oxide control technology program, which has direct public health implications. Yet, accord-

ing to Administrator Fri, the proposed 1974 EPA budget represents—

"A risky course as the control technology for NOx is very primitive. If NOx does prove to be a major problem our reduction is this program will delay the setting of meaningful source standards and the achievement of the ambient standards."

To me, these statements represent a total lack of commitment by the current Administration to a Congressionally mandated joint government-industry program. This effort was to be geared at implementing Federal environmental policies in a realistic manner through available control technologies. Instead, while the Federal government reverses its position on its commitment to statutory policies, industry is expected, nevertheless, to meet enforcement deadlines.

The irony of this situation is characterized in Administrator Fri's own words:

"(EPA is) capable of achieving the most pollution abatement in those areas where we have the best legislative mandate. The Clean Air Act is our best legislative mandate. It also has congressional mandates which would be very embarrassing to do a poor job on."

Yet, while proposing budget cuts for research, EPA proposes to increase the FY 1974 budget by $5.2 million for enforcement of air standards and State implementation plans, and enforcement in auto certification and regulation. I cannot help but ask, "Where is the realism?"

I was encouraged, however, by the recent action by the Illinois Commerce Commission toward the achievement of workable solutions to environmental-energy problems. At the request of Commonwealth Edison Company, the Commission approved a fuel adjustment clause for the utility which, among other things, allows for the recouping of the costs attributable to cleaning up fuels, through such methods as sulfar oxide devices and pre-combustion techniques. This represents a significant step forward during a period of constant debate over whether the technology is even available.

AUTOMOBILE

We are familiar with reports of the decreased automobile performance associated with the particular air pollution control methods being developed by the auto manufacturers. This is true and the automobile industry has, in part, found a scapegoat for its own failures. That industry seems to lay its problems on environmental law and seems to impute perfection to its own engineering. This is a sanctimonious approach not supported by the National Academy of Science.

There is no secret about the fact that lighter and smaller cars emit less pollution and consume less fuel than their heavier, high-powered counterparts. It is also a matter of record that diesel engines are more efficient than gasoline engines of the same size.

However, the development of automobiles in this country has not followed the pattern of either small size or diesel power. The reason is clear—an unwillingness to abandon the internal combustion engine—perhaps motivated too much by profit considerations, rather than consideration for environmental or energy policies. The profit aspect is not un-American—but it can be overdone.

From 1960 to 1968, before the current air pollution standards came into being—by industry engineering design—the efficiency of operation of automobiles decreased almost 3 percent. This was due to such factors as increased weight, allegedly poor aerodynamic designs, more factory-installed air conditioning, and V–8 engines. So, the trend already existed before auto emission controls—to keep the current situation in perspective.

As I have said on previous occasions, I find it difficult to understand how our major automobile companies—General Motors, Ford, and Chrysler—keep complaining about the impossibility of the 1975 Federal automobile emission standards, while the Mercedes diesel and two small Japanese companies—Honda and Mazda—reportedly already have met the 1975 standards. This was accomplished with long-known, but non-traditional, engine technologies.

In addition, the National Academy of Sciences, in response to a study mandated by the Congress, concluded, in February of this year, that four types of systems are available to meet the 1975 standards. However, the auto manufacturers seem to keep right on disagreeing—with all except themselves.

In 1970, the Congress recognized that the 1975 standards might not be achievable, and a possible one-year extension was provided. And, this extension is now under review by EPA, with an announcement expected next week.

Meanwhile, before all appeal mechanisms have been exercised, a major public relations effort has been launched by the auto and oil industries to discredit the Clean Air Amendments of 1970. At issue, however, is not the statute, as this public relations effort suggests, but whether a "good-faith" effort has been made by government and industry to assure the success of Federal Clean air policies.

What most questioned are the corporate policies that insist on using the traditional internal combustion engine. These policies according to the NAS, have lead to the installation of the less effective—but more expensive—exhaust control systems. The obvious question is, "Has there really been adequate investigation of the other alternatives." Our country's quest for environmental quality is a joint, societal venture, which must not be allowed to be exploited for short-term economic gains.

However, the government's efforts to develop and demonstrate alternatives to the internal combustion engine, mandated by the Clean Air Act, must also be questioned. In its report of May 1972, the GAO stated, with respect to EPA's advanced automotive power systems program (AAPS), that—

"The commitment of resources, both money and manpower, to the search for a clean engine was not commensurate with the need, nor did it reflect the urgency of the need to resolve the air pollution problem."

In response to this GAO criticism EPA (or, perhaps, OMB) has cut its budget still further! In the words of EPA Deputy Administrator Fri:

"This increases the risk we will not be able to demonstrate an advanced power system capable of meeting the 1976 standards. We view the demonstration of such a system as essential as a hedge against the possibility that the auto industry will be unable to clean up the conventional internal combustion engine enough to meet the 1975–76 standards. *We see plenty of evidence that this oligopolistic (industry will not conduct enough of its own research into unconventional power systems without EPA stimulus.*" (Italic added).

I quote from an editorial in a trade magazine—"The Commercial Car Journal," which says:

The route taken by car and truck manufacturers to meet Federal exhaust emissions laws makes engines less efficient.

By the time 1975 models are here, cars will burn 20 percent more fuel than in 1970 to travel the same distance.

And diesels will be severely affected for the first time in 1975 when they come under harsher emission laws. For the diesels, a 10% increase in fuel consumption is predicted.

Clearly, something has to be done—and done soon. We cannot continue to have each vested interest in this country pulling in opposite direction from the other.

Certainly, the concept of burning more fuel to pollute less is a contradiction in itself. The time for action is now—before it is too late.

EPILOG

As I have emphasized on frequent occasions, a prime difficulty appears to be too many advocates of vested interests, whether environmental or economic. Too little effort is being made to sit down to discuss and develop, in a spirit of compromise, a consensus on what are the immediate environmental objectives and what are our country's long-term societal policies, of which environmental concerns are only one element.

It is generally recognized that our long-term environmental policies are but a small part of the much broader issue of providing an adequate lifestyle for the American people, with all the attendant ramifications.

The challenge is there—the question is one of acceptance and a solid commitment to meet our national environmental policies while, at the same time, meeting other societal responsibilities. Both can be achieved if the approachment to solutions is reasonable and not fanatical. You, and the interests you represent, both environmental and economic, must counsel with the Congress as well as the Executive Branch, for both bodies are coordinate branches of the United States government.

As provided in our Constitution, the Congress is responsible—and accountable—for the formulation of our country's priorities and programs. The Executive Branch, in turn, must implement and administer statutory policies or recommend their modification.

BOYCOTT OF ISRAEL BY JAPANESE COMPANIES

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. KOCH. Mr. Speaker, this week the Anti-Defamation League of B'nai B'rith revealed its finding that three leading Japanese companies—Toyota, Nissan, and Hitachi—are submitting to Arab boycott pressures against Israel. The ADL study of the problem of Japanese companies' refusal to do business with Israel has been an extensive one, tracing back to the mid-1960's the commercial relations of these countries with the Arab countries and their alternative refusal to sell their products in Israel.

The Japanese companies' plea that to whom they export is strictly based on commercial considerations cannot be accepted. In the instance of such large companies, particularly in a country whose industrial growth and production is greatly directed by the Government, a decision not to sell products to a particular company is surely influenced by national policy.

It is distressing to a Member of the U.S. Congress to see the major companies of one of our allies effectively joining a boycott against Israel. This has been a concern to me for a long time.

In December I first wrote to Japan's Ambassador to the United States, Nobuhiko Ushiba to protest the refusal of

Japan Air Lines to reach a mutual landing rights agreement with El Al, Israel's national airlines. I also expressed the concern of my constituents that this was a result of Japan's compliance with the Arab boycott against Israel. The Ambassador responded by letter of December 28 that there were several reasons why JAL "has not been keen on the proposal by El Al Airlines regarding mutual landing right." The two reasons Ambassador Ushiba gave were a lack of prospects for commercial profit in the route and a concern that "the present situation in the Middle East does not assure the safety of such operations."

The Ambassador failed to speak to the most pertinent point of the El Al offer and that is that JAL, if it wished, would not have to immediately pick up on its option to fly to Tokyo. If the agreement were signed, El Al would go ahead in servicing the Tel Aviv-Tokyo route alone if JAL did not want to immediately commence its service. Furthermore, El Al promised to share with JAL any profits of the service even if JAL did not also fly. Surely, JAL could not ask for much better commercial terms.

On January 22, I met with Ambassador Ushiba to speak with him personally about my concern and that of my constituents over this problem and to be sure he understood the terms of the El Al proposal.

Throughout the meeting I pressed the need for countries like Japan not to submit to Arab boycott pressures—that free countries throughout the world had an obligation to resist such pressures. The Ambassador promised to get in touch with Tokyo about our meeting and get back to me about the problem and the question of mutual landing rights agreement between El Al and JAL in particular.

The Ambassador's response when it came was not very promising—in fact it was most disappointing. Still no acknowledgement of El Al's unusual offer that would protect JAL's commercial interest. The Ambassador said:

My Government has been studying this matter—the Israeli proposal for landing rights in Japan—including your information on this subject, most carefully. They are still of the opinion, however, that the scarce traffic demand for the direct reciprocal air service between Japan and Israel, and safety factors which are being raised by the continuing political difficulties in the Mid-East, make it unlikely that a decision will be forthcoming on this matter in the near future.

Ambassador Ushiba went on to say:

On the subject of Japan's relations with Israel generally, I would like to mention two recent developments of note. First, last June, Japan lifted the quarantine restrictions which had applied to the importation of Israeli citrus fruit. Second, beginning last November, cargo liner service was established between Japan and Israel. Now such service operates once monthly; in the future it will be increased to twice monthly.

My own view, Mr. Speaker, is that Ambassador Ushiba's indication that cargo liner service between Japan and Israel operates only once a month simply underscores the paucity of the exchange—and this will be true even if expanded to twice monthly. Furthermore, with regard to the Ambassador's comments on safety for air travel in the Middle East, I would point out that almost every major airline in the world flies into Tel Aviv and has been doing so safely for years.

The Ambassador concluded his letter by saying—

Please be assured that Japan is sincerely extending to Israel its good-will, its understanding and its cooperation.

This, unfortunately is difficult to perceive when the major companies of Japan refuse to do business with Israel, particularly in a world where economic relations are an essential component of any country's relations with another.

The Japanese automobile manufacturers, Nissan and Toyota, claim they cannot sell their cars in Israel because of a shortage of production. This is difficult to understand particularly in the United States where we have been seeking voluntary limitations by the Japanese in their exports. When it comes to selling goods to the United States, there does not seem to be any problems of shortage of production.

Mr. Speaker, no citizen of a free country can tolerate boycotts against another free nation. This is a matter that should be of concern to Jews and non-Jews alike. I for one will not stand by while Israel is prejudiced in this manner. And therefore, while regretting that my efforts and those of other interested persons have apparently not convinced the Japanese to alter their policy, I have decided to cease buying any Japanese products until that country's boycott against Israel is lifted.

For the interest of my colleagues, a story of the ADL report which appeared in the New York Times today follows:

BOYCOTT OF ISRAEL LAID TO JAPANESE—TOYOTA, NISSAN AND HITACHI ACCUSED OF BACKING ARABS

Three leading Japanese manufacturers of automobiles and electronics equipment—Toyota, Nissan and Hitachi—were accused yesterday of refusing to do business with Israel because of the Arab economic boycott.

The charges were lodged by the Anti-Defamation League of B'nai B'rith, which said that the companies were "concealing their long-term participation in the Arab economic boycott of Israel from American consumers because they fear the effect of the truth on their sales."

The Toyota Motor Company manufactures automobiles, the Nissan Motor Company makes Datsun cars and trucks, and Hitachi, Ltd., produces electronic and industrial items.

The three companies, which have largest export sales in the United States, denied the accusation in statements from their home offices.

The Nissan Motor Company said that it "is undertaking exports of its products strictly on a commercial basis and its export principle has never been swayed by any political consideration.

DENIALS CALLED FALSE

But the Anti-Defamation League said that, based on an investigation dating back to 1964 and on documentation from the manufacturers or their agents, the companies "have given in to the boycott."

Lawrence Peirez, chairman of the league's national civil rights committee, charged that the three companies were answering American inquiries with "patently false" statements denying their participation in the Arab effort to strangle Israel economically.

"They are obviously afraid of American reaction," he declared.

The league official said that the three companies had engaged in "misrepresentation and doubletalk for years." He traced Toyota's compliance with the boycott to 1964, Hitachi's to 1965, and Nissan's to 1967.

Spokesmen for Toyota and Nissan asserted that their companies had declined Israeli requests for car shipments because of a "shortage of production." The two companies have each exported 20,000 to 30,000 automobiles a year to the Arab nations in the last 15 years.

Hitachi also denied the accusation, but did not comment on it.

CODE OF CONDUCT FOR JUDGES

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, April 12, 1973

Mr. SCOTT of Virginia. Mr. President, I was privileged some days ago to participate in the Virginia Trial Lawyers Association Seminar in Hot Springs, Va. Several hundred Virginia lawyers were in attendance, and one of the highlights of the meeting was a talk by Mr. Justice Harry L. Carrico, an associate justice of the Supreme Court of Virginia.

Justice Carrico spent most of his life in Fairfax County, and I have been privileged to know him for many years and to follow his career. He served as a trial magistrate for some years, and then returned to the private practice of law. Afterward, he was appointed an associate judge of our circuit court for the 16th Judicial Circuit of Virginia. This is a Court of General Jurisdiction in Virginia, and his capable service was recognized by his elevation to Virginia's highest court some 10 to 12 years ago. Now, he is the third-ranking justice of that court.

I was particularly interested in a portion of Justice Carrico's speech which indicates that a judge should decide cases according to the law, and not what he thinks it ought to be. Most of his talk, however, relates to standards of judicial conduct and the need for members of our judiciary to be persons of impeccable integrity. I benefited from hearing his remarks of this fine lawyer and outstanding jurist, and ask unanimous consent to have his entire remarks printed in the RECORD so that my colleagues in the Congress may also enjoy them.

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

REMARKS OF JUSTICE CARRICO

I want to talk to you tonight about a matter of current and important interest to our profession. The Virginia Supreme Court, during its last session, adopted new Canons of Judicial Conduct for the Commonwealth to take effect this coming July 1st. This is the first revision of the Canons in thirty-five years. It represents a much needed reform, bringing the code of conduct for judges into modern focus.

The effort to update the rules of judicial conduct began in August, 1969, when the then president of the American Bar Association appointed a special committee to con-

sider changes in the ABA Canons, which had been formulated under conditions existing at the turn of the century. The committee made its report and, with minor changes, the new ABA Canons were approved by the Association at its meeting this past summer.

Then, our Chief Justice, acting in his role as Chairman of the Judicial Council, appointed a committee to study Virginia's existing canons in light of the new ABA standards and to make recommendations to Council. The committee made its study and report, submitting a complete revision of the Virginia Canons. Council made some changes and then recommended to the Supreme Court that the new canons be adopted. The proposals were circulated to all Virginia judges with the request that suggestions be made to the Court. A number of suggestions were received and considered. Following this, the Court made some minor changes and the new Code was adopted this past February 26.

The new Virginia Canons follow the format and contain much of the language of the ABA recommendations. However, we did not follow the ABA proposals in toto. This was so for a number of reasons. In the first place, the ABA standards were tuned to those states which follow the practice of electing judges by popular vote, a practice happily not followed in Virginia, so many portions of the recommendations were just not applicable here. Secondly, it was found that the old Virginia Canons in some instances better expressed the meaning sought to be conveyed and contained desirable language which was left out of the ABA recommendations. Finally, some of the ABA provisions were found objectionable. For example, a hypertechnical interpretation of one of the ABA recommendations would have, for all practical purposes, prohibited a judge from receiving the assistance of a law clerk. Another of the suggested canons would have opened a crack in the wall of prohibition against televising courtroom proceedings.

Nonetheless, the real sense of the ABA recommendations is carried forward in the Virginia Canons, and our action in following ABA's lead has brought favorable response from that organization. In a letter received by the Chief Justice this past Wednesday, John T. Reardon, Chairman of a special committee of the ABA, stated:

"On behalf of the American Bar Association and the Special Committee to Obtain Adoption of the Code of Judicial Conduct, I wish to acknowledge adoption of the Canons of Judicial Conduct by the Supreme Court of Virginia. I extend our appreciation and congratulations for leadership in this vital area of judicial reform to you, the Justices of the Supreme Court of Virginia and all the Virginia judiciary.

"Virginia's actions put her in the forefront of the American Bar Association's nationwide effort to secure a more up-to-date and modern ethical code for judges. We are most pleased to add the Commonwealth of Virginia to the growing number of states that have adopted the Code of Judicial Conduct."

I do not intend to trespass upon your time by detailing all the provisions of the new Canons. They do, however, impose some novel and specific limitations on the activities of a judge, and it is to some of these limitations that I would like to direct your attention.

Under the new Canons, a judge and members of his household are forbidden to accept gifts from litigants. And he and members of his household are told they cannot accept any gifts, except incident to a public testimonial to him, or favors, other than ordinary social amenities, from lawyers practicing before him or from others whose interests are likely to be submitted to him for judgment.

A judge is prohibited from testifying as a character witness, from acting as an arbitrator or mediator, from attending political gatherings, from purchasing tickets for political dinners, and from practicing law if on a full time basis as a judge.

As before, a judge is permitted to participate in civic and charitable activities. But he may not serve as an officer, director, or trustee of a charitable or civic organization if it is likely that it will be engaged in proceedings before him. He may not use or permit the use of his title or the prestige of his office for the solicitation of funds, and he is prohibited from being the speaker or guest of honor at fund raising events.

The new Canons greatly restrict the financial activities of a judge. He is told to refrain from financial and business dealings that tend to reflect adversely on his impartiality, interfere with the proper performance of his judicial duties, exploit his judicial position, or involve him in frequent transactions with lawyers or persons likely to come before the court on which he serves.

A judge is prohibited from serving as an executor, administrator, trustee, guardian or other fiduciary, except for the estate, trust, or person of a member of his family and then only if such service will not interfere with the performance of his judicial duties and it is not likely that the estate, trust, or ward will become involved in adversary proceedings.

The new rules prohibit a judge from serving as an officer, director, manager, adviser, or employee of any business, except that he may act as an officer, director or non-legal adviser of a family business.

The new Canons provide that a judge may speak, write, lecture, teach, and participate in other extra-judicial activities concerning the law, the legal system and the administration of justice. And he is allowed to receive compensation for these activities if it is reasonable compensation and does not exceed what a person who is not a judge would receive for the same service. But he may not accept compensation if the source of such payment gives the appearance of influencing him or otherwise smacks of impropriety. And a judge must report the date, place, and nature of any extra-judicial activities for which he receives compensation, together with the name of the payor and the amount received. Such reports must be made annually and filed in the office of the Executive Secretary of the Supreme Court, where they become public.

So, as you can see, the new Canons rather carefully spell out what a judge may and may not do. If they are followed, as they must be, they will insure achievement of the purpose for which they were adopted—an independent and honorable judiciary.

Canon 1 of the new Code states that an independent and honorable judiciary is indispensable to justice in our society. How true that is! Judges who are independent and honest and—of equal importance—who are looked upon by the public as independent and honest, are the foundation of the success and respectability of our system of justice. On the other hand, just one judge who is subservient to any interest or is corrupt in any way can destroy public confidence in the whole system.

It is of extreme importance, therefore, that a judge not only be learned in the law but also that he administer justice with a free and open hand. As John Marshall put it so well during debate in the Virginia Constitutional Convention of 1829–30:

"The Judicial Department comes home in its effects to every man's fireside; it passes on his property, his reputation, his life, his all. Is it not, to the last degree, important that [the judge] should be rendered perfectly and completely independent with nothing to influence or control him but God and his conscience? . . . I have always thought, from my earliest youth till now that the greatest scourge an angry heaven ever inflicted upon an ungrateful and sinning people, was an ignorant, a corrupt, or a dependent Judiciary."

Being independent and honest means being free financially, morally, and intellectually from every man and every influence. It means being courageous in mind and spirit, never fearing the consequences of a decision, never hesitating to do what is right no matter how unpopular such a stand might be. It means being one's own man, recognizing but one duty—to preserve the integrity of the law.

But something more is required to insure a truly independent judge. A judge's decisions must be free from his own emotions, his own prejudices. As Canon 21 of the old Canons of Judicial Ethics said, "Justice should not be moulded by the individual idiosyncrasies of those who administer it." And Judge Burks, in his opinion in *Harris* v. *Harris*, 72 Va. (31 Gratt.) 13, 32 (1878), resisting the temptation to let sympathy have sway in a heart-rending case, stated:

"The unhappy condition of the appellee excites my commiseration; but courts of justice are not allowed to be controlled in their decisions by considerations of that character."

Nor should a judge's decisions be influenced by his personal ideas of the law or his own private notions of justice. He must be guided by the rule of judicial precedent, a rule which binds him to decide cases according to what the law is and not what he thinks it ought to be. And, if he is charting new waters, he must make that decision which he thinks is right because it is within the bounds of legal logic rather than because it might give him recognition as a judicial innovator.

Yes, an independent and honorable judiciary is an indispensable ingredient of a successful and respected system of justice. Those who sit on our benches must be men who love and are devoted to the law and who respect with impeccable rigidity the traditions that have made our system the finest in history. It is the responsibility of the judiciary itself to preserve those traditions and to uphold the dignity of the law. It is in an effort to discharge that responsibility that we have adopted the new Canons of Judicial Conduct. It is my sincere hope that they will tend to inspire a new public respect for the judicial household.

NATIONAL PRIORITIES AND CONTROL OF FEDERAL EXPENDITURES

HON. TENNYSON GUYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. GUYER. Mr. Speaker, on January 24, 1973, I introduced H.R. 2842, a bill to improve and implement procedures for fiscal controls in the U.S. Government, and for other purposes. I refer my colleagues who are concerned with the establishment of national priorities and control of Federal expenditures to the following statement I have submitted to the Senate Subcommittee on Budgeting, Management, and Expenditures, Committee on Government Operations, in conjunction with its hearings on similar legislation, Senator BROCK's S. 40:

This committee is to be commended for conducting hearings on bills to improve Congressional control over the federal budget. I support S. 40 introduced by Senator Brock of Tennessee and referred to the Government Operations Committee. I have introduced the same bill in the House of Representatives (H.R. 2842). The bill provides for a

workable mechanism that will enable Congress to control Federal spending, prevent a tax increase and stop spiraling inflation.

S. 40 is an essential piece of legislation because it reforms Congressional procedures to:

1. Designate a joint congressional committee to formulate a legislative budget to evaluate the federal budget in terms of national priorities;

2. Require the projection of all major expenditures over a 5-year period;

3. Require all major spending programs to be evaluated at least once every three years—zero-based budgeting;

4. Require consideration of pilot testing of proposed major federal programs; and

5. Require federal expenditure programs to be appropriated annually by Congress.

The country is in a crisis today because of uncontrolled federal spending. In the past ten years, federal spending has increased over 100 percent from $111 billion in fiscal year 1963 to an estimate of at least $250 billion in fiscal year 1973. The question today is not to spend more, but how to achieve quality from services funded with federal expenditures.

Today, Congress lacks a mechanism for systematic budgeting procedures. At no point do the appropriation committees of either House coordinate actions with the tax-writing committees who are responsible for raising the revenue to pay the bills. Astonishingly enough, the Congress appropriates money in a piecemeal fashion in more than a dozen separate bills without ever first deciding on a budget. It is no wonder that huge federal deficits of over $71 billion have resulted in the last five fiscal years.

This fiscal crisis brought about by uncontrolled federal spending and the lack of any systematic budgetary procedures affects every American. By some estimates, an average family's annual share of the federal budget has risen from $2,000 ten years ago to $3,700 today—an increase of over 80 percent.

S. 40 would turn the tide on this uncontrolled federal spending by giving Congress a procedure to determine national priorities and ensure that federal programs will be responsive to the needs of the people. Pilot testing of major federal programs makes sense. Why should the government spend billions of dollars for a program before testing the alternative ways to implement the program? Who would buy a new car or some other major item without first trying different models and comparing costs? Major federal programs should be pilot tested for at least a two-year period before national implementation.

In conclusion, this committee is to be commended for embarking on a most difficult and complex project of congressional budgetary reform. I believe all of the five points in S. 40 make sense and should be enacted into law.

GOOD NEWS FOR THE COWS

HON. THOMAS F. EAGLETON

OF MISSOURI

IN THE SENATE OF THE UNITED STATES

Thursday, April 12, 1973

Mr. EAGLETON. Mr. President, the recent meat boycott was bad news for the farmers and of doubtful value to consumers in bringing prices down. But there was at least one bright note, according to 7-year-old Janet Lewis, daughter of one of my staff assistants—it was good news for the cows. I ask unanimous consent that her letter be printed in the Extensions of Remarks.

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

APRIL 11, 1973.

DEAR SENATOR EAGLETON: I want to tell you why the meat boycott is good news for the cows. It is good news because the bulls who live on the farm have to go to market to be sold. When they are sold they are used for meat. If they are used for meat they have to be killed. So the meat boycott is good news for the cows.

Yours truly,

JANET LEWIS.

THE SUPREME COURT AND LEGITIMATE STATE INTEREST

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. HOGAN. Mr. Speaker, in further reference to the abortion issue I would like to call my colleagues' attention to an article by Robert G. Stewart dealing with the Supreme Court's decision.

[From the Ripon Forum, April 1973]

THE SUPREME COURT AND LEGITIMATE STATE INTEREST

(By Robert G. Stewart)

When the government must make a decision which strikes at the very souls of the people—their concepts of life and liberty—it is important that it be correct, that it be made well, and that it be made by the right body.

The Supreme Court's decision in *Roe v. Wade*, as it pertains to the right of a state to prohibit abortion, warrants comment on all three counts.

The abortion controversy allows for no morally neutral position. Any legal norm which orders basic values is a collective moral judgment. To prohibit abortion is to make a judgment that fetal life is more important than the right of a woman to control her own bodily processes. To decide that abortion is a matter of individual choice is to decide that individual liberty in our legal system is more important than fetal life. To permit abortion only in certain circumstances is to balance specific moral considerations.

The judgment of the Court in *Roe v. Wade* was that in the first six months of pregnancy our legal system must value the individual liberty of the woman higher than fetal life. After that, the state can value fetal life higher, except when the life or health of the woman is threatened.

There is no consensus that this is a morally correct judgment. Reasonable people heatedly differ on the morality of abortion, depending upon their view of the theological, philosophical and scientific evidence. So it is all the more important that at least the final decision be made well and that it be made by the right body.

The majority opinion in *Roe v. Wade* is almost ludicrous. The crux of the problem was to interpret the Fourteenth Amendment: "No State shall . . . deprive any person of life, liberty or property without due process of law . . ." After a stormy history of debate, Supreme Courts have developed a substantive meaning for "due process of law." When a legitimate state interest collides with a fundamental individual right preserved by the Constitution, the state can prevail only if it can show a "compelling" need to assert its interest to the detriment of the individual right. A balance such as this seems inherent in a Constitution which makes the state sovereign, but whose amendments enumerate basic individual rights which are to be protected from the sovereign.

This balance requires ascertaining the fundamental right, identifying the state interest and demonstrating that the state interest is or is not sufficiently "compelling" to override the individual right. But the majority in *Roe v. Wade* never even got off the ground.

The Court first deliberated over whether laws prohibiting abortion interfere with a "fundamental" right of a woman. Earlier Court decisions had identified the right of privacy as a fundamental one, emanating from other more explicit rights in the Constitution. The Court seized on this right and concluded that it is "broad enough" to encompass a decision on whether or not to bear a child, even after the child is conceived.

Earlier in the opinion, the Court had insisted that it need not decide whether the fetus was a human being. But can the notion of privacy be taken seriously in this context without assuming the answer to that very question—whether the fetus is a human being whose life is lost as the direct result of a "private" decision to abort it? This question, which has plagued scholars for centuries, is at the very heart of the abortion issue for many.

But few would seriously maintain that the concept of liberty in a free society does not encompass *some* "fundamental" right of personal control of the internal processes of one's body. The only real question in the abortion area, it seems, is whether the state has a sufficient interest to abrogate that right. Having felt compelled to engage in an unnecessary deliberation over the "fundamental" right involved, the Court could at least have attempted to reason out the real question.

The Court, however, was unable even to identify coherently what interest the state had in prohibiting abortion. First, it held that the fetus is not a "person" within the meaning of the Fourteenth Amendment, and thus not entitled by right to state protection of its life. The majority could find no definition of "person" in the Constitution—no use of the word which on its face indicated that the Founding Fathers contemplated a fetus—and no case to guide it. The Court then concluded that since abortions were not so widely prohibited in the nineteenth century at the passage of the Fourteenth Amendment as they are now, the framers of the Amendment did not have the fetus in mind.

In effect, the Court said that for some reason, in the nature of things, we are locked into this nineteenth century view (if anyone really believes and the framers of the Amendment did or did not hold this view). But why cannot a court expand the notion of person or life to conform with changing social values just as it has expanded other notions such as privacy itself on which it leans so heavily?

After concluding, then, that the state interest cannot be the protection of an individual right of life, the Court decided that a state cannot adopt one theory of when a fetus becomes a human being (as opposed to a legal "person") and impose that theory on the citizenry in justification of abortion laws. Thus, we are led to believe that the state interest cannot be protection of human life as an abstract either.

What then is the state interest? The Court appears to have found a legitimate state interest in the protection of "potential" life.

Therefore, having found such a legitimate interest, the Court proceeded not to demonstate whether the interest was "compelling" enough to justify infringing individual liberty, but merely to cavalierly state that it was, but only after six monthly of pregnancy, when the fetus is "viable." Why? Because at that time the fetus is capable of sustaining

"meaningful life" outside the womb. That, however, is nothing more nor less than a definition of "viable."

But having boxed itself into a vague notion of potentiality of life, the Court could do no better, for potentiality covers a spectrum of time at least from conception, and any stopping place in that spectrum can only be arbitrary.

What is also troublesome is that no mention is made of other possible legitimate state interests. What of second order effects such as how the existence of an absolute right to abort a fetus, even in the first six months of pregnancy, might change the very value society places on human life itself? Is this not a legitimate concern? Or is it just "not compelling?" Many feel that this goes to the very heart of the problem, and the Court simply ignored it.

Doubtless, the opinion had to be written to command a Court majority. Nonetheless, no issue which causes such moral institutional and political soul-searching should receive such shoddy resolution.

We cannot even take comfort in knowing that at least the Court was the proper institution to make the decision, however badly it went about it. This question has no clear answer, theoretically or politically.

In a democratic society, one in which people govern themselves, there are certain ideals, such as life and liberty, which are much too fundamental to be defined by interpreting old words in a Constitution; they must be defined or ordered by the people themselves or by their accountable representatives. Justice Byron White, in dissent, put it this way: ". . . I find no constitutional warrant for imposing such an order of priorities on the people and legislatures of the states. In a sensitive area, such as this, involving as it does issues over which reasonable men may easily and heatedly differ, I cannot accept the Court's exercise of its clear power of choice by interposing a constitutional barrier to state efforts to protect human life and by investing mothers and doctors with the constitutionally protected right to exterminate it. This issue, for the most part, should be left with the people and to the political processes the people have devised to govern their affairs." (41 U.S.L.W. 4246)

As appealing as this concept is, it is not without its theoretical retort. Our democratic system has also built into it a check on the kind of tyranny which even a society which governs itself can impose—that of the majority on the minority. This check is a system of courts which acts to preserve all individual rights, regardless of the source of the infringement. One might argue from this that the more fundamental the values or rights at issue, the better it is that an objective court, not the people themselves, decide the issue, particularly given the practical realities of the legislative process.

An argument can also be made that majority rule itself evolved from a possibly outdated conception of man which denies any absolute order to values and therefore looks only to a nose count of individual arbitrary beliefs for collective decision making. If, instead, men have fixed, shared values, established and ordered by a God or another absolute, there may be no pressing need to make every basic value judgment by majority rule, even within our system. Any deliberative body can merely reason out the right answer.

Finally, it cannot be forgotten that the Supreme Court is accountable. New members are appointed by an elected President and confirmed by elected senators. Members are impeachable, and the Constitution they interpret is amendable. We tend not to think of these processes as tools of accountability.

If theory offers no clear answer as to how such decisions should be made, what does institutional politics tell us?

When any decision involving deepseated beliefs must be made, there is a serious problem in preserving institutional credibility. The Supreme Court has a heavy stake in avoiding the appearance of an arbitrary and seemingly despotic exercise of its power. When it acts in an emotional area such as abortion, one which commands no moral consensus, the Court can destroy its credibility as an institution, regardless of its substantive decision, and take a step toward the disestablishment of the entire governmental structure. A truly sensitive Court might well leave such issues to the legislature, as Alexander Bickel has suggested.

But that does not give us a clear answer either. History has brought in no verdict as to whether court action in sensitive areas has pushed us toward anarchy, revolution or a complete loss of credibility. People still use the courts and, by and large, do what courts tell them to do, albeit sometimes slowly and grudgingly. Extreme outrage at a particular decision might lead only to the attempted passage of emotional constitutional amendments; general dissatisfaction with the Court only to the election of a President who promises to change its membership. We have seen both. But these are the very tools of accountability the system provides; and when they are used, the system is working.

Morality, social theory and politics really give no clear answer as to how the abortion issue ought to have been decided or who should have decided it. But this much can be said. Once the Court decided to make the decision, it owed the people whose respect it must maintain more than just a reasonable compromise. It owed them a credible explanation of the result and some hint that the real concerns of the people were addressed. It owed them a sense of security that the result proffered was more than an arbitrary, fist-slamming decision.

BREAKING A DEADLOCK

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. FRELINGHUYSEN. Mr. Speaker, it was with a sense of real relief that I read in yesterday's Washington Post that the Government of Bangladesh has asked the United Nations for a neutral ship to repatriate 20,000 Pakistani prisoners captured during the Indo-Pakistan war at the end of 1971.

This report follows up news that Mrs. Gandhi, the Indian Prime Minister, recently sent a special envoy to Dacca to see what might be done about the repatriation of some 93,000 Pakistanis captured during the hostilities. If the latest account is accurate, Pakistan, in an understanding with Bangladesh, is to return some 15,000 Bengalis, "provided adequate transport arrangements are made."

This development indicates a break in the prolonged stalemate which has led to the prolonged incarceration of tens of thousands of Pakistani prisoners. This deadlock, quite understandably, has heightened feelings of frustration and indignation in Pakistan. The Pakistanis have pointed to the "solemn assurance" by General Manekshaw, commander in chief of Indian forces in December 1971, that "personnel who surrender shall be treated with dignity and respect."

India's position since conclusion of hostilities has been that she could not release Pakistani prisoners imprisoned in India without the consent of the new Government of Bangladesh—consent which only now seems to be forthcoming. Feelings in Pakistan have been heightened by reports of killing of POW's in Indian prison camps—in March and October 1972—and by the fact that some 6,000 women and children are among those detained.

It is in this context that the apparent breakthrough could be of utmost significance. Stability on the Indian subcontinent is certainly to be desired, but there is little possibility that there can be stability until a durable peace is attained. The detention of the Pakistani prisoners has been a major roadblock in the quest for such a peace.

ELDERLY AMERICANS NEED OUR HELP

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. ROSENTHAL. Mr. Speaker, after a lifetime of work, the retired American soon learns that his golden years are anything but golden. His income drops while prices keep climbing in the other direction. These soon become the years of despair and disappointment.

The voracious appetite of inflation gobbles away at savings and pensions. Food prices, rents, property and sales taxes and the even increasing burden of medical care costs zoom out of sight. About 80 cents out of every dollar the elderly have must go for day-to-day survival. Disappointment rather than relief clouds the present and decreased services rather than additional assistance lurks in the future.

This is the mightiest and wealthiest Nation ever to occupy the globe. The knowledge and power of past empires is little compared to ours. There is no justifiable reason why millions of our elderly citizens must live in or near poverty. Yet, that is just what is happening. It has been reported that 70 percent of all single men over age 65 have incomes less than $2,600 a year. Couples are only slightly better off, with nearly 1 in 4 having annual incomes below $3,000. This means at least 5 million older Americans are attempting to subsist below the poverty level.

What are our national priorities? Surely a nation that has so much money to spend in the instruments of death and destruction can set aside a fraction of that sum for the betterment of its elderly citizens. Medicare coverage could be expanded to include out-of-hospital pre-

scription drugs for the price of one aircraft carrier. A comprehensive manpower program for older workers could be estabilshed for the cost of a single submarine.

Poverty is not a transitional problem for the elderly. Unfortunately the inequities of the social security law present obstructions to the solution of the No. 1 problem of today's aged population: Low income. If we do not enact a bold, comprehensive and truly meaningful social security bill, many of our aged citizens may not have any alternative but to go on welfare, dealing a crippling blow to their pride and to the financial solvency of many of our cities and States.

I am proposing today a 35-percent increase in cash benefits for the elderly, survivors and the disabled, with a $150 minimum for individuals and $300 monthly for couples. This, coupled with the cost-of-living increase voted by the Congress last year, may not put elderly Americans in the lap of luxury but it will help improve their living standards to a more decent level. The age of eligibility would be lowered to 60 for men and women alike.

Features of this bill include:

First. Payment of benefits to married couples will be on their combined earnings record, thus ending discrimination against the working wife;

Second. Extension of social security coverage, including medicare, to Federal, State and local employees, at their option, including postal workers;

Third. Removal of the limitation on outside earnings; social security is insurance which the worker paid for, and he should not be denied the benefits because he has provided for other income in his old age;

Fourth. Improvement and expansion of medicare coverage.

The administration wants the elderly to pay an additional $1.9 million in their medicare costs in an effort to establish a cost-awareness on the part of the medical care consumer. This is absurd. Cost-consciousness is not a trait we need to teach our older citizens. It is a trait we should learn from them. Yet, the administration is telling people who must count out pennies for a newspaper or nickels for a quart of milk that they must hold the line on costs. I wish the President would show such cost-consciousness for the multi-billion-dollar cost overruns in the Pentagon.

My bill would not increase the burden on medicare recipients as the President proposes, but reduce it by:

First. Eliminating the co-insurance payment requirement for supplemental part B coverage for persons with a gross annual income below $4,800;

Second. Providing home-care prescription drugs under supplemental coverage;

Third. Reducing to 60 the age of entitlement to medicare benefits;

Fourth. Offering free annual physical examinations for the elderly;

Fifth. Eliminating the 100-day limit on post-hospital extended care services;

Sixth. Extending coverage to all disabled persons, regardless of age.

On the average, an elderly person pays $791 a year for medical bills, and the price keeps going up. Hospital and doctor costs are rising rapidly, well ahead of the overall cost of living.

My bill provides optional free annual physical examinations for the elderly in order to encourage preventive care rather than rely on crisis treatment. Not only will this measure contribute to a healthier population but it also will save more money in the long run than would the administration's short-sighted method of creating a cost-consciousness by raising the price of coverage.

Not only should we promote inhospital and posthospital care for the aged, but we must also resolve to ease the financial burdens of necessary prescription costs. The elderly spend about three times more per capita on prescription drugs than the rest of the population. In 1970, that came to $50.94, compared to $16.29 for persons under 65.

The bill I am introducing today would extend medicare coverage to include out-of-hospital drugs. This is something I have long advocated and which has been endorsed by the White House Conference on Aging, the President's own task force on aging, the 1971 Social Security Advisory Council and the Department of Health, Education, and Welfare's task force on prescription drugs.

This specific proposal, I believe, will have a significant side benefit. Many times the elderly must be admitted to hospitals in order to qualify for medicare coverage of drug purchases that could otherwise be prescribed on an outpatient basis. This proposal will not only eliminate this unfortunate use of much needed hospital space, but will avoid the potentially tragic psychological impact that a hospital stay can have on older people. This is a price that the elderly should no longer be expected to pay.

Every part of this bill affords effective, tangible and solvent ways of correcting the question it deals with. We all face a common aging problem. We must provide and plan for a retirement period of indeterminate length and uncertain needs. In 50 years, 15 percent of all Americans will be over 65, a third of these, 15 million, will be over 75. My bill will help eliminate many of the spiraling problems that have plagued our country's aged. It must be kept in mind that social security is not charity, but insurance bought and paid for by American workers.

JANE FONDA BOYCOTT

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. RONCALLO of New York. Mr. Speaker, I would like to submit a resolution which I believe is most noteworthy. It was adopted by the Massapequa Park Republican Club headed by Martin F. Gannon:

A RESOLUTION

For too long now, we, the subscribers to the Motion Picture industry and the media of Television have fallen heir to attacks upon those things we believe in, i.e.: our concept of government, our military, our political way of life, by individuals who have attained their status because we have paid for the tickets and have purchased the products they promote.

In turn, they have exploited their newfound positions to flaunt their attacks. More recently, they have attempted to defame our Vietnam P.O.W.'s as "liars and killers". I believe such action should not be ignored. These people should not be permitted to go on enjoying what so many have sacrificed for: their riches, status, and an opportunity of vocal expression on such wide media, without liability.

Outstanding among these people, is Jane Fonda.

We propose the following resolution:

"Now, therefore, be it resolved that:

"1. Whereas Jane Fonda, has besmirched the good names of our returning prisoners of war, and, whereas, the same Jane Fonda has belittled the institution of this great country, from which she has received opportunity and financial support and, whereas, if the same action by Miss Fonda had taken place in any one of the countries for which she has displayed such great fondness, she would have received prompt internment. Now, therefore, be it resolved that we, the members of the Massapequa Park Republican Club, exercise the privilege of free speech and free action and agree to show our outrage by boycotting all media showing Jane Fonda."

We will correspond with all organizations who wish to join us in this effort.

A BILL FOR RELIEF OF MONROE A. LUCAS

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. MADIGAN. Mr. Speaker, today, I have introduced a bill for the relief of Mr. Monroe A. Lucas, an employee of the Farmers Home Administration in Illinois, who is faced with financial liability for loss incurred in a rural housing loan due to a fire on April 15, 1970.

My predecessor, the Honorable William L. Springer, introduced similar legislation in the second session of the 92d Congress, as H.R. 14347. It was then referred to the Committee on the Judiciary and received a favorable report from the Department of Agriculture.

The bill I introduced today is identical and would relieve Mr. Lucas of the financial liability for the balance of a home loan under his jurisdiction which burned at the time when he was county supervisor of the Effingham County, Ill., Farmers Home Administration.

On February 3, 1970, Mr. Lucas, then county supervisor in the Effingham County, Ill., Office of the Farmers Home Administration—FHA—received a 10-day cancellation notice from borrower Lewis' insurance company. When Mr.

Lucas visited the Lewis home on February 6, Mrs. Lewis told him the insurance premium had been paid. Mr. Lucas did not ask her for evidence of payment nor contact a representative of the insurance company to confirm her statement. When Mr. Lucas visited the property on April 17, 1970, 2 days after the house had burned, Mr. Lewis told him he had not, in fact, paid the insurance premium in February and that the policy had been canceled.

In accordance with 6 U.S.C. 14 Mr. Lucas, as county supervisor, was covered by a faithful performance bond. The term "faithful performance of duties" is defined in the bond to include "all duties and responsibilities imposed upon such individuals by law or by regulation issued pursuant to law." The borrower has no assets from which collection could be effected. Since he failed to discharge his responsibility for seeing that the borrower's house was insured, Mr. Lucas has been notified of his contingent liability for the loss. The remaining security for the debt consists of two lots valued at $500. Sale of the real estate has been deferred pending efforts to recoup as much of the loss as possible through leasing. After disposition of the lots and credit of the proceeds to the account, Mr. Lucas would be liable for the unpaid balance in the account. Principal and interest as of April 28, 1972, total $5,590.37.

Mr. Lucas said that since the borrower had made regular payments on his loan, he believed the borrower's wife when she stated the premium had been paid.

Legislation has been approved in the 93d Congress which eliminates the necessity for bonds for faithful performance of duties.

Also, Public Law 92-310, approved June 6, 1972, contains a provision which repeals title 6, U.S.C. 14 and provides instead that the Federal Government shall assume the risks of its fidelity losses.

Clearly, Mr. Lucas made a good-faith effort to determine that the insurance premium had been paid. Since legislation has since been enacted which provides authority for eliminating the necessity of faithful performance of duties bonds, I urge the early favorable consideration of this legislation and hopefully the early disposition of any financial obligation held by Mr. Lucas because of no fault of his own.

CONTINUE LEGAL SERVICES? BY ALL MEANS

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. TIERNAN. Mr. Speaker, in the April 11 evening edition of the Washington Star, columnist James J. Kilpatrick offers a well-reasoned statement on the necessity of continuing a fully-funded and unfettered legal services program.

I commend this article to the attention of my colleagues.

The needs are clearly stated and the conclusions are compelling:

CONTINUE LEGAL SERVICES? BY ALL MEANS

(By James J. Kilpatrick)

There are times, sad to say, when American conservatives appear to constitute "the stupid party," as John Stuart Mill once labeled their British counterparts a century ago. By their failure to give active support to a continuing program of legal services for the poor, my brother conservatives are abandoning their principles and exhibiting a dull-wittedness that makes a man despair.

Of course, a legal services program should be extended! Let the Congress, if it pleases, scrap everything else that has been funded through the Office of Economic Opportunity. Let the administration, if it can, dismantle a hundred boondoggling, paper-shuffling programs of grants-in-aid. But in one form or another, the Neighborhood Legal Services must be maintained.

Chiseled in stone above the great white columns of the U.S. Supreme Court are four famous words: Equal justice under law. No concept in our public life is nobler and no concept has been more poorly served. The grim truth is that for all practical purposes we still have two systems of law in this country, one for the rich, another for the poor. Every newspaperman who ever has covered the small claims and criminal courts of his city knows this is so.

Granted, much has been done in recent years. Indigent defendants, even in serious misdemeanor cases, now have a right to counsel. Bail reform has remedied some of the most flagrant evils of the criminal justice system. Since 1965, the federally assisted legal services program has greatly benefited the poor in areas of civil litigation. Now this civil program—a program seeking to promote equal justice under law—is threatened with abandonment. Conservatives, dedicated in principle to this elementary proposition, ought to be in the forefront of a fight to push the cause along.

But where are they? They are grumbling that in recent years the program of legal services has been abused. Doubtless this is true. It would be incredible not to discover abuses in a program involving 2,500 lawyers in 900 neighborhood law offices.

But these occasional abuses, while serious, have been few. Viewed on the whole record, the legal services program has helped to foster a sense of confidence not only in the courts, but also in what is known vaguely as "the system." In a message two years ago, urging creation of a wholly independent Legal Services Corporation, President Nixon made that point. "This program can provide a most effective mechanism for settling differences and securing justice within the system and not on the streets."

Unhappily, Nixon now seems to be dragging his heels. The present $70 million program is to expire in June, and nothing is yet in sight to take its place. It would be calamitous to let the concept go. As a recent report from the General Accounting Office made clear, the great bulk of case-work by the NLS lawyers involves legal problems arising from housing, domestic relations, employment, and consumer grievances.

What is needed—and needed promptly—is a bill to create an independent legal services corporation, generously funded, with authority to provide essential representation for the poor. Such a corporation should have backup facilities for research. It ought not to be denied a hand in "law reform." Neither should it be prohibited from bringing the class actions that often provide the most effective remedies at law.

Conservatives should back such a bill, in the full awareness that from time to time they will be irritated, harassed, and outraged by the "zeal and adrenalin." Mistakes will be made. Incidents of bad judgment can be expected. But if we truly believe in equal justice under law, we ought not to be deterred from supporting an effort to make those words in stone something more than an empty phrase.

BUDGET REFORM NOW

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. ANDERSON of Illinois. Mr. Speaker, today I am reintroducing for myself and the gentleman from Florida (Mr. FASCELL) and seven new cosponsors, a House concurrent resolution directing the Joint Study Committee on Budget Control to report comprehensive budgetary control legislation by June 1, 1973, which shall include procedures for the operation of an enforceable spending ceiling beginning in fiscal 1974, and for limiting the impoundment authority of the President. This brings to 45 the total number of House cosponsors on this legislation which we originally introduced on Monday of this week.

At this time, numerous impoundment control bills are pending before the House Committee on Rules of which I am a member, and I am proud of the fact that two other members of our committee, Mr. PEPPER and Mr. MURPHY of Illinois, are also cosponsors of this resolution. In addition, the gentleman from Arizona (Mr. RHODES), who is a member of the Joint Study Committee on Budget Control, the Appropriations Committee, and chairman of the House Republican Policy Committee, is a cosponsor of this resolution.

At this time, I again wish to commend the joint committee on moving to final adoption of its recommendations. Our resolution would simply give them the additional authority to turn those recommendations into legislative form and the added responsibility of including impoundment control procedures. It is my hope that the Rules Committee will report this concurrent resolution either as a substitute for any anti-impoundment bill or in lieu of such a bill.

At this point in the RECORD, Mr. Speaker, I include the list of new cosponsors as well as an article from the Tuesday, April 3 New York Times reporting on the final recommendations of the Joint Study Committee on Budget Control:

NEW COSPONSORS

Mr. Mallary, Mr. Madigan, Mr. Ketchum, Mr. Ech, Mr. Beard, Mr. Murphy of Illinois and Mr. Bell.

CONGRESS PANEL DRAFTS REFORMS TO CURB SPENDING

(By James M. Naughton)

WASHINGTON, April 9—Leaders of a special Senate and House study committee have

reached tentative agreement on major reforms in the Congressional budget process.

The proposals, if enacted, would enable Congress to set an annual spending limit, allocate maximum budget outlays to both appropriations and legislative committees, and impose a Federal income tax surcharge in the event that spending went over the annual ceiling.

In addition, the recommendations would provide for a new Congressional budget staff, rivaling the White House Office of Management and Budget in expertise, to guide Congress in setting spending priorities.

The proposals, in a 50-page confidential draft report of the Joint Study Committee on Budget Control, go to the heart of the bitter clash between the President and Congress over control of Federal spending.

"PRINCIPLES IN SPENDING

Mr. Nixon, charging that Congress does not have adequate procedures to exercise spending restraint, has taken it upon himself to impound—or, refuse to spend—more than $8-billion for programs set up by Congress.

The 32-member joint committee agreed on Feb. 7 to a set of "principles" for reform of the budget process aimed at registering Congressional autonomy over spending. But the committee, acknowledging the difficulty of getting a consensus on the specific way to implement the principles, had pleaded for a delay until the end of the year in submitting its detailed plan.

Thus it came as a surprise when the co-chairmen and vice chairmen of the committee worked out the following key reforms that are contained in the draft proposal:

Establishment of a 21-member House committee on the budget and a 15-member Senate committee on the budget. Each would have authority to recommend at the beginning of each session of Congress an over-all spending limit, the amounts that should be allocated for each budget purpose and the appropriate levels of tax revenue and public debt.

The two committees would also reassess the spending situation and make other recommendations—for a higher ceiling or, alternatively, for either cuts in spending programs or new taxes—at the end of the Congressional year.

Creation of a joint staff to serve both committees by providing nonpartisan, professional advice on likely Federal revenues and appropriate spending priorities. The staff, modeled after the Office of Legislative Analysis in the California General Assembly, would be, in effect, the Capitol Hill equivalent of the White House budget staff.

Strict rules to guarantee that, once a spending ceiling had been agreed upon, it would be followed by both committees of Congress and individual members.

"RULE OF CONSISTENCY"

The report stipulates that if the spending limit finally set by Congress would lead to a budget deficit "a surcharge would be imposed to bring in sufficient revenues in the next calendar year to eliminate that deficit." The income tax surcharge would apply both to corporate and individual incomes.

Furthermore, to prevent Senators or Representatives from amending spending bills and thus breaching the limit, the report calls for a "rule of consistency." Under the rule, a member would be required to propose a cut in spending in other areas, or an increase in taxes or the debt limit, if the amendment would increase spending.

The recommendations were developed by the joint committee's six senior members. They are the co-chairmen. Representatives Jamie L. Whitten, Democrat of Mississippi, and Al Ullman, Democrat of Oregon; plus the vice chairmen, Senators John L. McClellan, Democrat of Arkansas; Russell B. Long, Democrat of Louisiana, and Roman L. Hruska, Republican of Nebraska, and Representative Herman T. Schneebeli, Republican of Pennsylvania.

The six Congressmen will meet tomorrow to give their final approval to the draft and then submit it to the full joint panel.

Mr. Whitten said that the agreement appeared to have been reached because "things are falling into place." He said that approval of the report would show "everyone that we mean business."

Mr. Whitten said that he thought it was likely that the final report would be approved and published before Congress recesses for the Easter holiday. After the recess, he added, Congress would probably begin action on legislation to put the reforms into effect.

They are likely to meet with at least acquiesence of the White House as well, since the reforms would answer the President's complaint that Congress must update its budget system before asserting budget control.

Representative John B. Anderson of Illinois, the chairman of the House Republican Conference, joined today with 35 other House members in urging that the joint budget committee be given authority to turn the reform recommendations into bill form.

Perhaps the most notable recommendation was the proposal to give the new budget committee jurisdiction over both appropriations committees and legislative committees of Congress.

Although in theory the budget outlays are set by measures approved in the Senate and House Appropriations Committees, in fact, other committees that are empowered to draft new laws can determine outlays through what is called "back door" spending.

A bill setting up, for instance, a pollution control program can establish annual authorization levels that the appropriations committees are required, for all practical purposes, to follow.

As the draft report noted, over the last five years the Senate and House Appropriation Committees had reduced White House spending requests by $30-billion but, during the same period, other legislative committees approved bills that contained budget authority exceeding the spending level by the same amount, $30-billion.

At present, Congress acts on each spending bill as a separate entity, without much consideration for the effect the bill will have on over-all outlays.

Pressures have been building in Congress for adoption of some remedy to this situation. In hearings today before a subcommittee of the Senate Operations Committee, members of Congress and some budget experts underscored the urgent need for reform.

Robert A. Wallace, vice chairman of the Exchange National Bank in Chicago, testified that, "in the midst of current inflationary forces and the area of Congressional spending authority, the political environment is ripe for action."

The same point was made by Senator Hubert H. Humphrey, Democrat of Minnesota, who told the subcommittee that he was often regarded as a "bleeding heart," but that he was concerned that Congress might merely set a spending ceiling without establishing the system to enforce it.

Without strong reforms, Mr. Humphrey said, "we're just blowing smoke. We're kidding ourselves and we're kidding the public."

Charles Schultze of the Brookings Institution in Washington, who was a budget director in the Johnson Administration, testified that "it will do Congress more harm than good, and perhaps do the country more harm than good, if Congress merely establishes a spending ceiling."

Unless the limitation is accompanied by workable reform mechanisms, he said, "Congress would merely give the President a directive to impound."

EXTENSION OF PUBLIC HEALTH ACTS

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. BROTZMAN. Mr. Speaker, I am today introducing legislation designed to remedy a problem recently created by the fiscal year 1974 budget with respect to the Nation's many Federal health care assistance programs.

The problem is precisely this: Several health programs, proven worthwhile in their implementation, have been notified of fund cutoffs beginning with the ensuing fiscal year. And yet, according to the budget, special revenue sharing funds for health will not be available for these programs until July 1, 1975, and then only if the Congress can act in time.

I do not believe that this is the best way of going about the business of insuring our Nation's physical health and well-being. These programs should be given at least a fair chance to compete with others for the revenue sharing dollar. If we terminate them at this time, they cannot possibly continue to exist for the extra year before revenue sharing becomes available for health programs.

The result would be a breakdown in the advances our country has made in the field of health over the last decade. Expert staff personnel would be scattered and the advantages of the experience gained within the last few years would be lost forever.

Such programs are asked to take this matter up with State and local governments, to plead for their assistance until the money becomes available from other sources. How realistic is this request? Can we reasonably expect State and local governments, where taxes have been increasing rapidly to take up new and costly economic burdens? I think not.

I was a member of the House Interstate and Foreign Commerce Committee which reviewed many of these programs in three of the last four Congresses, and I believe that the committee has done a responsible job of overseeing the authorizations for these programs.

I support the idea of shifting programs to local governments. However, we will not be returning power to the local governments by handing over programs they cannot yet afford. My bill would provide a solution to this shortcoming, I feel, by giving the programs in question an additional year to carry on their activities. In the meantime, I hope these programs will use the added time to prepare themselves for the day that local governments bolstered by the assistance of health special revenue sharing, will be able to better afford to continue them for the benefit of their citizens.

Mr. Speaker, I join with the other sponsors of this legislation in asking the Committee on Interstate and Foreign Commerce to bring this matter quickly to the floor of the House, so that we

might provide these programs and their clients with assurances, of the continuing support of the Congress.

PHILLIPS DEFENDS OEO DISMANTLING

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. MOORHEAD of California. Mr. Speaker, the Rocky Mountain News recently carried an interview with Acting OEO Director Howard Phillips.

I personally found this interview to be most interesting. I insert this article in the RECORD so my fellow Members of Congress will have the opportunity to see it:

PHILLIPS DEFENDS OEO DISMANTLING

(By Lee Stillwell)

WASHINGTON.—Howard Phillips, the man in charge of dismantling the Office of Economic Opportunity (OEO), sees his role as helping President Nixon reshape the nation's domestic policies.

Phillips, married and the father of three children, says the public controversy surrounding him these days doesn't affect him or his goal of closing OEO's doors at the end of June.

"It honestly doesn't bother me . . . to me, the reality of things is more important than the appearance of things. In five years most of the accounts of what happened will be forgotten but the reality of what happens will speak for itself."

Phillips first worked for Nixon as his Massachusetts youth chairman during the 1960 campaign while still a Harvard student. He believes the "Domestic Nixon doctrine" is of revolutionary proportions.

"More generally known as the new federalism, this doctrine will in my view prove even more consequential in the history of human liberty than his achievements in foreign policy," Phillips said.

This belief has given Phillips the determination to achieve the deadline of dismantling OEO by June 30, sending programs the Nixon administration believes are workable to other agencies while killing those it feels are not.

A tall, intense man of 32 who wears conservative suits and keeps his hair neatly trimmed, Phillips says: "I really am convinced that what I am doing is the right thing."

He sees the elimination of OEO and its policies as a way of reversing the power flow, giving it back to the people while taking it away from what he calls "bureaucrats."

"People have a right to decide for themselves," he says. "Why should a bureaucrat have the right to make your mistakes for you . . .? You should be able to make your own mistakes or your own successes. It's a mistake to think all the talent in this country lives on this side of the Potomac River.

"If you are going to get good people in local government, you have to give them the authority to make decisions of greater significance than what color do you paint the fire truck."

Phillips said the transfer of OEO programs to other agencies should provide better efficiency and more self-determination for communities:

"What we are doing is not a negative thing . . . it is a positive thing. We're not ending the federal government's federal poverty program . . . we're giving it new life by giving it a chance to be effective."

Phillips defends one of the more controversial aspects of the plan, eliminating the one-third federal funding of the nation's 907 community action agencies this fiscal year.

"We're not in a position to say which community action agencies are good and which are bad, we are saying local people have to make that decision," Phillips said, pointing out that local governments have the option of funding good programs fully. He said a legislative committee in Massachusetts just appropriated $8 million to continue community action programs.

And he contends the legal services program will be more effective if Congress approves legislation creating a separate federal legal assistance corporation.

The current OEO legal services programs employ more than 2,200 lawyers and in many cases they don't merely represent clients, Phillips charged, contending:

"They have been encouraged by OEO to organize groups, publish newsletters, assist lobbying activities, and otherwise engage in advocacy on issues of public policy in ways which do not arise out of the representation of specific clients."

There have been a number of situations where the money intended for the poor seemed to go to other areas, Phillips said, mentioning the spending of some funds for voter registration, calling this more political than poverty oriented.

The acting OEO director also said 78 to 80 per cent of OEO money currently goes for salaries.

"Being very generous with the figures, you are still not reaching more than one in 300 of the poverty population when you talk about people who have been taken out of poverty by being put on the OEO payroll," Phillips said. "That doesn't solve poverty."

Phillips is uncertain about his future if he's successful in closing down OEO on time. He wants to take a vacation with his family but indicated, when asked, that he hopes to continue to work at public service for President Nixon.

"My whole life has revolved around Richard Nixon, and whether in private or public life I want to carry forward the things that Richard Nixon is doing," Phillips said. "I think he is the most significant President in the century and I think what he is doing is of overwhelming importance in terms of the future of human liberty."

INDIAN SERVING AS ACTING MONTANA GOVERNOR

HON. DICK SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. SHOUP. Mr. Speaker, in an article dated April 7, 1973, an Associated Press release from Helena, Mont., discusses an important event in Montana history. I request its contents be printed in the RECORD:

INDIAN SERVING AS ACTING MONTANA GOVERNOR

The first Indian believed to serve as acting governor of any state, Percy DeWolfe of Browning, said Friday that his sitting at the governor's desk "really proves discrimination in Montana is not as bad as in other states of the union.

"If we had discrimination as it exists in other states, I wouldn't be here today," the Blackfoot Tribe member said. DeWolfe was elected president of the Montana Senate for the legislative interim and is serving as chief executive until Monday while Gov. Thomas L. Judge and Lt. Gov. Bill Christiansen are out of the state.

The gravelly-voiced, 68-year-old veteran legislator said, however, that discrimination still exists "up to a point" in Montana. DeWolfe has said that with all the advances of civilization, "man himself has made very little change.

"Man still starts wars, still makes love, still smiles at small children . . . and still is as imperfect as he has ever been."

A Democrat, as is the governor, DeWolfe, a one-quarter Indian, served two terms in the Montana House and has been a state senator since 1961. He has been a rancher on a 15,000-acre spread on the Blackfoot reservation, east of the jagged mountains of Glacier National Park.

DeWolfe said there is a "small chance" that an Indian could be elected governor in Montana.

"The candidate would have to be the type of man who has proven himself, his business ability, and his management capabilities," he said. "State government is a large business. But I believe there are Indians in Montana who could fill the job of governor."

On assuming the interim presidency of the Senate, placing him second in line of succession for the governorship, DeWolfe said: "My election is not only a personal honor, but a tribute to a fine people and a unique history.

"I am proud for my people, my heritage and for my state."

THE 25TH ANNIVERSARY OF THE NORTH CAROLINA AIR NATIONAL GUARD

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. MARTIN of North Carolina. Mr. Speaker, Saturday, April 7, 1973 marked the 25th Anniversary of the North Carolina Air National Guard. I am confident that many of my colleagues will enjoy reading about the successful missions of this outstanding and important unit in our National Guard. I insert at this point in the RECORD, a review of their activities and accomplishments during the past 25 years.

The review follows:

CAROLINAS AVIATION DAY, APRIL 7, 1973

Twenty-five years isn't very long in the annals of time, but in that span the North Carolina Air National Guard has gone through some remarkable changes in both equipment and missions.

Each change has brought with it new problems and challenges but the North Carolina Air Guard has proven time and time again that problems and challenges are no matches for the skills and determination of its personnel. An uninterrupted chain of successful mission accomplishments attests to this fact.

The Air Guard will celebrate its 25th Anniversary Saturday, April 7th, during Carolinas Aviation Day, sponsored jointly by the Guard and the Charlotte Chamber of Commerce.

Highlights of the day include an aerial demonstration by the famed Air Force's precision jet team, The Thunderbirds, and a number of parachute jumps by the Army's crack team, the Golden Knights.

Organized in the early months of 1948, the North Carolina Air National Guard received federal recognition in March of that year with a total of twenty-four officers and sixty-four airmen. Commander of the fledging unit was Lt. Colonel William J. Payne. Today he's a Brigadier General and holds the distinction

of being the only commander ever of the N.C. Air National Guard.

Today the Air Guard totals 1000 officers and airmen spread among 15 units and located in four different cities.

The biggest jump came in May, 1948, when the 118th Aircraft Control and Warning Squadron was organized to man eight radar stations in the state. Other units included the 156th Weather Station, the 218th Service Group Detachment and the 156th Utility Flight.

In January, 1950, the F-47 Thunderbolt was replaced with the faster F-51 Mustang and the Air Guard grew to some 700 officers and enlisted men.

The Korean War broke out in July, 1950. The units were near full strength. All were called to active duty.

The 156th Fighter Squadron was transferred from Charlotte to Godman Air Force Base near Louisville, Ky., and assigned to the 123d Fighter Bomber Wing. During the next 13 months, approximately 25 percent of the officers and 15 per cent of the enlisted men were assigned to Korea as individual replacements.

After a 21-month tour of active duty, the 156th Fighter Squadron was released in July, 1952, and returned to its former National Guard status at Douglas Field, and the unit was reequipped with the F-51 Mustang.

In January, 1951, the NCANG's 118th Aircraft Control and Warning Squardon (TC), was called to active duty and sent to Sewart AFB, Tennessee. Personnel of the 118th were from Charlotte and the Badin/Wadesboro area.

The 118th AC&W Squadron was sent to Nouasseur AFB, French Morocco. Personnel of the 118th rejoined their fellow Air Guardsmen of the 156th in Charlotte when released from active duty in 1952. Others of the 118th became the nucleus of what is now the 263rd Communications Sq in Badin.

In October, 1953, the 156th Fighter Squadron received its first jet, a T-33 trainer. The first F-86 Sabre jet arrived in January, 1954, which marked the beginning of the jet age for the Tar Heel Air Guard and Douglas.

The ever-growing Air National Guard soon found its facilities inadequate. Programs to increase the capabilities of the unit were undertaken. Meanwhile, the 156th had come under the Air Defense Command and stood regular ADC runway alerts. Under control of active United States Air Force Control Centers, Air Guard pilots scrambled day and night to check out unknown aircraft and violations of restricted flying areas such as Oak Ridge, Tennessee and the Savannah River Project.

Something new was added in equipment when the 156th received its first all-weather fighter interceptor, the F-86L. Designed for air defense, the later model Sabrejet gave the Air Guard its first rocket-firing interceptor.

Another transition was on tap for the North Carolina Air National Guard. In October, 1960, it was announced that the mission would be changed from air defense to aeromedical transport. The 800-man Air Guard received its first C-119 Flying Boxcar in January, 1961, and the unit was transferred from the Air Defense Command to the Military Air Transport Service.

The C-119 was not ideally suited for aeromedical service and this interim aircraft was replaced in 1962 by the first of nine C-121 Super Constellations.

Overseas runs were started in early summer of 1963 with missions to Europe and the Caribbean for all air crews. The first of the Pacific runs took off in March, 1964, and the North Carolina Air National Guard was truly global with missions to Frankfurt, Germany to the east and Tokyo, Japan westward.

The 145th Military Airlift Group received orders to prepare for a new aircraft, the C-124 Globemaster, in November, 1966. Phasing out of the 145th's eight C-121 Super Constellations was completed in April, 1967 after nearly five years of operating with the unit. NC Air Guard crews logged 22,546 accident-free hours in the versatile "Connie", flying support for the Army, Air Force, and National Guard throughout the U.S. and to almost all the free countries of the world.

Early in 1971, the unit was advised that they would be changing missions from MAC to TAC and would be equipped with C-130B type aircraft. The unit immediately started making plans for the conversion and a slow decrease in the number of overseas missions. The last of 85 flights to Vietnam was flown in February, 1971, and the last overseas trip was to Taiwan in April, 1971, ending the Group's overseas mission under the Military Airlift Command.

During the period January, 1964, when the Group was designated the 145th Air Transport Group (Heavy), with a global mission, until May, 1971, when the Group was redesignated the 145th Tactical Airlift Group, the unit airlifted over 23 million ton miles of cargo, 18½ million passenger miles . . . 1.1 million patient miles and flew over 11 million miles. The safety record now stands at over 70,000 hours and 14 years since the last aircraft accident.

The C-124 was flown 23,028 hours to over 51 countries or places, airlifting vitally needed cargo and supplies to our armed forces. The last C-124 departed the base on 14 July 1971, ending another outstanding period of NCANG history.

Since mid-1971, the 145th Tactical Airlift Group and its support units have been working feverishly to become operationally ready.

The culmination of all this work and training was in January of this year when the "boys in blue" successfully passed an unannounced ORIT (Operationally Readiness Inspection Test) under the very demanding eye of Tactical Air Command. The 145th is now ready to take its place in TAC as a full fledged partner in the mission of tactical air lift anywhere in the world.

Even before the successful ORI, the Air Guardsmen were already participating in "live drop" missions around the world, dropping both equipment and personnel on a regular basis.

In December, 1972, two C-130s and crews from the NCANG airlifted equipment and airborne personnel from Texas to Puerto Rico as part of Guard Rico I—an all-Guard airlift and air drop mission.

A number of other tactical airlift missions have been flown during the past year including drops at Pope AFB, NC, Fort Campbell, KY, and Fort Hood, TX.

During the last decade, the NC Air Guard has flown over 50,000 hours—the equivalent of keeping an aircraft airborne constantly for nearly six years, covering a distance equal to more than 31 round trips to the moon.

All of this and without an accident! The Air Guard has amassed an unbelievable safe flying record of over 14 years without an accident. As Colonel "Tom" McNeil, 145th Tactical Airlift Group Commander puts it, "The 145th Tactical Airlift Group has, once again, proved that it can perform any mission, any time, any where, and under any condition"!

PRESIDENTIAL RHETORIC

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. STUDDS. Mr. Speaker, the following front page editorial from the March 31, 1973, edition of the Quincy, Mass. Patriot Ledger is an incisive summary of the present administration's irrational approach to the problems that now confront this Nation. My respected colleague, Representative JAMES A. BURKE of Massachusetts, joins me in commending the Patriot Ledger and in offering to our colleagues the text of this editorial as a clear and perceptive analysis of Presidential rhetoric:

NIXON SPEECH

"Let us, therefore, put aside those honest differences about the war which have divided us and dedicate ourselves to meet the great challenges of peace which unite us."

The words, from President Nixon's TV address Thursday night, express a noble sentiment. But the nobility was greatly flawed by the remainder of the speech which was a hard-nosed, hard-line attack on the Administration's foes.

The President characterized some of those who had honest differences with him about the war as "those who advocated peace at any price—even if the price would have been defeat and humiliation for the United States."

He portrayed the complicated issue of his fight with Congress over federal spending as being a choice between an acceptance of his budget or higher taxes and prices. At the same time he denounced any effort to cut defense spending, saying it would destroy any possibility of negotiating further arms and troop limitations treaties.

And, the chief executive threw down an additional omnibus gauntlet, warning the North Vietnamese of the possible "consequences" for failing to carry out the terms of the Paris agreements.

This is very dangerous rhetoric.

The dangers of the warning to the North Vietnamese are obvious. The "consequences" were not specified. Perhaps the President is only thinking of cutting off U.S. aid for Indochina reconstruction which is called for in the Paris accords. But, he could also be threatening to resume the bombing and drag the United States back into the war.

However, the domestic political effect of Mr. Nixon's rhetoric is a matter of greater concern.

The oversimplified description of the choices facing the nation, and his no-compromise attitude can only increase divisions rather than heal them.

It may be politically advantageous for the President to claim, for example, that the alternative to approving his budget as submitted would be higher prices or a 15 per cent tax hike, but the fact of the matter is that there are many more alternatives, and some of them may be more attractive than Mr. Nixon's.

Congress has the constitutional responsibility to raise and appropriate federal money. It has the power and the obligation to review the President's budget and to make changes in it. Congress could decide to set different budget priorities than the President did, while remaining within the $268 billion ceiling.

Congress also could decide to raise additional money through a program of tax reform. And it is just possible that the public may be prepared to pay additional taxes in order to receive additional services such as national health insurance.

In taking his hard stance, the President also risks provoking an equally absolutist and irresponsible reaction. In trying to force his opponents into a corner, they may wind up opposing him even when he is right.

For example, Mr. Nixon is absolutely correct that world peace would be put on a firmer foundation if strategic arms limitations (SALT) and European troop reductions (MBFR) were done through international agreements and treaties.

But it seems absurd to say, as he did, that the pending SALT and MFBR talks preclude any attempt to cut the defense budget.

There is fat to cut in the President's $83 billion defense budget request. A lot of the increase involves personnel costs prompted by the all-volunteer army, and have nothing to do with strategic arms.

There are excess bases, cost overruns on defense contracts, and costly new weapons systems that would be needed only if SALT fails.

A long, long time ago, the President asked Americans to lower their voices. That process ought to start at the top.

TALES OF WOE, HIGH FOOD PRICES

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. ABDNOR. Mr. Speaker, the tales of woe of the consuming public, who are having to pay record prices for food items, especially meat, have been told many times and in many different ways in recent months. Every single person in every congressional district is a consumer, and it is only right that we, the Representatives of the people, give the cost of food our utmost attention. Certainly, nothing could be more important to us than seeing that our people are well fed.

There is another side to the tale, however, the side of one of the smallest minority groups in America, the side of the consumers who are the less than 5 percent of our population who are directly involved in producing the food.

This minority is being blamed for the record food prices while the prices they are receiving for the raw food products they sell have just in the past year come to equal the record prices of 20 years ago—and now we are talking about price rollbacks. This minority would be only too happy to sell their products at the record prices of 20 years ago if the prices of the supplies they must buy to operate were also equal to the prices of 20 years ago. Alas, the cost of their supplies has increased many times in 20 years.

I could go on with the tale of this minority group, but I have a letter from one of my constituents, a consumer and a housewife—the wife of a farmer—who tells the story much more eloquently and simply than I.

The letter follows:

WOONSOCKET, S. DAK.,
March 28, 1973.

DEAR MR. ABDNOR: As I sit here at my typewritter, I can look out of the window to the feedlot where we have approximately 40 head of calves on feed. It is not a lot, but it is our winter's work. I wonder what we will get for them when we sell them. They are not ready for market, but we could sell them before the price goes down. Unload them on some other feeder who possibly will take a great loss by the way things look. This is what is going to happen to a great many farmers if things proceed as they are now. There is undue publicity about the high price of meat, and it is going to hurt farm prices extremely. Look what has already happened to the hog market in the first *three days* of this week! Yesterday the price dropped $2.50! Today the price dropped $3.25! How can a farmer cope with this kind of treatment! I am afraid beef prices will soon follow.

Last Saturday my husband bought a very nice steak in our local Red Owl store for .98 per pound. I cannot understand how the price of steak in the cities can be $2.98. Either they are quoting the extreme choice cuts, to make a big publicity thing out of it, or someone else is getting a tremendous profit. Whatever it is, it is the farmer who will pay!

Nobody is expected to eat steak every day. What about EGGS? Our price was below 20¢ per dozen during the past year. (They are 30¢ now.) Yet the people did not take advantage of this to help bring up our price. Now that there is a little profit for the farmer everybody is screaming! I wonder how the city housewife would like it if HER husband worked for six months without a paycheck, and then when it came time for him to receive it, he would be told that his company couldn't sell their product and he would receive much less than what he had really earned!

Last year, we as farmers in South Dakota, had a very good crop. But when we tried to sell this crop it became virtually impossible. The corn that was harvested last fall was too wet and we had to take much less for it than what corn was really worth. We still have our corn crop from the previous year because we cannot get rid of it. First it was too wet to shell it, then when it got dry enough the elevators could not take it, and so the circle continues. Yet the prices that farmers must pay for the things *they* buy continue to rise. $12,000 and up for a new tractor, commercial feed has risen $100 per ton, the price of repairs is outrageous. When there is a short supply of farm products, the government imports, when there is a surplus, we are left holding the bag.

All we ask is a little justice. A fair price for what we raise, and a fair price for what we buy. We ask not to become rich, but we would like a comfortable living.

Sincerely,

MRS. MARTIN SCHROEDER.

How about a little justice for the farmers?

ENERGY AND THE ENVIRONMENT

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. SYMINGTON. Mr. Speaker, I had the privilege recently of hearing our colleague, Congressman MIKE MCCORMACK of Washington State, present a speech entitled "Energy and the Environment." Congressman MCCORMACK, as you know, is chairman of the Subcommittee on Energy of the Science and Astronautics Committee. This address was first given by Congressman MCCORMACK on February 26 to the National Rural Electric Cooperative Association at a meeting in Dallas.

I heard the speech the next day in Washington, D.C., when Mr. MCCORMACK delivered it to the joint engineering legislative forum, sponsored by the American Association of Cost Engineers, the American Institute of Industrial Engineers, the American Society of Agricultural Engineers, the American Society of Mechanical Engineers, the American Society for Metals, the American Society for Quality Control, the Institute of Electrical and Electronic Engineers, the Institute of Traffic Engineers, and the National Society of Professional Engineers.

I think Congress and the general public should be grateful for MIKE MCCORMACK's insight and persistence in highlighting the different choices that must be made in this area, and I recommend this speech to all Members interested in energy and the environment.

The speech follows:

ENERGY AND THE ENVIRONMENT

(By Congressman Mike McCormack)

Today, I am going to discuss some aspects of the energy crisis, and some courses of action we may take, as a nation, that are consistent with the philosophy of protecting the environment and conserving our natural resources.

I will start with the premise that we now need, and will continue to need for the foreseeable future, all of the energy that we can economically convert into clean, useable forms, whether it comes from fossil fuels, nuclear fuels, or from any other source. It is therefore necessary that we review the environmental problems and implications associated with our conventional energy sources, and some considered to be "exotic".

It is obvious to even the most casual observer that our immediate energy problems focus around petroleum and natural gas, and on the consequences of our heavy reliance on them. I have always felt, and still do feel, that it is regrettable that our industrialized society today is so dependent upon the energy derived from our petroleum and natural gas resources.

I find it extremely unfortunate that we will have burned most of this precious source material for petrochemicals within this century. Nevertheless, this is what will happen unless we radically modify our present pattern of energy consumption. It should also be observed that supplementing our own resource base with imports is a temporary solution at best; and has serious economic and national security implications.

Our society runs on petroleum and natural gas today, and there is no way to significantly reduce our consumption of either fuel in the short run without changes in life style too cataclysmic for us to accept. Fortunately, the environmental problems associated with the combustion of oil and gas for space heating and electric generation are less than those of other sources of energy, and, at the present time, they are also the cheapest and most easily transported fuels.

This is not to say that there are no environmental problems involved in the use of petroleum and gas. We must remove sulfur from some petroleum. This is technologically possible, and hopefully it is, or soon will be, economically feasible.

There is an extreme sensitivity in the mind of the average citizen with respect to oil spills, whether at sea, or associated with pipelines, docks, refineries or any other point where oil is being handled. There is also an objection to drilling for oil or gas in promising offshore areas, particularly if they are within sight of the coast. It seems to me that the question of spills in the handling of oil is really a matter of providing adequate engineering safeguards and operating regulations, all conditioned by reasonable environmental protection standards. I believe the chances for this are good, and that we are making considerable progress in this area.

There will of course be environmental purists who will object even to underground pipelines and to pumps they may never see, but I believe a responsible and reasonable approach to the general problem of handling petroleum and natural gas will allow us to actually reduce environmental problems

while consuming still greater amounts of these fuels.

Thus far, I have not addressed those environmental problems associated with the internal combustion engine and the smog conditions that have become a routine part of life in many of our large cities. Here we do indeed encounter a serious dilemma. I believe that we have yet to pass judgement on the wisdom of specific regulations and techniques that have been promulgated to control automobile exhaust emissions. It is quite obvious, however, that we cannot continue to increase the number of internal combustion engines operating in our megalopoli unless we find ways to drastically reduce the pollution resulting from their use. The propects in this area are indeed depressing.

A number of non-technological approaches have been suggested to alleviate the smog problem. These include gas rationing, mass transit (perhaps subsidized by a large increase in gasoline tax), imposition of special taxes on higher horsepower engines, outright prohibitions against the use of private cars within central cities, or any combination of these. All such suggestions would have seemed radical and ridiculous even two years ago, but I suspect that we will see some of them put into practice in some areas of this country this year.

I suggest that we undertake serious studies relative to the design of new communities in which private cars are not needed. Here we can strike a meaningful blow for energy conservation and simultaneously for environmental improvement.

Heavy reliance on our large reserves of coal as an energy source presents a number of problems that have been well known for years; and the anomaly that very little has actually been done in any organized way to solve these problems. In spite of the fact that the most noxious waste products emanating from the stack of a coal-fired generating plant are oxides of sulfur and nitrogen, a recent issue of *Coal News* quotes the *National Electric Reliability Council*, to the effect that no technology for reliable, commercial-size sulfur dioxide removal systems currently exists. Neither is technology for control of nitrogen oxides emissions "currently available."

In addition, although the need for coal gasification and liquefaction has been common knowledge for over a decade, we still do not have an organized program to develop such processes. Work underway is spotty and only marginally encouraging. It is obvious to me that one of the highest priority projects that this nation must undertake is the development of processes for coal gasification and liquefaction. They have the advantage that they remove all sulfur, arsenic, mercury, radioactive materials, and potential flyash that must otherwise be trapped and removed from the stack gas when untreated coal is burned.

I agree that we should import gas and oil for as long as we can without jeopardizing our trade balance, without spending more than is justified for LNG tankers, or without making ourselves economically or militarily vulnerable because of such imports. In the long run, however, and within no more than fifteen years, we should be in a position to phase in the use of synthetic liquids and gases on a very large scale. I believe that this is possible, and that it lacks only an organized program to manage and direct the research and development.

I suggest that the Congress finance an orderly but extremely aggressive program in this area, perhaps placed under the management and direction of one of our national laboratories. I believe that we should explore a number of alternative processes, including on-site and deep-mine gasification. We must emphasize research on air-cooling whatever processes are developed. There is not nearly enough water in some areas where coal is available to allow water cooling. Indeed, there may not even be an adequate supply of process water nearby. Studies should be undertaken to evaluate using either saline waters or raw sewage as process water in coal conversion.

The mining of coal can produce a severe insult to the environment in the immediate area of the mine. I think that every effort should be made to minimize such effects. Strip mining legislation will be considered seriously by this Congress, and some form of control legislation will, I expect, be enacted. Serious consideration must also be given to deep underground mining wherever possible, and new techniques of underground mining must be developed that are safer, possibly less expensive, and hopefully less offensive to the environment.

Even with all the problems presented by the use of coal, we must rely heavily on it as a major source of energy through the remainder of this century; realizing that, as with the other fossil fuels, it is an exhaustible resource and we must turn to other sources of energy at the earliest possible date.

Certainly the most controversial arena in the energy-environment dilemma is related today to nuclear energy—to real or imaginary threats from nuclear reactor accidents, to the fast breeder program, to nuclear waste storage and management, to the health hazard of plutonium, and to the potential of the theft or hijacking of fissionable materials. A small but intensely dedicated number of independent citizens, including some professionals in related fields, seem to be making at least an avocation of attempting to prevent or delay the nuclear energy program in this country. I regard this as unfortunate indeed.

The Atomic Energy Commission certainly has had a less than outstanding record in its public relations effort, and for me or anyone else to suggest that there are not problems or hazards associated with nuclear energy would be patently dishonest. On the other hand, I feel that the AEC and the various manufacturers and contractors in the nuclear field have done a superb job in the development of reactor technology and safeguards. It has not been perfect, but I cannot comprehend why any rational person would expect or suggest it should be. Any fair comparison demonstrates that nuclear energy presents much less of a threat to the environment today than does the burning of untreated coal, and I think it somewhat amusing to note that a person living in a frame house with a Coleman gas lantern hung in the basement receives four times as much additional radiation above background as he would if he camped continuously at the entrance to a large nuclear power reactor as licensed today by the Atomic Energy Commission.

I believe that we must push ahead as rapidly as possible with all safety studies related to nuclear power, but that we should not allow this program to be further delayed by irrational suggestions that the AEC prove conclusively that it is literally impossible for anyone at all to ever suffer any harm at all in any way at all from any kind of nuclear incident at all that may happen in the future.

I believe that the storage and management of nuclear wastes and the proper handling and care of plutonium can be accomplished through implementation of responsible engineering, responsible regulations, and responsible management. This should be essentially a zero-fault operation. However, we must help the average citizen to understand that, contrary to the impressions of the scare-plots of midnight movies, it is possible to experience a "non-permissible" accident, including the release of measurable amounts of radioactivity, without causing any harm to anyone. The issue of nuclear energy has been unfortunately exaggerated in the minds of some, relative to the hazards associated with other societal activities which are taken for granted. The Congress will, I believe, maintain its responsible policies in this field.

This country must depend heavily upon nuclear fission to help meet its energy needs for the balance of this century. I hope the time will come in the 21st century when we can, as a matter of world policy, totally abandon the combustion of fossil fuels and the use of nuclear fission, and turn instead to nearly inexhaustible and essentially non-pollution sources of energy that may be available to us in the future. Until that time, however, our only rational course is to proceed vigorously with our present programs, including the development of the liquid metal fast breeder reactor and alternate breeder concepts, at all times with strict adherence to rational controls regarding safety and environmental protection.

One of the sources of inexhaustible and potentially non-polluting energy is, of course, solar energy. In a report recently presented by the Solar Energy Panel of the White House Federal Council of Science and Technology, it was concluded that, with adequate R & D support over the next 30 years, solar energy could provide at least 35% of the heating and cooling of future buildings, greater than 30% of the methane and hydrogen needed in the U.S. for gaseous fuels, and greater than the 20% of the electrical power needs of the U.S.

This may be an optimistic estimate, but unfortunately, as with coal gasification and liquefaction, there is no organized program today for solar energy research and development.

Several encouraging studies are underway, but a well-managed, progressive, imaginative program for solar energy should be established at once. It should set as its immediate goal a series of inexpensive and simple experiments to determine whether or not solar energy would indeed provide the potential for heating and cooling of buildings and for central power stations that its advocates claim.

It would appear that solar energy, if it is economically feasible, would have a minimum impact upon the environment, except that central power stations would require large amounts of materials and large desert areas, or, as has been suggested, large areas of tropical islands. It is my hope that the Subcommittee on Energy, which I chair, can work closely with the National Science Foundation, with other federal agencies and with private groups to help establish a program for solar energy research. It would seem to me such a program should look to the extensive use of solar energy for the mid-1980's.

Geothermal energy may be another essentially inexhaustible source heat for conversion to electricity. Research scoped at Battelle Northwest indicates that possibly the conversion of such energy would also be nonpolluting, with closed systems pumping exhausted steam or hot water, with or without entrained salts, back into the ground. This study also considers the possibility of pumping seawater into the ground to produce dry steam to drive turbines and generators. Some outstanding geothermal research is being done at Los Alamos Scientific Laboratory, but, as with solar energy, an organized program is required. It seems to me that it should be set up in the same manner, and with the same priorities and time lines, as for solar energy.

Two "far out" sources of inexhaustible energy may be available to us. The first is fusion, and the second is satellite solar energy. I am encouraged with the programs on fusion research, although I suspect that it is underfunded by $5 to $7 million in the President's proposed budget for fiscal 1954. Fusion energy will not be completely pollution free. We can be certain that the early generations of power stations, will produce

large amounts of waste heat which must be released to the atmosphere. In addition, radioactive materials, including small amounts of tritium will be produced. As in the case of nuclear fission, these can be handled with responsible engineering, regulations and management.

Satellite solar energy can be considered to be pollution free except for heat loss in converting microwaves to electric energy, and in use of the energy itself. It does involve the launching of many flights of the space shuttle, and the use of a nuclear powered transportation system from low orbit to high (or synchronous) orbit.

With regard to these "exotic" sources, it is my hope that we may have a demonstration plant for fusion by, or shortly before, the year 2000, and that it will prove to be economically competitive. It is also my hope that if satellite solar energy proves to be economically competitive, we may also have a demonstration facility in operation by the year 2000.

So far, I have discussed research and development related directly to energy sources, but there is much other research and development that must be done, involving the storage, transportation, and conversion of energy. All such research seems to have beneficial environment implications. For instance, we must one day switch from a hydrocarbon to a hydrogen economy, presumably using either solar or fusion energy to dissociate water to make hydrogen.

We must have research in superconducting and high energy transmission. We must look to the possibility of fuel cells, high energy batteries, and means of storing large amounts of electricity. We must explore the feasibility of incinerating all municipal solid wastes and sewage, in a pollution-free process that may also produce some electricity.

There is much to be done, but I am convinced that if there is an intelligent national energy policy implemented by an aggressive national energy program, we can overcome the energy crisis, reduce our dependence on foreign energy sources, provide for an adequate standard of living for all, and substantially reduce the impact on the environment involved today in energy conversion, transportation, and consumption. Finally, we can go even further, and using energy we cannot afford today, create a cleaner environment than we now know.

WILL NOT SOMEONE ACCEPT RESPONSIBILITY?

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. KOCH. Mr. Speaker, last February I read an article in the Village Voice entitled, "Justice Rampant in Night Court." Authored by Nat Hentoff, the article called attention to what most fairminded people would consider a failure in the judicial system. The incident which occasioned the article was the 8 a.m. arrest and subsequent lengthy arraignment process of up to 18 hours on January 22 of over 100 welfare mothers charged with fraud. The article alleged that delays in processing the fingerprints substantially contributed to the prolonged detention and caused those arrested during the 18 hours "to stand—in the 10-by-10-foot detention pens—without food, water, or adequate toilet facilities." I am setting forth the article which depicts the suffering and indignities undergone by people who were charged with a crime—but not yet convicted.

I thought it important to ascertain who was responsible and how the procedures could be changed, so I wrote to each of the principals who would appear to have jurisdiction in this matter. In his response to me, Archibald R. Murray, New York State Commissioner of the Division of Criminal Justice Services, clarified his office's processing of the fingerprints. Commissioner Murray stated that over half the fingerprints had been processed by 9 p.m. on the evening in question. Some of the fingerprints were made available within as little as an hour and a half after being received.

The latest prints were received by Commissioner Murray's office at 10:40 p.m. and were processed by 2:40 a.m. This report is somewhat in conflict with the facts as set forth in the article but it still leaves two questions in need of answering. Why was there such a lengthy delay in sending the fingerprints to Commissioner Murray's office, and why, if over half the fingerprints were processed by 9 p.m., was there such a lengthy delay in arraigning the defendants?

No one in the chain of command acknowledges responsibility. District Attorney Eugene Gold told me that he would not respond to Nat Hentoff's article and his oral explanation to me of the events is described in the correspondence I had with others in this matter.

From the correspondence I must assume that the conditions will continue. Is it any wonder that people are frustrated by the workings of our judicial system and that justice is so often held, and correctly so, in such low regard? I have no jurisdiction in the matter and I am not able to direct a change in the process. But surely, those named in the correspondence can properly take the steps necessary to remedy this particular failure of the system.

It is not enough to pass the buck. Will not someone accept responsibility?

The correspondence follows:

[From the Village Voice, Feb. 8, 1973]

JUSTICE RAMPANT IN NIGHT COURT

(By Nat Hentoff)

Sometime ago, in a break between cases in one of our lower criminal courts, I was talking to a young assistant D.A.

"It's a funny thing," he said. "If one of you guys isn't around, the most incredible things can happen in this courtroom, and it's as if they never happened. So far as the public goes, I mean. I once saw a defense attorney make a terrible goof, the judge let it go by, and the poor bastard who was the victim of it didn't know what was going on. Maybe it can be remedied on appeal, if the guy can afford an appeal.

The assistant D.A. returned his attention to his papers. I asked him the circumstances of that particular "terrible goof." He declined further comment. Except to say: "You're the first journalist I've seen in this courtroom in weeks, because there haven't been any big cases. You guys should show up more often. Hell, what gets to be news is up to you people."

There are other times, moreover, when what happens in a courtroom is printed, but in such a way as to miss the crucial part of the story.

A story, for instance, in the January 23 Times was headed:

"GOLD STARTS PROSECUTION OF 214 AS RELIEF CHEATERS"

There are two main parts to the story, both of them cited in Morris Kaplan's lead paragraph in the Times:

"District Attorney Eugene Gold began yesterday the prosecution of 214 Brooklyn welfare recipients on fraud charges. He also announced the indictment of two brothers charged with cheating the city of $300,000 by the illegal cashing of 3000 rent checks intended for landlords."

Let us follow the first part of that story, as reported in the Times:

"Ninety of the 214 welfare recipients were reported under arrest. They allegedly got duplicate payments totaling $100,000 after falsely reporting that they had not received their customary monthly checks. If convicted, each should receive up to four years in prison The investigation, which began a year ago, involved 656 checks, Mr. Gold said."

District Attorney Eugene Gold was doing his job—and diligently. And that's all the Times had to say about that part of the story.

Let us now look at what actually happened—in terms of how these welfare cases were presented in court.

What follows is a report, dated January 24, from Lloyd Merrill, Staff Attorney for the Legal Aid Society. Please read it carefully. It reveals a lot about the quality of this city's "justice" for the poor and it also tells about the quality of the daily papers' reporting on the city's courts.

"Re: Night Arraignment of One Hundred Eight (108) Welfare Cases

"On Monday evening, January 22, I was the LAS (Legal Aid Society) attorney-in-charge of two other attorneys in Part APAR3 with Justice Nicholas Coffinas presiding, and ADA (Assistant District Attorney) Smukler representing the prosecution.

"This was to become a night to remember because of the shocking, callous behavior of D. A. Eugene Gold's office in presenting over 100 welfare cases before the court at one time.

"The result of this attempt by D. A. Gold to gain some cheap publicity was to create near chaos in the court, and to force the defendants who were:

"1—mostly Black and Latin Welfare mothers,

"2—who voluntarily appeared

"3—after making full restitution to the government

"4—on cases that were two-three years old

"5—involving an average of $100–200 per case

"They were forced to stand for up to eighteen hours in the 10 by 10 foot detention pens in the basement of the Criminal Court *without* food, water, or adequate toilet facilities while hundreds of their relatives and friends waited in and around the court building.

"What follows is a chronological account, based upon information and belief, of the day's events:

"Monday morning—8 a. m.—Over 100 welfare mothers *voluntarily* appeared in an answer to the attached letter at D. A. Gold's office in the Municipal Building."

(This is the letter to which LAS attorney Lloyd Merrill refers—it is from the office of the District Attorney, Eugene Gold, Kings County:

"Dear Sir or Madam:

"In connection with an investigation of criminal charges against you arising out of alleged Welfare fraud, you must be present at the District Attorney's office . . . at 8 o'clock in the morning on January 22, 1973.

"You may be accompanied by a lawyer of your choosing. If you cannot afford a lawyer, one will be provided for you in Criminal Court, by the Legal Aid Society.

"If you have children, please make arrangements for their care as the Court proceedings may take several hours.

"Your failure to appear will result in a police officer being sent to arrest you.")

So, in response to that letter, more than 100 welfare mothers appeared at Eugene Gold's office. This—continuing Lloyd Merrill's report—is what happened to them:

"The D. A. proceeds to have 10 city detectives on his personal squad arrest the welfare mothers based on 1970 and 1971 checks when full restitution has already been made to the government.

"The defendants are charged with: Offering a False Instrument For Filing in the First Degree (Sec. 175.35—Class E felony), Making an Apparently False Statement in the First Degree (Sec. 210.40—Class E felony), and Petit Larceny (Sec. 155.25—Class A Misdemeanor). *Since Class E is the lowest form of felony, the D. A. will be able to tell the press that these are 'felony' cases.*" (Emphasis added—N. H.)

"9.30 a. m.—Noon—The defendants are taken down to police vans for the *three*-block trip to court. Press and tv cameras are able to get excellent pictures of the 'arrests' made by the D. A.

"10.30 a. m.—1.30 p. m.—The defendants are logged in by the Corrections Department at the Criminal Court. However, only six of the D. A.'s detectives are left to help sign in the prisoners. Thus, some detectives are imprisoning defendants that they did not actually arrest.

"1 p. m.—3 p. m.—The defendants are fingerprinted. One-half the prints go to the NSITS Computer in Albany, and one-half go to the NYPD, BCI Division. Normally, it takes four-five hours to get 'rap sheets' back by Telex. However, the volume of prints is so great that a crisis will result.

"6 p. m.—Night Court begins session. No prints have arrived on the defendants. Several hundred relatives and friends are jammed into the courtroom.

"7 p. m.—8 p. m.—Justice Coffinas has a press conference with the ADA (Assistant District Attorney) in charge of the Court, Mr. Kamens; the ADA on night duty, Mr. Smulker; the LAS attorneys; and the court clerks. The Judge states that the Criminal Procedure Law does not permit him to parole defendants charged with a felony, unless the prior arrest record, the 'rap sheet,' is before the court. However, if the D. A. would reduce the Class E felonies, one step, to Class A misdemeanors, then the Judge had the discretion to parole without a 'rap sheet.' Mr. Kamens said that he will check with his superiors.

"8.30 p. m.—Mr. Kamens returns and says he has permission to *reduce* the charges on those defendants not called by 11 p. m. The Judge says that the present situation in the Basement is intolerable.

"9 p. m.—10 p. m.—The first 'rap' sheets arrive from Albany, and some defendants are brought from the basement 'detention pens' to the 'feeder pens' behind the bench. Only two detectives from the D. A.'s squad have remained, thereby further slowing the process of 'signing out' persons, and bringing them before the court. A single defendant is brought out, and Judge Coffinas demands that at least five defendants be arraigned at the same time so as to speed the process. About 20 defendants are arraigned this way, and all are paroled. The court recesses to await more rap sheets.

"10:30 p.m.–1 a.m.—A steady flow of 'rap sheets' from Albany and the New York Police Department begins, and the court arraigns and paroles to the week of February 20, about 60 defendants. During this period, about 15 'typical' cases: family assaults, bench warrants, shoplifters, auto thefts, etc. are arraigned before the Court.

"1:30 a.m.–2:30 a.m.—The flow of rap sheets has stopped and about 25 welfare mothers remain in the detention pens. The Judge requests that the Assistant District Attorney honor his agreement to reduce the charges to misdemeanors while still retaining his right under the law to raise the charges back to felonies at a later proceeding. The Assistant District Attorney agrees, and the last 25 cases are arraigned and paroled. One of those arraigned was . . . a Black woman in her 40s who claimed to have lost blood due to a wound that opened during her confinement in the pens. She appeared very weak and was allowed to sit down during the arraignment. The court adjourned at 2:30 a.m., and everyone staggered toward the exits. It had been a long night.

"3 a.m.—The New York Times was out, and one of the local news headlines read: 'GOLD STARTS PROSECUTION OF 214 AS RELIEF CHEATS.' The city could sleep soundly knowing that Mr. Gold was bringing 'criminals' to 'justice'!

"Respectfully submitted,

"LLOYD MERRILL, Esq."

Some questions:

Was a reporter of the New York Times in that courtrooom that night? The Times was informed at 10 p.m. that night of what was going on.

Is A. M. Rosenthal satisfied with how the Times covered that story?

Why doesn't Abe Rosenthal assign a few reporters to make the courts their regular beat so that no judge and no prosecutor, and for that matter, no defense attorney, could ever be certain that a member of the press was not looking on—even if the instant case was not a "major" one?

In addition to the instructive information this kind of continuous court reporting would provide the public and the impetus it would give to court reform, visitations by journalists could have a beneficial effect on the way some judges conduct themselves in court. Those jurists, for instance, who are much harsher on defense counsel than on the prosecution and those jurists who sometimes appear to be extensions of the D. A.'s office.

An equally fundamental question is embodied in this report by Legal Aid Society Lawyer Lloyd Merrill. Would a middle-class defendant—accused, let us say, of embezzling $100,000 from either public or private funds—be forced to stand for up to 18 hours in 10 by 10 foot detention pens without food, water, or adequate toilet facilities?

A less important question, but nonetheless germane, is whether District Attorney Eugene Gold has any remorse for what happened in his name during that long night? Or does he think the procedures—and their effects on the defendants—were entirely proper?

I would appreciate hearing from Mr. Gold.

I have broken into the series on the schools this week, as I will again next week, because occasionally, there are stories that so clearly and harshly illuminate the transmogrification of "justice" in this city and this country that by my criteria, they have immediate priority.

None of the above, by the way, is meant to criticize Lesley Oelsner, the Times' extraordinarily able analyst and investigative reporter on the law and on the courts. What I am saying is that the Times needs more Lesley Oelsners—as does every other newspaper in the country, including this one.

Next week: another instance of "justice" inflicted on a child in a public school system.

I intend to return to the courts whenever there is space, and I would be grateful to hear from Legal Aid Society lawyers, other defense attorneys, assistant D.A.s (some of whom are not always happy with what they are told to do by their chiefs in some of the boroughs), and from anyone else who has information on acts of injustice in the courts confidentiality will be respected.

I would also add that Congressman Koch, who was so quick to call for an "investigation" of Judge Bruce Wright because of the $500 cash bail permitted by Judge Wright in the Gruttola case, ought to spend a few nights in Judge Wright's courtroom and a few nights in other judges' courtrooms in this city. Then the Congressman might begin to learn something about justice in the courts, and he might be less quick to shoot from the hip at a judge, Bruce Wright, who believes in the Constitution.

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 8, 1973.

Hon. DAVID ROSS,
Justice of the Supreme Court, New York City Criminal Court, New York, N.Y.

DEAR DAVID: An article appeared in the *Village Voice* of February 8th, authored by Nat Hentoff, which referred to the Criminal Court, and I am enclosing that article with the thought that you might not have seen it.

If the facts are as reported by Lloyd Merrill, a Staff Attorney for the Legal Aid Society, I respectfully submit that this would require an investigation on your part with appropriate measures taken to make certain that such a situation would not be repeated.

I would very much like to be informed as to the outcome of any investigation that you make in this matter.

Again, I want you to know how much I admire your administration of the Criminal Court, and I know that your additional powers recently given will benefit defendants, victims and the public at large.

All the best.

Sincerely,

EDWARD I. KOCH.

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 12, 1973.

Hon. EUGENE GOLD,
Kings County District Attorney,
Brooklyn, N.Y.

DEAR GENE: You may not have seen the enclosed article which appeared in the *Village Voice* of February 8th, authored by Nat Hentoff.

The article allegedly reports on an action taken by your office against 214 welfare recipients. I have no personal knowledge of the facts, but I do think that if the facts are as reported, then the defendants did not receive the fair treatment that your office would ordinarily provide.

I know that you are terribly busy because of the many activities in which your office is involved—and you deserve to be commended for them, but I think it extremely important that the allegations set forth in Hentoff's column be investigated by you and if found to be valid then measures taken to make certain that other defendants in similar situations would receive better treatment.

I would very much appreciate your advising me of the outcome of any investigation you may make in this matter.

All the best.

Sincerely,

EDWARD I. KOCH.

SUPREME COURT OF
THE STATE OF NEW YORK,
New York, N.Y., February 14, 1973.

Hon. EDWARD I. KOCH,
Member of Congress,
New York, N.Y.

DEAR ED: Please excuse the delay in answering your letter of February 8th. However, as you are aware, I am undertaking additional duties and getting ready for same has kept me quite busy.

I have read the article which you forwarded with interest and chagrin. Please be advised that the Court has no control over any indictments or arrests until the moment when same is presented to the Judge for arraignment. It would appear, from this article,

that the circumstances complained of occurred prior to submission to the Court. In fact, the article would indicate to me that these matters were first presented to the Judge in Night Court; and further the article seems to indicate that the Judge acted in a most diligent and humane manner.

With warm personal regards, I am,

Sincerely yours,

DAVID ROSS.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 1, 1973.

Hon. HAROLD A. STEVENS,
Presiding Justice, Appellate Division, First Department, New York, N.Y.

Hon. SAMUEL RABIN,
Presiding Justice, Appellate Division, Second Department, Brooklyn, N.Y.

DEAR MR. JUSTICES STEVENS AND RABIN: On February 8th there appeared an article in the *Village Voice* describing the impact of the judicial system on individual defendants who allegedly commited felonies—in this case alleged welfare frauds. That article is enclosed if you have not already seen it.

I sent separate letters to Administrative Justice David Ross and District Attorney Eugene Gold and received a reply from Justice Ross, copies of which are enclosed. Yesterday, I had occasion to speak with District Attorney Gold who admitted to me that incidents have occurred in other cases and will occur again because anyone charged with a felony must be fingerprinted and the machines involved in checking the prints often break down, and if they are broken they do, on occasion, take as much as 6 or more hours before the defendant can be released.

It would appear to me that something must be done to correct the situation and since both Mr. Justice Ross and District Attorney Gold have advised me that it is not within their power to correct it, I am requesting that your Honors undertake measures to deal with what is more than a simple inconvenience but is, in my judgment, an injustice perpetrated against individuals who are charged with but not convicted of a crime.

I recognize the need for fingerprinting in felony cases but surely some better system can be devised than presently exists so as to permit an early release of a person brought to court for arraignment.

I would appreciate having any comments which you might have on this matter.

Sincerely,

EDWARD I. KOCH.

SUPREME COURT APPELLATE DIVISION,
New York, N.Y., March 9, 1973.

Hon. EDWARD I. KOCH,
New York, N.Y.

DEAR CONGRESSMAN KOCH: I had not seen the article to which you refer, which appeared in the Village Voice and thank you for sending me a copy of same.

I should point out that I have no control over District Attorney Gold and cannot, in any way, control the indictments returned by him. The Judge is not made aware of the charges—whether they be felony or misdemeanor—until they are presented in court. Charges of the nature involved are, I believe, usually handled in this Department as either misdemeanors or felonies of lesser grade. However, I cannot make that statement with absolute certainty.

I will, indeed, discuss the matter with them in the near future.

Very truly yours,

HAROLD A. STEVENS.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 14, 1973.

Hon. HAROLD A. STEVENS,
Presiding Justice, Appellate Division, First Department, New York, N.Y.

DEAR MR. JUSTICE STEVENS: I have your letter of March 9th. It is clear that the point which I wanted to raise in my letter was either not clearly stated or misunderstood by you.

I would not under any circumstances suggest that you exercise control over District Attorney Gold or control the indictments returned by him. Rather, I was suggesting that you seek to correct the situation involving delays and the holding of individuals awaiting arraignment because of the failure in the existing machinery to promptly return fingerprint checks.

I would appreciate your considering that proposal and if it is within your power to correct that situation that you undertake to do so.

Please let me know your views on this matter.

Sincerely,

EDWARD I. KOCH.

SUPREME COURT OF THE
STATE OF NEW YORK,
Brooklyn, N.Y., March 15, 1973.

Hon. EDWARD I. KOCH,
New York, N.Y.

DEAR CONGRESSMAN KOCH: I am sorry that I did not respond to your letter of March 1st sooner, but it did not reach my office until March 9th and I did not see it until March 12th.

The solution to the problem concerning fingerprint records to which you allude in your letter is unfortunately, not within the court's control. Fingerprint records are obtainable primarily through the New York State Identification and Intelligence (NYSIIS) System. Last year I met with Dr. Robert Gallati, Director of NYSIIS, to discuss with him the need for improved services, both as to response time and the legibility of the criminal records. Dr. Gallati then assured me that NYSIIS was doing and will continue to do everything within its power to improve its services.

Since NYSIIS is part of the executive branch of government, the court's powers in this area, as you must undoubtedly realize, are limited. I will, however, again review the matter and see what can be done to expedite the transmission of the information relating to a defendant's criminal record which is required by law.

Very truly yours,

SAMUEL RABIN,
Presiding Justice.

SUPREME COURT APPELLATE DIVISION,
New York, N.Y., March 16, 1973.

Hon. EDWARD I. KOCH,
New York, N.Y.

DEAR CONGRESSMAN KOCH: I must say that evidently I did miss the point of your earlier letter.

We are trying to expedite the return of fingerprint information in order that cases on arraignment may be disposed of more speedily. I met with Dr. Gallati, Director of NYSIIS, some time ago and we discussed this problem. He assured me that with changes contemplated, there should be a distinct improvement in the return of fingerprint checks. Justice Ross, who is the Administrative Judge of the Criminal Court, has been greatly concerned with the problem and I believe has been maintaining almost constant contact in an effort to improve the system. I am hopeful that in the near future the situation can and will be corrected.

Sincerely,

HAROLD A. STEVENS.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 19, 1973.

Dr. ROBERT R. J. GALLATI,
Director, New York State Identification and Intelligence System, Executive Park Tower, Stuyvesant Plaza, Albany, N.Y.

DEAR DR. GALLATI: I am enclosing a letter which is dated March 1st, the original of which was sent to Justices Harold A. Stevens and Samuel Rabin. I am also enclosing their responses to that letter.

You will note that they mention that the courts have no control over the situation as described in the Village Voice article of February 8th (a copy of which is also enclosed), and that they have taken up the matter with you.

Apparently the transmission of the information relating to a defendant's criminal record, required by law in felony matters before the defendant can be released after arrest, is still the subject of great delay causing the kind of situation described in the attached article.

Computers are near instantaneous in furnishing information when functioning and properly used. Can it be that your's are either not functioning or not being properly used?

I would appreciate hearing from you on this matter.

Sincerely,

EDWARD I. KOCH.

DIVISION OF CRIMINAL JUSTICE SERVICES,
Albany, N.Y., April 5, 1973.

Hon. EDWARD I. KOCH,
Member of Congress,
New York, N.Y.

DEAR CONGRESSMAN KOCH: Your letter of March 19, 1973, addressed to Dr. Robert R. J. Gallati the former director of the New York State Identification and Intelligence System, concerning arrests in certain welfare cases in Brooklyn has come to my attention.

The New York State Identification and Intelligence System was merged with two other State agencies last September to become the new Division of Criminal Justices Services. I am responsible for administration of the new agency. I have reviewed the supporting materials which accompanied your letter and I believe that the events are in need of some clarification. My staff has looked into the matter and reports that during the afternoon and night of January 22nd, 72 sets of fingerprints relating to these cases were transmitted from Brooklyn to our Albany office by facsimile device. The first set of prints arrived at 1:50 p.m. and the last set was received at 10:40 p.m. Our first response went out at 3:20 p.m. and the last one at 2:40 a.m., and by 9:00 p.m. more than half of the fingerprint inquiries had been received, processed and answered.

While it is true that the criminal histories of most of the defendants in our files are maintained on computers, it should be noted that the actual fingerprint cards must be examined, analyzed and compared manually. The analysis of fingerprints is still an art. To date, no reliable method of performing this task by machine has been developed. Accordingly, while the retrieval of the criminal history of an individual can be performed quickly by computer after a proper identification has been made, one must bear in mind that time must also be allowed for completion of the manual comparison and identification tasks.

At present, our records indicate that on the average it takes a little under three hours to search a set of fingerprints submitted by facsimile and prepare a response. While we expect and hope to improve upon this standard response time, I am advised that in most jurisdictions outside New York State, response time is not nearly as rapid. In this connection you may wish to inquire of the FBI as well as some of the larger states concerning whether or not they undertake to provide criminal history records in all felony and misdemeanor arrest cases on a statewide basis and, if so, with what result. I would appreciate learning the results of your findings.

If I can be of further assistance, please let me know.

Sincerely,

ARCHIBALD R. MURRAY,
Commissioner.

LET US NOT BE FOOLED—CLEAN AIR STANDARDS CAN BE MET

HON. GEORGE E. DANIELSON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. DANIELSON. Mr. Speaker, the announcement yesterday by Administrator Ruckelshaus of the Environmental Protection Agency, granting a 1-year delay of the 1975 auto emission standards, except in California, is no doubt a great victory for the automobile industry and petroleum companies which have been fighting these standards from the very beginning.

The next phase of the industry's battle will be to seek a modification or repeal of the law which imposes auto emission standards. The automobile industry and the petroleum companies would have us believe that our emission standards are impossible to meet, that they are impractical, and that they are not necessary. We are beginning to see the first flurries of glossy pamphlets and slick full-page advertisements from these industries propagandizing against the standards—a flurry which will soon become a blizzard.

Are we in Congress to believe that emission standards are "impossible" when it is an undisputed fact that those standards have already been met by three automobile manufacturers? Are we in Congress to believe that the expense of manufacturing the lead-free fuel necessary for catalytic mufflers is prohibitive when one of our oil companies, the American Oil Co., has been successfully manufacturing and marketing such a lead-free fuel for years? Who are they trying to fool? No amount of slick advertising can obscure these hard facts. The intransigence of these industries is appalling, to say the least.

We have been told that the costs of buying and maintaining an automobile will be greatly increased by emission controls, but nowhere in the industry's balance sheets have I ever seen the costs resulting from the assault upon the public health, from dying vegetation, and playgrounds closed by air pollution. These costs are paid by society, and society is subsidizing the automobile industry by bearing these costs.

At one time in our history, the phrase "Yankee ingenuity" was used to describe the ability of the American people to cope with complex technological problems. If some American enterprises are now beginning to take a back seat to foreign enterprises, the reason may very well be that today's crop of managers has lost the initiative, the vision, and the inspiration that made us a great Nation. Are we doomed to rest upon our laurels?

The claims of the automobile industry and the petroleum companies have been disputed by the Environmental Protection Agency. For the benefit of my colleagues, I am inserting in the RECORD at this point documents which present both views. The first is a Chrysler Corp. pamphlet entitled, "Let's Have Clean Air, But Let's Not Throw Money Away!" which I and many others received in the mail. The second is a rebuttal of the alleged facts contained in this pamphlet, which has been prepared by the Environmental Protection Agency:

LET'S HAVE CLEAN AIR—BUT LET'S NOT THROW MONEY AWAY

Chrysler Corporation believes that emissions from cars should be held at a level that scientists agree is necessary to protect the public health and improve air quality. But there is no benefit in adding expensive control systems which are more stringent than necessary.

Invisible gases and tiny particles in your automobile's exhaust have been blamed for many of the country's air pollution problems. But whatever part your automobile has in the air quality problem is smaller than it was even a few years ago. And it is smaller than most people may realize.

Auto engineers have drastically reduced the three gases which are the major emissions. Your 1973 model car produces 80 percent fewer hydrocarbons than a car without emission controls. It produces 70 percent less carbon monoxide. And the combination of oxygen and nitrogen called oxides of nitrogen has been cut 50 percent. Your car now produces less than two ounces of these emissions for each mile it is driven. That's not very much.

However, many people do not know of this progress. They also do not know that the 1975–76 federal automotive emission standards are overly strict and wasteful of the nation's resources. The new standards require that the three main exhaust gases from automobiles must be cut 93 to 97 percent compared to a car without controls.

Those new standards are not a problem for just the automobile companies. They are going to be a problem for you, the customer, because they will affect the choice of cars you will have in the future, and cost you your own good hard cash.

For example, you should know that the government says starting in 1977, when all the controls are in force, the nation will get less than $1 in benefit for every $8 you must spend on the new control systems.

That's no bargain.

Since Congress set the 1975–76 standards the country has learned a lot more about air quality and automotive emissions. These new facts raise the question of why we should reduce automotive emissions to the overly stringent level of 93 to 97 percent.

Did you know:

There is no substantiated evidence showing average street level concentrations of automotive missions—even in crowded cities—are a threat to health.

If the total weight of emissions meant what many fear, the human race would have expired long ago. Nature produces up to 15 times more of the automotive emissions than man.

Nature produces up to 90 percent of all the carbon monoxide in the atmosphere; cars account for only about six percent.

Nature easily disposes of emissions from all sources. For example, fungus in the soil in the United States alone can consume more than double all the carbon monoxide produced by all the cars and factories in the world. Studies show even in city areas, nature disposes of emissions.

The effect of emissions should be determined by harmfulness, not total weight. When measured this way, university scientists say automobiles are only 10 to 12 percent of the country's potential air quality problem.

Carbon monoxide effects in crowded cities are already below the level the government says is necessary to protect health. This is the result of a study of the effect of carbon monoxide on 44,000 Americans.

If you smoke, you will have a carbon monoxide blood level of as high as 12 percent. If you don't, your level will probably be less than two percent, even in a crowded city.

Burning one log in the fireplace produces as much carbon monoxide as the 1975–76 standards allow your car daily.

Heating your home for eight hours with an oil furnace uses up your car's 1976 daily quota of oxides of nitrogen.

The vegetation in your back yard gives off as many hydrocarbons as the 1975–76 law allows your car daily.

Government studies say the 1975–76 standards could raise the price of a new car $500.

Control systems with any hope of meeting the standards use catalysts requiring platinum and palladium. These expensive and rare metals come from outside the U.S.

Catalysts operate only on no-lead fuel. Cost of producing and supplying this special fuel will increase the price you pay for your gasoline.

Cars using catalysts may burn as much as 30 percent more fuel. This could cost you as much as $100 a year extra in gasoline costs, to say nothing of the costs of maintaining and replacing catalysts.

California, which has the most serious automotive air quality problem in the country, believes the federal standards are overly stringent. California says reductions of 75 to 94 percent are more realistic.

Chrysler Corporation agrees with California officials who are acting on current scientific information.

The company believes that in view of these facts, the government should:

Postpone the 1975–76 standards for one year (the present law allows that).

Give the Environmental Protection Agency authority to set new and more reasonable standards (EPA now sets all other emissions standards).

Chrysler believes the California standards are totally adequate nationwide and may be attainable *without catalysts* by the 1977 model year.

Those standards, strict enough to protect the state with the worst automotive emissions problems, should be more than adequate for the rest of the nation.

If this is done, it would save you hundreds of dollars on the new car you buy. It would save you many additional dollars in operating and maintenance costs.

It would conserve the country's limited resources, and serve the cause of clean air with responsibility.

We urge you to write your Representative and your Senator on this very important matter. Explain that while you support the cause of clean air, to go beyond proven need is to waste your dollars and the country's limited resources.

Let's have clean air—but let's not throw money away.

WASHINGTON, D.C.,
March 22, 1973.

Hon. GEORGE DANIELSON,
House of Representatives,
Washington, D.C.

DEAR MR. DANIELSON: This is in response to your letter of February 21, 1973, to Mr. Ruckelshaus in which you requested our comments on a recent pamphlet published by the Chrysler Corporation regarding the control of automotive emissions.

To aid us in responding to the numerous letters we receive as a result of that and similar recent publications on this subject, we have prepared a Fact Sheet which summarizes the major arguments which have been raised against further control of automotive emissions and the Environmental Protection Agency's analysis of those arguments. I have enclosed a copy of that Fact Sheet which I believe you will find responsive to your request.

Sincerely yours,

ROBERT L. SANSOM,
Assistance Administrator for Air and Water Programs.

THE FEDERAL AUTOMOBILE EMISSION STANDARDS—THEIR PURPOSE, THEIR NEED, THEIR IMPACT

Recently the Federal automotive emissions standards have come under criticism from some quarters of the automotive and petroleum industries. This paper attempts to present relevant facts on the issues raised.

I. EMISSIONS OF AIR POLLUTANTS FROM AUTOMOBILES

In U.S. cities the automobile is a major contributor to the man-made emissions of carbon monoxide, hydrocarbons, and oxides of nitrogen. It is estimated that in cities motor vehicles will be responsible for the emission of 50% to 90% of these pollutants in 1973.

Industry Statement—Drastic reductions have been made in automotive emissions due to the Federal standards; a continuation of present control measures is sufficient.

EPA Position—It is true that, as a result of the promulgation of emission control standards, substantial progress has been made in reducing emissions from new vehicles. However, even greater control is required if we are to clean up the air in our major cities to a degree which protects against the known adverse effects of air pollution on our health and property.

National air quality standards for automotive pollutants were set to protect the public from the adverse health effects of these pollutants. However, in order to achieve these standards over 26 major metropolitan areas will require additional controls on motor vehicles above and beyond those imposed on new automobiles. These transportation controls (which may include restriction of parking, vehicle inspection, mandatory maintenance, gas rationing, and conversion of vehicles to gaseous fuels) will be designed to control automobile air pollution. All the help these cities can get through the achievement of the Federal new car emissions standards must be provided.

Industry Statement—Natural processes emit quantities of air pollution much larger than those emitted by the automobile. Natural processes also remove automotive pollutants from the air.

EPA Position—It is misleading to base an argument against the control of emissions on estimates of worldwide emissions of pollutants produced by vegetation and other natural sources.

Natural emissions occur in a widely diffuse fashion, and are disturbed over the entire world. Man, on the other hand, concentrates his activities on a very small portion of the earth's surface. With 75% of all Americans living on only 1.5% of our total land area, the emissions of automobile pollutants are similarly concentrated. This results in adverse levels of pollutants building up in all the major urban areas. Natural removal processes do exist for all the major air pollutants but these processes are quite slow, and come nowhere near to solving the problem of pollution accumulation in urban areas.

Industry Statement—Emissions from sources around the home (burning fireplace logs, fuel oil furnaces, and the mere existence of backyard vegetation) can be comparable to those resulting from using an auto meeting the 1976 Federal emission standards. Any one of these sources will use up a person's "emission quota" for that day.

EPA Position—The 90% reduction in automotive pollutants that was mandated by Congress in the Clean Air Act was designed specifically to remove the automobile from its role as the dominant source of air pollution in our urban areas. Comparing the emissions of a 1976 automobile to those of relatively less important sources of pollution simply points to the success of the Clean Air Act in achieving its goal.

In direct reference to the comparisons made between 1976 automobiles and burning logs, it should be pointed out that such a comparison can only have real significance if we assume that the fireplaces are used daily throughout the year, in every household that owns a vehicle, and that these households can be as concentrated in downtown areas during peak traffic periods as are automobiles.

Comparisons of natural HC emissions from a backyard and a 1976 automobile evoke the same comments as above. However, it should be pointed out that the research in this area must be considered to be preliminary and that the emissions data available can be used to support a wide range of estimates on HC emissions data per square foot of vegetation. One interpretation of these data is that the 1976 automobile will emit only as much hydrocarbons as a vegetated five acre plot. Clearly, in major urban areas, five acre plots of vegetated earth are far outnumbered by our automobiles.

Industry's Statement—California, with the oldest and most severe auto-related air pollution problems in the nation, does not support the Federal new car standards for 1975 and 1976 and, in fact, has established its own standards for 1975 which are much less stringent than those required by the Federal government.

EPA Position—The standards proposed by California for 1975 were formulated back in 1969 and were based on estimates by their engineers of available emission control technology. The California standards do not take into account the rapid advances in emission control technology since 1969 and were never meant to provide the reductions needed to meet air quality standards within the timeframe specified by the Clean Air Act. In fact, even meeting the 1975–76 Federal emission standards will not achieve the air quality stnadards in parts of California without a major curtailment of vehicle use. It is easy to agree with the industry that meeting the much less stringent proposed California standards would be easier and cheaper for the auto industry. The point, however, is that this would not meet the needs of the nation's cities for controlling automobile-caused air pollution.

II. HEALTH EFFECTS OF AUTOMOBILE POLLUTANTS

Automobile emissions of hydrocarbons and nitrogen oxides react in the atmosphere in the presence of sunlight to form toxic photochemical oxidants. These oxidants have detrimental effects on persons with respiratory illnesses, cause eye irritation and watering, and have destructive effects on rubber products and synthetic fabrics. Nitrogen dioxide, one of the nitrogen oxides, can as well cause adverse respiratory effects.

The carbon monoxide emitted by automobiles is absorbed through the lungs and thereby reduces the oxygen carrying capacity of the blood. The carbon monoxide in the blood takes the form of carboxyhemoglobin (COHb). At levels of COHb just over 2% our visual and time interval discrimination can be impaired. Increased COHb levels have also been shown to have adverse effects on heart patients.

The national air quality standards are designed to protect against these harmful effects.

Industry Statement—The carbon monoxide emissions from automobiles are much less toxic than stationary source related pollutants; in particular sulfur oxides. For this reason we should turn our interests more towards these other pollutants.

EPA Position—This is not a relevant argument. The goal of the Federal air pollution control program is to eliminate *all* air pollution problems; not eliminate some and leave others. The Clean Air Act requires control of sulfur oxides to whatever level is necessary, as well as control of carbon monoxide.

Industry Statement—Average carbon monoxide blood levels of people in major urban areas are below those levels related to effects on health.

EPA Position—Examination of "average" concentrations of carbon monoxide in the blood of urban dwellers is a dangerous approach to determining the hazard to the population. This type of data gives no indication of how many people have levels which exceed the acceptable health levels. It is known that some people receive a greater exposure to high pollutant levels than others and that some are more strongly affected by a given level of pollutant concentrations. The Clean Air Act mandates the EPA's standards protect the health of not only the "average" man but also those subgroups more exposed or more vulnerable than the average man.

Industry Statement—Carbon monoxide blood levels of smokers are higher than those for non-smokers.

EPA Position—The carbon monoxide blood levels in smokers have little relevance to the stringency of automotive emission standards. Smokers smoke by choice and know that it is harmful to their health. Non-smokers, on the other hand, have the right to be adequately protected against CO even if smokers elect to pursue their habit.

Industry Statement—"Average" street level concentrations of automotive emissions are low enough that they pose no threat to human health.

EPA Position—EPA's air quality standards are based on known adverse health effects. Air quality measurements show that these standards are being exceeded in many of our urban areas. The use of a concept such as "average" concentrations is misleading because it ignores the adverse effects on specific individuals of exposures to pollutants for specific times in specific places.

III. POLLUTION CONTROL AND FUEL CONSUMPTION

The automobile is a major source of air pollution in the United States. This is easier to understand when we realize that we Americans drive our cars nearly 1 trillion miles a year and in the process consume nearly 70 billion gallons of gasoline. This is the equivalent of 14% of all the energy resources consumed in the United States annually. The pollution abatement efforts of the automotive industry have increased the fuel consumption of our automobiles but not by as much as some would have us believe.

Industry Statement—The 1975–76 emissions standards have an adverse effect on automotive fuel economy and may increase fuel consumption by as much as 30%.

EPA Position—A recent study on automotive fuel consumption conducted by EPA shows that emissions controls do have an impact on fuel economy. This study estimates that the loss in fuel economy for 1973 model year vehicles over those with no emissions controls is in the range of 7% to 8%. Data available from a major domestic manufacturer indicates that the fuel economy of 1975 vehicles with their additional controls should remain unchanged from 1973. A fuel economy loss of this magnitude would increase the average drivers fuel bill by less than $25 a year. EPA estimates the increased fuel consumption for 1976 model cars to be in the range of 10% to 12%, again far below the 30% seen in many industry statements.

To put the fuel penalty of emissions controls into proper perspective, EPA has also quantified the fuel penalty associated with consumer choices such as automotive air conditioning, automatic transmissions and increased vehicle weight. That analysis shows an average fuel economy loss of 9% for air conditioners (installed on over 60% of new vehicles), and of 5% to 6% for automatic transmissions (installed on over 90% of new vehicles). Differences in vehicle weight can

account for as much as a 50% loss in fuel economy.

Industry Statement—Catalyst equipped cars will suffer fuel economy penalties.

EPA Position—The use of a catalytic convertor as an integral part of emissions control systems does not of itself create a significant fuel economy loss. These convertors, which are attached to the exhaust system much like an acoustical muffler, by themselves create no more fuel economy loss than does today's standard exhaust muffler.

IV. COST OF EMISSIONS CONTROL

The cost of owning and driving an automobile includes the initial price, maintenance costs and operating costs. The Department of Transportation has estimated the total cost to be approximately 11.9 cents per mile or $11,900 over the 100,000 mile life of a vehicle. Emission controls will add to the cost of owning a vehicle. The increased operating cost due to a reduction in fuel economy was estimated above. The increased initial cost of a 1975 model year vehicle due to emissions controls should lie in the range of $150 to $300 which is only 2 to 3 percent of the total. The additional equipment needed for 1976 to control oxides of nitrogen could raise the upper limit of our cost estimate to approximately $350.

Industry Statement—Government studies say that 1975–76 standards could raise the price of a new car by $500.

EPA Position—Using acknowledged and informally obtained automotive industry data as a base, an Office of Science and Technology report published in 1972 did use a $500 initial cost figure. However, cost data later obtained by EPA from industry sources at formal public proceedings, and more recently obtained in preparation for new proceedings indicates that cost will be lowered substantially below this level.

Industry Statement—Emissions control systems will require the use of expensive and rare metals from outside the U.S.

EPA Position—Most American manufacturers intend to use precious metal catalysts as an integral part of the emissions control systems. Adequate supplies of the precious metals used in these systems can be imported at a cost of from $5 to $15 per car, depending on the configuration of the catalyst used. It should also be noted that several emissions control systems tested by EPA have met the 1975 standards without precious metal catalysts. Neither the Clean Air Act nor EPA prescribe that specific technologies be adopted. The Government sets the emission standards; industry chooses the technology.

Industry Statement—Precious metal catalysts require the use of lead-free fuels which cost more than the leaded grades.

EPA Position—Catalytic systems are effectively deactivated by the anti-knock compounds of leaded gasoline. The lead-free gasoline required for catalysts does cost more at the pump but a study conducted by EPA on the effects of lead additives shows that this cost will be offset by the increased life of spark plugs and mufflers resulting from the use of lead-free fuels.

Industry Statement—The costs of automotive pollution control exceed the benefits.

EPA Position—Reliable estimates of the benefits applicable to health and property have not been developed because of a lack of consistent data. This does not imply that there are no health and property benefits from reducing automotive pollutants. It simply means that these benefits have yet to be quantified, and translated into dollars. The benefits cited by some sources include only those which have been estimated for materials and vegetation. In ignoring the benefits to health and property any comparison of automotive pollution control costs and benefits is incomplete and misleading.

GEORGE FOREMAN—THE HEAVYWEIGHT CHAMPION, JOB CORPS GRADUATE

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. PICKLE. Mr. Speaker, the most precious resource this Nation has is its human resources. Many government and private programs have been devised over the years to recoup as much of our human resources as possible.

One of the most successful has been the Job Corps, which takes the fellow at the bottom and time and time again starts him on the road toward a productive and useful life—off the welfare rolls, out of our criminal courts and jails forever.

One of the most dramatic success stories is told on himself by the current heavyweight champion of the world, Mr. George Foreman.

I would like at this time to reprint in the CONGRESSIONAL RECORD Mr. Foreman's recounting of his life as he told it in an article in the April issue of Nation's Business:

DON'T KNOCK THE AMERICAN SYSTEM TO ME

(By George Foreman)

In my business, boxing, I know a lot about giving hard knocks, and getting them, too. That's the kind of business it is. I accept it for being that. But knocking the American system, that I can't take.

If there is give and take in life, and I know for sure there is, and some of it rough stuff, a man has to find out early in his life how much of each he has capacity for.

I found out early, though, that you don't get much of anywhere by knocking success. The really smart guy tries to find out why it works, and how he can get in that kind of action, and then tries to make it work for him.

They call me a flag-waver, and it's true. Not just that time in Mexico City in the Arena Mexicana on the night of Oct. 27, 1968. That was when I had beaten the Soviet heavyweight, Ionnis Chepulis. The referee called it a TKO, and the Olympic gold medal was mine.

There were more than 2,000 black athletes in those Olympic Games in all sports. I was afraid—even with the USA on my jersey—they might not know I was an American. And I wanted everybody to know, and to know that at that moment I was one of the happiest Americans who ever lived. So, I took the American flag from the pocket of my robe, and waved it as I took a bow to each of the ring's four corners.

What never occurred to me then was that this little thing I did would be translated into an opposing view to the "black power" fever which was so much a part of that Olympics. It wasn't that at all. If that other way was how John Carlos and Tommy Smith felt—well, the America I came from is a free country, and they were entitled to do or say what they felt or thought. I was so proud, I was just doing what came naturally to me. It was my "thing," and thank God, it is still my "thing."

Casting about for places to put blame for the troubles a person has is an old human trait. "They" is an easier word to use than "I," when things don't go right. But in getting by an obstacle, or a trouble, or a problem, the key—and I know this because I've had them all, and still have some—is to take after it, all alone if that's the only way.

More times than not, battles have to be taken on alone. The messes a man gets into, they're the same. They didn't hunt him up; he went looking for them, whether he always knew it or not. He has to get into them himself, even if he has company at the time.

Nobody got me down in the street, for example, held my nose, and poured cheap wine down my throat when I was a kid. Not at all. I got the bottle, tipped it up, and drank it. Who would believe me if I said somebody forced me to drink that stuff? I don't force that easy. The memory of that wine is so clear to me yet that the smell of it now makes me sick to my stomach.

And when I was going about my first record-setting—which was how many windows I could break in a row without getting caught—I can't lay that idea on anybody else's doorstep. It was all my own, and I got all the way up to 200 before the Houston police thought it just might be me and looked me up to talk about it. It was quite a record, if one just wanted to look at the size of it, but it wasn't sensible or respectable to do it.

These were things that happened when I thought I had nothing going for me, but it was mostly my own attitude toward life that made it so. There was the high school there in the bloody Fifth Ward of Houston, and I dropped out of it in the ninth grade. It was my decision, not the school's. That and the other things caused my mother—bless her for all the suffering she endured for me—to have a nervous breakdown. That was my decision, being a bad guy and causing it, not hers. I had about lost faith in everything before I was even started, I guess, but she never lost faith in me.

SEEING THE LIGHT

Then, like Paul on the way to Damascus in the Bible story, my vision cleared up and the time came to make a right decision. I did it.

It was in an unlikely place, a Houston pool hall, and the TV set was on.

The man on the tube was doing one of those public service spots. It's a part of America that when a man gets famous, is a celebrity, they ask him to do these commercials about all kinds of things. Some are for causes, like fighting cancer, or helping retarded kids. This guy was recruiting, and he was saying he was once a down-and-outer himself.

Boy, was he on my wavelength, talking my language! I listened to him, half-like at first, and then he said he had this one skill, and finally got a chance to use it, and made it big. To anybody listening who needed a skill to get a job, he said, why not give the Job Corps a try?

So, I laid down that pool cue, and picked up hope. That's for me, I told myself, and they took me. There was some money in it, $30 a month, and $50 to go in the bank, and they'd send some home to my mother. Did she ever need it then!

It wasn't until then that it began to come to me what America was really all about, how there were things being done to really try to help people such as me find some way out. I was first in a Job Corps Center in Oregon, and then went to a big one, the Parks Job Corps Center, near Pleasanton in California.

It had a big company running it, Litton Industries. How come? Well, they were used to bringing people in through their employment offices and then teaching them whatever skill was needed for them to make or manufacture something. People just don't come off the street ready-made to do such work, they have to be taught. At Parks, they had courses in business machine repair, in electronics, auto mechanics, building maintenance and custodial services and how to cook. They put me in electronics, and had me putting transistor radios together.

But I was a rambunctious teenager, full of vinegar, and thought I was a pretty tough

guy. Liked to fight, anywhere, anybody, the whole thing. But that wasn't the kind of place it was; it wasn't any western copy of my old Fifth Ward slum back in Houston. R. Sargent Shriver, the head of this war on poverty agency—Office of Economic Opportunity—he was telling the centers to throw the troublemakers out. I was headed out, no question about that, and to be honest about it, I didn't care all that much.

Litton Industries had put a man in there as the center director, Dr. Stephen Uslan, a fine man. When he was getting all this advice from his staff to send me packing, he said No. He said I was the kind of material the center had been set up to deal with. It wouldn't solve anything, he told them, just throwing George Foreman out. I had been thrown out of a lot of things by then, and it hadn't impressed or improved me much, was the way he put it. And then, he said the words which really turned George Foreman around.

"If he likes to fight so much," he told those staff guys, "put him in the ring down in the rec hall, and let him get it out of his system that way."

In business, you see, they can't really stand it when something won't work. They try one way, and then another, and they keep trying until they find the combination. Litton was especially good about things never tried before, and they had the guts to give it another try, and they took another swing at the George Foreman problem.

And then I found out what a long way it is from just an idea to a real, accomplished dream. I hit a lot of people, and I was awkward. I found out if I could connect, I could jolt them. I knew that, but also that I needed a lot of honing. I must have been the dullest knife in town.

But there are professionals in everything who know how to mold people, and Litton had one of them in that rec hall. His name was, and is Charles R. "Doc" Broadus. They hadn't just hired a man and sent him down there to work in the rec hall when they got Doc. He had been in this boxing thing for 35 years or more. If I would listen to him and follow his instructions, he said, he'd get me into Golden Gloves, and maybe on the Olympic team, and then I could turn pro. He said that he thought I could be champion one day, but that I would have to make up my mind to work for it.

Now down there in Houston in the slum I came from, there wasn't too much talk about working for anything. People got money a lot of the time from being what was called smart—or from taking advantage of somebody. People walked on both sides of the line, as far as the law was concerned. But Doc said I could get it all, everything that went with it, if I was willing to work for it.

A BIG FOUR-LETTER WORD

Work is such a big four-letter word. I'd know a lot of the other four-letter words and they couldn't help anybody. This one meant sweat. It meant getting banged around. It meant being more tired than I had ever been in my life. And sore in more places, too. But when I went into Golden Gloves, I found it paid off, and I won. Then there were the Olympic trails in Toledo, Ohio, and by a hair, I made the Olympic team. Litton sent Doc Broadus and one of its executives, a one-time Air Force colonel, Barney Oldfield, down to Mexico City with me.

What I didn't know then was that as early as June, 1968 (the Olympics were in October), Barney had written to several friends of his, sportswriters, people like that, telling them to interview me in Mexico City because, he said: "George Foreman will win the gold medal, and go on to be heavyweight champion of the world."

It meant a lot to me, finding out such things, and that work was getting me closer and closer to where I wanted to be in life, and that other people were believing in me, other than my mother. And because I like kids, I found the ones who lived in slums as I had, and others, too, were beginning to hang around me. They wanted to talk to me and they were paying attention to what I said. The more I won, the more they tuned me in. What a difference it makes when you first have that feeling that people are looking up to you, and not down on you!

That night, after winning in Mexico City, I couldn't bear to take the gold medal from around my neck. It was my badge, my reminder. The ones around me now had been telling me the truth: Work and get with it, and you can have it all.

I had put a phone call in to my mother in Houston. She was always worrying about me getting hurt. Not the other guy, just me, her little boy, all 220 pounds of him. But I felt a desperate need to talk to her, to tell her that finally all those young boy kitchen conversations and dreams we used to have were starting to come true.

While I was talking with her, Barney waited, and when I came back to the table, he said that if it was all right with me, he was going to call the White House in Washington. He was going to remind them that this George Foreman who won in Mexico City was a Job Corpsman.

It was a program President Lyndon B. Johnson had brought about himself, and now he would surely want to see me and tell me himself how proud he was. Imagine! "Man, you're too much," I told Barney.

On Nov. 18, 1968—just three weeks later—Charles B. "Tex" Thornton, Litton's board chairman; Eugene Allen, of the Parks Job Corps Center; Barney and myself, we were walking up to the White House on our way to visit the President of the United States!

A GIFT TO THE PRESIDENT

I was carrying a little plaque I wanted to give him. I didn't know whether it was the right thing to be doing or not, but almost every time I saw pictures of him, he was giving something to somebody. I felt I owed him something. I was about to learn that whatever your heart tells you to do is always right, never wrong.

When I gave it to President Johnson, he looked so tired. The whole country kind of had him on the ropes then. To bring it back together, he'd made the big decision not to be their punching bag any more. I told him the plaque was to thank him for making the Job Corps possible—giving young Americans such as me a chance for hope, and dignity and self-respect. I saw a tear start down his cheek from his left eye. But he was sharp, too. Recovering himself, and waving the plaque at the press who were there in his Oval Office with us, he told them he was going to keep it there where they could see it everytime they came in, to let 'em know there was one person in the world who thought he had done something right!

I learned a lot about America that day: That when you're right, and do right in a big way, even the President of the United States will have you in to tell about it, and encourage you to keep on, now that you've found out what it's like. And I was standing there with him, and he had once been poor, too, and was a not-too-well-educated Texas boy who had refused many times along the way to be licked. He was going out of that White House, a man who had championed the cause of a lot of people, including me, and however bad he may have felt, I knew he could live with himself for all he had done.

Tex Thornton said he was proud of me, the way it had gone there in the White House, and he said he would always be available to me for any advice I might need, that I had only to ask. He even said he and some of his friends would put together a kind of syndicate, or association, which would back me and keep me from having to take any offers which might not be good for me in the long run. When I told him I wanted to try it alone, he respected that, and understood it, and accepted it.

Somewhere, I kept telling myself, I have to begin making my own decisions, and it might as well be now. The professional thing was on my mind, and I talked with Dick Sadler about being my manager-trainer. He had had a long string of champions, the last being Sonny Liston. I had a strong feeling, an admiration, for Sonny. He had had so far to come back when he started, from the hole he was in, and he did it. He came to a sad end, but in what he did, he showed all things were possible.

[Sonny Liston, who had many scrapes with the law during his life, was found dead in his Las Vegas, Nev., home in January, 1971. He had been dead for about a week. Drugs were at the scene, but the death was attributed officially to natural causes.]

Work! That word again. Dick Sadler told me about how much of it I had to take on now. He said the road ahead was bumpy, and had turns in it, lots of them. There were some places we fought in where we almost had to borrow money, or hock something, to get out of town. We had trouble getting opponents. Boxing writers were saying I fought Joe Namelesses and Bill Whozitses, and that I had to get more experience, when I couldn't get most of the ones I fought to stand up long enough to give me any. All this was what Dick Sadler had meant by work, that it could include frustration and hopelessness and fighting off giving in to them. There was wood to split. And at 6:30 in the morning, running those three-mile exercises when other people were still all asleep. Then the gym, the bag—the little one and the big one—over and over.

A FINANCIAL CRISIS

I was hurting for money. I wanted to get married to Adrienne, a pretty girl I knew. A guy can't be smart enough to dodge everything. I signed some papers with some people, and I got married early in 1972 and we were very happy. Then the big chance came, and I signed for the fight with Joe Frazier for the championship in Jamaica. Right then, everything went sour in my mouth. I found that in the fight business, it's not just yourself, the guy you're fighting, and the referee in there with you—in spite of everything you try to do, you pick up partners, people who share in you, who know how to play you and your desires, and they have more to say about you than they should. When you have been living from day to day all your life, the implications of what you sign *today don't look* as big as they will tomorrow.

I got caught up in one of these things, not the first fighter to have it happen to him or probably the last. But it upset me so, the only thing I could think of was quitting the ring. I meant it. The lawyers all gathered around me and begged me to go ahead; suits were filed, and finally, in a kind of desperation, they asked me if I had a friend somewhere that I trusted. They wanted to explain it all to him, they said, and then he could advise me. I remembered Litton Industries, and told them to call Barney Oldfield. It was 3 o'clock in the morning in California when he got the call from New York, and after bringing him up out of a deep sleep, they talked with him for a half hour or more.

The next day, he called me.

I told him I didn't want to fight Joe Frazier, even if I knew I could beat him. So many people had gotten their hands into my money, I didn't want to be another sad story in boxing for people to write about. I said I might as well forget the whole thing.

But Barney told me: "George, the only thing I figure you can do is go knock Joe Frazier out, and then come back and show people you can take all this. If you don't go ahead with the fight, they'll all be writing you're scared or something." He said it was a legal contract, and the important thing was to win the title and then argue.

Suddenly, it all cleared up for me. I was really fighting everybody but Joe Frazier, and he was the one to beat. "They" didn't mean anything. It was just the same old "they" to blame things on again, and I was beyond that. I had to be. What I was in was a business, and I had to treat it like a business, where contracts were contracts, and if I didn't have integrity about a contract, however bad it might be, what would I have left?

It was off to Jamaica, even though my wife, Adrienne, was pregnant, and the baby was due. On Jan. 6, there in Kingston, I heard that my baby girl, Michi Helene, had been born in far off Minneapolis. On Jan. 10, I became 24 years old. On Jan. 22, after a minute and a half of the second round and when he had been knocked down six times by me, Joe Frazier—the favorite of almost every boxing writer and odds-maker in the world—had lost his heavyweight crown, and it was mine! Bad as I had felt about not being able to be with my wife when our baby came, it was one of the things life asks of you in keeping things in focus, and I could now get home to them—a champion.

GIVING THANKS

In the delirium of the ring, I guess I thought of everyone—the ones who believed in me and had done things for me.

Among them way Johnny Unitas, the famous pro football quarterback, the one who had done the public service TV spot about the Job Corps which sent me off in this new direction.

I didn't know until after the fight that President Johnson had died while I was on the way to the stadium. They kept it from me. It gave me a chill to think back to that day in 1968 when, there in the White House, he had asked me when I thought I'd be heavyweight champion, and I said I didn't know. It made me sad to think he couldn't have lived one more day and read about what had happened in Jamaica that night. Without his Job Corps, I wouldn't have been there.

So, don't talk down the American system to me. I know what men go through to make it run. I also know that some of its rewards can be there for anybody, if he will make up his mind, bend his back, lean hard into his chores and refuse to allow anything to defeat him.

The first thing I did in my dressing room that night after the fight in Jamaica was close the door, with Doc Broadus and Barney Oldfield in there with me. I went down to the foot of the old training table, got down on my knees, and thanked my God—for everything, for everybody, and for the determination He gave me to see it through. Perhaps there are several who deserve as much as I do to be champion, and perhaps they, too, will have their chance, but none can feel any more fortunate than I do to hold the title while I can.

I can truly say I worked for it. I say, worship the opportunity this country grants to those who will really try, don't knock it.

I'll wave that flag every public place I can.

Reprints of "Don't Knock the American System to Me!" may be obtained from Nation's Business, 1615 H St. N.W., Washington, D.C. 20006. Price: One to 49 copies, 35 cents each; 50 to 99, 30 cents each; 100 to 999, 17 cents each; 1,000 or more, 14 cents each. Please enclose remittance with order.

THE PRICE OF LAW AND ORDER

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. MATHIS of Georgia. Mr. Speaker, I recently had the privilege of serving as the host Congressman for an annual Federal seminar for the Georgia Jaycees in Washington. The jaycees had the opportunity to hear an impressive address by FBI Inspector David Bowers during a Good Citizens Award banquet. He very effectively pointed out that crime is costly business. Inspector Bowers gave a good account of himself and of the Bureau.

I want to share his address with my colleagues and with all citizens who should know what price we must pay for law and order.

The address follows:

THE PRICE OF LAW AND ORDER

Although the last couple of years have shown a very encouraging trend toward decrease, I doubt there is anyone here not aware of the fact that crime is one of this Nation's more serious problems. There are about 6 million serious crimes committed annually in this country.

Crime is a big, costly business.

Thousands of individuals make their living from crime, not all of whom are criminals. There are the policemen, judges, the prosecutors, prison guards, parole officers and related personnel. The income of some of these people is marginal, and one marvels at their dedication.

On the other side of the law are the robbers, the burglars, the petty thieves, the leaders of organized crime and the many other full and part-time criminals. Some of these are wealthy men. Others exist on very meager incomes, and one can only wonder at their perseverance.

The annual cost of crime has been estimated at some $51 billion. That's about 5 percent of the gross National product. A major industry has grown up in this country to provide protection against the criminal. Private security organizations flourish and compete with law enforcement for qualified personnel. These organizations benefit from strong finances and minimum regulations.

Law enforcement, to the contrary, has rarely enjoyed a strong financial base although recent Federal programs have helped greatly, and restrictions on law enforcement have been drawn ever tighter in recent years by court decisions.

From 1966 through 1971, serious crime went up 83 percent. Population rose during that time only 5.3 percent. This means crime has been growing at a rate of 16 to 1 over our population growth, and this in an era when people have expressed concern about a *population* explosion.

Obviously, we have not been getting the protection from the criminal we need. Our criminal justice system has not been functioning as well as it might. The current trend toward a decline in crime certainly is encouraging. It indicates we are getting a grip on the crime problem, a grip we must not relax.

We can stop the onslaught of crime; we can make our streets and homes reasonably safe from the criminal. But it will cost money! The question is, do we have the determination to attack the problem directly, to spend the money necessary to get the job done?

There are many law enforcement agencies in this Nation without the manpower needed to carry out their responsibilities. Why is this? A big reason is lack of funds. Historically, law enforcement budgets have been among the first cut when the pinch of economy comes. Until recently, law enforcement has had only a few champions among legislators, and it doesn't have enough now. Consequently, law enforcement salaries are near the bottom of the ladder for public employees. Salaries for full-time state and local law enforcement personnel range from about $9,000 to $10,500 in large cities. They are much less in rural areas, where crime is showing its greatest increase.

How much police protection do you think you have at any given time? In 1971 when we had close to 6 million serious crimes, we had an average of 2.4 police employees per 1,000 inhabitants. While serious crime was going up 83 percent between 1966 and 1971 the average police employees per 1,000 inhabitants increased only 26 percent. And this was in the period when law enforcement was called upon to deal with major problems not directly related to crime—riots, demonstrations, protest marches and the like.

When you discount clerks and other nonsworn personnel there is only about 2.1 officers per 1,000 population. And, when you take into consideration that police strength has to be divided into three shifts per day, that officers are given days off and vacations, they get sick, they have to appear in court and perform other chores which take them away from their regular duties, you will find there is only about one policeman for every 1500 inhabitants on a national average. That's pretty thin protection.

We really do not know how many criminals there are abroad in the United States today. The 6 million serious crimes recorded last year is a measure of the number of victims of crime, not the number of criminals.

Actually, the criminal population of our country is reasonably small. But many of this group are repeaters—in other words, the same few people are responsible for a large measure of our crime problem. FBI research into criminal careers reveals the average career spans five years from first to last arrest and averages 4 charges. Think about those figures for a moment for they indicate some very significant facts.

First and foremost, they shout loud and clear that our efforts to rehabilitate criminals are failing. Listen to these facts compiled by the FBI from studies of criminal histories of persons released from Federal custody in 1965:

Within four years 63 percent of all those persons released were rearrested.

56 percent of those released on probation were rearrested.

61 percent of those released on parole had been rearrested.

75 percent of those freed on earned "good time" were again arrested within four years.

A staggering 85 percent of those acquitted or against whom charges were dismissed were again arrested within four years.

68 percent of those charged with assault and released in 1965 were arrested on other charges in the next four years.

62 percent of those charged with larceny, 57 percent of those arrested for robbery, 76 percent of those charged with burglary, and 80 percent of those charged with automobile theft and released in 1965 were rearrested within four years.

These statistics measure the failure of our Federal rehabilitation system. But there certainly is no reason to believe any of our state systems are doing any better. Many people think of the process of rehabilitating a criminal as starting with his release on parole or probation. Actually, these are forms of leniency which should come into play only after the criminal has demonstrated a definite move toward a law-abiding life. Perhaps one of the greatest causes of the failure of

our rehabilitation process is the overemphasis on sympathy for the willful criminal. Time and time again these people have repaid kindness with further treachery and more vicious crimes. There must be a line drawn where pity and leniency for willful criminals stop and meaningful and just punishment begins. But there forever seem to be some who advocate "just one more chance" for the violent wrongdoers among us.

There are three basic deterrents to crime—certain detection, swift prosecution and substantial punishment for willful lawbreakers. Do we have these deterrents working for us today?

On the average, only 20 of every 100 serious crimes are cleared and probably no more than 3 adults will ever serve time in prison for every 100 serious crimes against persons and property. And chances are this will not occur for months after the crime was committed due to delays in trial, numerous and lengthy appeals and the use of various legal technicalities. Often so much time passes between the commission of the crime and the trial the victim is forgotten.

Is this a record which is going to deter crime?

Is this a record which is going to persuade a person already involved in criminal activities to change his ways?

Of course not!

We must beef up our law enforcement agencies to increase the clearance rate of crimes.

We must enhance our prosecutive forces to improve the conviction rate.

We must add judges where needed so that justice can be swift.

But more judges will be meaningless unless they are men of determination. We would be better off without judges who are weak, who abdicate their authority and responsibility, who bow to pressure and give in to maudlin pleas for one more chance. And we would be better off without judges who continually grant trial delays on any request. I know one individual who has been to court four separate days to appear as a voluntary witness and each time had the trial rescheduled on some request by the defense. He has missed four days on his job, a job which does not provide for any compensation when he is out. How can we blame people for refusing to do their civic duty when such things are allowed to continue?

The responsibilities of a criminal court judge are indeed awesome. But if a man does not have the stomach to mete out proper punishment; if he cannot in good conscience sentence a man to prison for a long term when the facts so warrant, then he should not accept a judgeship.

Unfortunately, there are some judges and others within the criminal justice system who have lost sight of their primary responsibilities. They have confused their duties with those of social workers, and all society suffers from this misconception.

Dr. Ernest van den Haag, sociologist, psychoanalyst, author and educator, in a recent article entitled "In Defense of Punishment," declared:

"Amid all the concern about the steady rise in crime rates over the past ten years, one possible cause is generally overlooked—the widespread loss of faith in punishment as a deterrent of crime."

Dr. van den Haag points out it is fashionable for the so-called intellectuals and "compassionate people" to disparage punishment as a deterrent and to ridicule those who defend it as sadistic and vindictive. He declares punishment is attacked on the grounds it does not get at the "real" causes of crime. He points out some people contend that only the elimination of the so-called causes of crime—poverty, slums, poor education, lack of job opportunities—will have a significant and lasting effect. But, he declares, the familiarity of this contention does not make it true.

Dr. van den Haag concludes:

"Our one-sided emphasis on these conditions and our undue neglect of costs (punishment) to offenders contribute to an unnecessarily high crime rate."

Poverty, poor housing, lack of educational and job opportunities should be corrected regardless whether they have any impact on the crime problem. These are social ills and their correction should not be dependent on or confused with any drive against crime. If programs to correct these ills had to stand purely on their worth in crime prevention, it is doubtful they could be justified. Such programs in the fight against crime would be a broad-brush attack—an attack where the individual target is not apparent. We simply do not know how many living in poverty, lacking good housing, a good education or a job are potential criminals.

But we do know that some 63 percent of those persons who are released from custody today are potential future criminals!

We know who these people are. We have them in hand. This is one area where our individual targets are known and where we can be certain we are directing our efforts toward something which will pay definite dividends in the fight against crime.

About 100,000 persons were arrested last year for auto theft. Based on the FBI study of criminal careers, 80 percent of those persons can be expected to be arrested again within four years after their release. If we can reduce that figure through successful rehabilitation by only 10 percent, we realize a good decrease in future arrests. Spread that 10 percent reduction across the board to cover all serious crimes and we have a substantial decrease in crime.

This can be done IF we are willing to pay the price for law and order.

Fighting crime is expensive. Thankfully, more money is being put into the battle at all levels of government. But there is not enough. Many of our law enforcement agencies, our prosecutive offices, our courts, our prisons are understaffed. We need more men in all phases of the criminal justice system. We need more facilities, especially facilities to deal with convicted criminals in a manner which will enhance the possibilities of rehabilitation.

But the price of law and order is not one which can be stated solely in monetary terms. It must be considered also in individual responsibility—personal involvement.

There must be a reawakening of citizen interest in law and order.

There must be a determination among the people of every community to insure that law and order is maintained—that laws are obeyed or the guilty are punished.

There must be a willingness to get involved in the fight—a willingness to come to the aid of law enforcement with information, verbal support, even physical support if the circumstances dictate.

There must be a rethinking of the trend to feel pity for a willful criminal. The continuing cries of anguish over the deliberate criminal must be matched and drowned out by Americans who put concern for the victim and the welfare of their country at least on an equal footing.

There must be a return to the basic deterrents to crime—certain detection, swift prosecution and substantial punishment for willful criminals. Just punishment may well prove more beneficial for a young lawbreaker than the one more chance he keeps seeking.

We have a challenge. The choice, as I see it, is quite simple. The sacrifices we need to make to overcome crime are not great. The rewards for these sacrifices are. So are the consequences we will suffer if we fail to meet the challenge.

BLACKS AND THE NIXON ADMINISTRATION: THE NEXT 4 YEARS

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. DIGGS. Mr. Speaker, the distinguished executive director of the National Urban League, Mr. Vernon E. Jordan, Jr., recently delivered a speech to the National Press Club in Washington entitled "Blacks and the Nixon Administration: The Next 4 Years." This address deals with many of the issues before the Congress and the Nation in this critical time when our national priorities in economic and social areas are threatened. I believe Mr. Jordan's remarks are timely and should be made known to my colleagues. I would therefore like to submit those remarks for inclusion in the CONGRESSIONAL RECORD at this time:

BLACKS AND THE NIXON ADMINISTRATION: THE NEXT 4 YEARS

In his Budget Message to the Congress, the President once again called for "a new American Revolution to return power to the people." But the Message itself, and the provisions of a federal budget that hacks away at social spending with ruthless intensity, can only be seen as the first shots of a counter-revolution designed to destroy the social reforms of the 1960s.

Indeed, the proposed budget is the blueprint for the conversion of a national policy of "benign neglect" into a policy of active hostility to the hopes, dreams and aspirations of black Americans.

I do not believe this policy is intentional, nor do I believe that it is the product of conscious, anti-black, anti-poor reasoning. Rather it is the by-product of a view of society and of the proper role of government that is incompatible with the implementation of the precious rights won by minorities in recent years. The yawning gap between the philosophy of decentralized government marked by a passive domestic role for the federal Administration, and the effects of such a system on poor people and minorities vividly illustrates how honorable intentions can have disastrous results.

I am reminded of the famous lines by T. S. Eliot: "Between the idea and the reality/ Between the motion and the act/Falls the shadow." Today that shadow falls on black Americans, minorities, and on the overwhelming numbers of poor people who are white. It is they who are being asked to carry the burdens imposed by the impending massive federal withdrawal from moral and programmatic leadership in the domestic arena. The shadow that falls upon them is deep and its darkness spreads a blight across our land.

The Administration's domestic policy, as revealed in its budget proposals and in a flurry of public statements, encompasses on the one hand, sharp cuts in spending on social services, and on the other, a massive shift in resources and responsibility from Washington to local governments. These are the two prongs of a pincer movement that entraps millions of Americans.

A brief examination of just a few of the federal actions both proposed and already taken, are enough to indicate that urban America is well on the way to becoming a free fire zone doomed to destruction by the very forces it looks to for salvation.

In employment, the Emergency Employment Act will be phased out, ending public service jobs for about 150,000 state and city employees, some forty percent of whom had

been classified as disadvantaged. Job-creation and training programs already crippled by the refusal to spend appropriated funds, will be cut sharply. A wide variety of federally-backed summer and youth employment programs will be dropped, and special programs for high unemployment areas will be eliminated.

In housing, a freeze has been imposed on federally-subsidized housing affecting hundreds of thousands of low-income families and robbing construction workers of jobs.

In education, federal programs to provide compensatory educational services to disadvantaged children, and important vocational education programs will be dismantled, while day care, student loans, special school milk programs and aid to libraries will be eliminated or reduced to a small fraction of their former size.

In health, 23 million aged and handicapped people will have an extra billion dollars torn from them in higher Medicare charges and lessened coverage, while funds for the successful community mental health centers and for new hospitals will be eliminated.

In addition to this listing of horror stories, there are further atrocities—the dismantling of the Office of Economic Opportunity and abolition of its over 900 community action programs; the end of the Model Cities program, and the effective end of urban renewal and a host of other federal programs of community development.

A number of arguments have been advanced to justify the far-reaching changes the new American counter-revolution seeks to establish. Taken together, they recall Horace Walpole's comment about the world: that it "is a comedy to those that think, a tragedy to those that feel."

It is said, for example, that the budget cuts are necessary to avoid new taxes and to control inflation. This neatly avoids mention of the imposition of a sharply increased social security payroll tax that falls disproportionately on the same low-income families that will be hurt most by social service cutbacks. I accept the need for a ceiling on federal expenditures, but I cannot accept the faulty priorities that raise military expenditures by just under five billion dollars while slicing funds for the poor and for the cities. The cost of one Trident Submarine would pay for the public service employment program. The requested increase in funds for the F–15 fighter is about equal to the amounts cut from manpower training funds. Federal disinvestment in human resources reflects an irrational choice of priorities.

Another reason for the cuts is the overly-optimistic view that many of the federal programs are no longer needed. The President himself seemed to be making this point in his Human Resources Message when he said: "By almost any measure life is better for Americans in 1973 than ever before in our history, and better than in any other society of the world in this or any earlier age." And the theme was repeated in the Message dealing with cities, which declared that "the hour of crisis has passed."

I cannot agree. I believe, instead, that the hour of crisis is upon us, and is intensified by the federal withdrawal from urban problems. I would hate to have to explain to a poor black family in Bedford-Stuyvesant that's chained to an over-crowded slum apartment because of the housing subsidy freeze that this is really the best of all possible worlds. I would hate to have to explain to a poor black farm worker in Mississippi that the record gross national product means he's living in a golden era. And I would hate to have to explain to an unemployed Vietnam veteran who can no longer enter a federal manpower training program that he is being adequately repaid for his sacrifices.

Life in 1973 may be better for some people, but it is not better for black Americans. We are afflicted with unemployment rates more than double those for white workers. Black teenage unemployment is near 40 percent. Unemployment and under-employment in the ghettos of America is from one-third to one-half of the work force. The total number of poor people in this country has risen sharply in the past several years. No. This is no Eden in which we live and we cannot complacently agree that there is no longer a need for federal social service programs.

Another justification for ending some programs is arrived at by a method of reasoning I confess I am unable to comprehend. Such programs, it is said, have proved their worth and therefore the government should no longer operate them. Since they are so good, someone else should do them. I can only suppose that the next step will be to tell the Joint Chiefs of Staff that the armed forces have done such a good job that the federal government will stop funding them.

Another argument—a serious one of some substance—is that some programs have not worked and therefore should be abandoned. Such programs fall into two categories—those that appear to neutral observers to have accomplished their goals, and those that clearly have not been as effective as they should have been.

It is inaccurate and unfair to suggest that the community action programs or the Model Cities programs, to take two important examples, have failed. There is every indication that they have brought a new sense of spirit and accomplishment to many hundreds of cities. By fully involving poor people in the decision-making process they have contributed significantly to urban stability and to individual accomplishment. Federal evaluation studies endorse this view. Local political leadership has also insisted that the programs are successful. For years, the agony of the Vietnam War was justified on the grounds that we had made a moral commitment to the people there. Can we now abandon the moral commitment to our own cities and to our own people?

Some federal programs have been clear disappointments. Some of the housing subsidy programs, for example, were sabotaged not by poor people seeking a decent home, but by some speculators in league with some federal employees. Thus, although thousands of families have been sheltered by these programs; although scandal-free housing has been produced by effective non-profit organizations and although the need for low- and moderate-income housing is pressing, federal housing subsidies have been frozen and appear on their way to an early death. The victims of federal housing failures are being punished doubly—once by ineffective program control, and again by the moratorium on all housing subsidies. Ending all housing programs because some have shown signs of failure makes about as much sense as eliminating the Navy because some new ships have had cost over-runs.

The final justification of the Administration's policies, and the core of the new American counter-revolution, is that federal funds will be transferred to local governments in the form of bloc grants in four major areas—community development, education, manpower and law enforcement. It is proposed that the federal government end its categorical grant programs administered, financed and monitored by federal agencies and that local governments should now decide whether to spend federal monies on job-training or on roads, on compensatory education in the ghetto or on a new high school in the suburbs. This has been called "returning power to the people."

To black Americans, who historically had no choice but to look to the federal government to correct the abuses of state and local governments, that is very much like hiring the wolf to guard the sheep. It is axiomatic in American political life, with some exceptions, that the lower the level of government, the lower the level of competence and the higher the margin for discrimination against the poor and the powerless.

The power that has accrued to the central government is due to the failure of localities to be responsive to the needs of all but a handful of their constituents. Black Americans have looked to the federal government to end slavery, to end peonage, to restore our constitutional rights and to secure economic progress in the face of discrimination. Yes, we looked to Washington because we could not look to Jackson, to Baton Rouge or to Montgomery. White people looked to Washington too, for the federal programs that helped many of them survive the Depression, helped them move to suburbia and helped them to prosper economically. Now that Washington has finally embarked on programs that hold out some hope for minorities, we are told instead to look to local governments notorious for their historic insensitivity to the needs and aspirations of blacks and the poor.

Before falling prey to the siren song of local infallibility, the Administration should examine the use local governments are making of general revenue sharing grants already distributed. News reports from across the country repeat the same dismal story—federal money used to build new city halls, to raise police salaries, and to cut local taxes. All this is taking place at a time when school systems are falling apart, housing is being abandoned, and health needs are unmet. The record does not inspire confidence that lost federal social service programs will be replaced with effective local ones.

General revenue sharing is a fact. It is a reality. Thirty billion dollars is in the pipeline for state and local governments. Rather than throw still more money at local governments at the expense of federal programs with proven track records, the Administration should be developing performance standards and effective compliance mechanisms that assure these local programs will work. Folding—or rather, crumbling—federal social service programs into no-string-attached special revenue sharing packages seems to me to be a prescription for disaster.

Black Americans have been assured that anti-discrimination regulations will prevent local abuses. While the Treasury Department's guidelines have been revised and strengthened, we still cannot take heart from assurances. They come just a few weeks after the Civil Rights Commission reported the persistence of "inertia of agencies in the field of civil rights," and after the government was subjected to a federal court order to enforce the laws against school segregation. It is hard to imagine that the politically-charged decision to withhold funds from states or cities that discriminate will be made. And without federal standards assuring that funds will be used in behalf of poor people in need of job-training, public housing and special school and health programs, the money will once again find its way into the pockets of entrenched local interests.

The proposed special revenue sharing approach breaks faith not only with poor people, but with local governments as well. What Washington gives with one hand it takes with the other. Mayors who once hungered for no-strings-attached bloc grants are now panicked by the realization that the funds they receive will be inadequate to meet the needs of their communities and will be less than their cities get in the current categorical-aid programs. In addition, there is the probability that future special revenue sharing funds will continue to shrink. Rather than shifting power to the people, the new American counter-revolution creates a vacuum in responsible power.

We must not forget, as so many have, that

federal programs today do embody local initiatives and local decision-making. The myths of the Washington bureaucrat making decisions for people 3,000 miles away is false. The money often comes from the federal Treasury. The broad program goals and definitions of national needs come, as they should, from the Congress. But the specific program proposals, their implementation, and their support come from local governments, citizens and agencies. Those federal dollars that are now deemed tainted actually enable local citizens to meet local problems under the umbrella of national financial and moral leadership. To shift the center of gravity away from national leadership is to compound the drift and inertia that appear to categorize our society today.

It is in this context that the blast of white silence is so puzzling. Far more white people than blacks will be hurt by the budget cuts. Yet the responsibility for calling attention to their impact falls increasingly on black leadership. There are three times as many poor white families as there are poor black families. The majority of people on welfare are white. Of the black poor, more than half don't get one devalued dollar from welfare. Two-thirds of the families who got homes through the now-frozen 235 subsidy program were white. The majority of trainees in manpower programs, and three-fourths of the people who will lose their jobs under the public employment program are white.

But because black Americans have been the most vocal segment of the population in urging social reforms, there is the mistaken impression that only blacks benefit from them. The Battle of the Budget is a larger-scale replay of the fight for welfare reform waged—and lost—last year. Then, as now, black leadership was out front in favor of a living guaranteed income for all. But we had few white supporters, although many more white people than black would have benefited. It is reasonable to ask, had we won that struggle would all of those poor white people have returned their income supplement checks? And it is fair to ask today that white people join us in the struggle to preserve the social services of the federal government that enable them, too, to survive.

The silent white majority that has been the prime beneficiary of the programs of the 1960s and is today the group most in need of further federal services will have to speak up. They are not stigmatized, as are blacks, by charges of special pleading by special Americans looking for special treatment. And their representatives in the Congress will have to act, too. They cannot complacently watch their constituents' welfare being trampled on, nor can they accept the shrinkage of their rightful constitutional role in our system of government.

Already, there have been signs that some Congressmen whose votes helped to pass progressive legislation a few short years ago are now of a mind to compromise with Administration power, to compromise the jobs and livelihood and needs of their constituents, to compromise the power of the Congress to control the purse and to influence domestic policies, and finally, to compromise their own principles. If this is so, it will be tragic for the Constitution, tragic for the country, tragic for the poor people, and tragic for the heritage of liberalism.

The gut issues of today—better schools, jobs and housing for all, personal safety and decent health care—are issues that transcend race. So long as they are falsely perceived as "black issues," nothing constructive will be done to deal with them. White America must come to see that *its* cities, *its* needs and *its* economic and physical health are at stake. The needs of blacks and whites are too strongly intwined to separate. As Whitney Young used to say, "We may have come here on different ships, but we're in the same boat now."

So White Americans must join with black people to rekindle the American Dream, and to sing, in the words of Langston Hughes:

"O, let America be America again—
The land that never has been yet—
and yet must be."

PRESS NEW YORK STATE ACTION AGAINST APARTHEID: A LEAD THAT CONGRESS SHOULD FOLLOW

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. RANGEL. Mr. Speaker, the commitment of the South African regime to a brutal policy of apartheid has been deplored around the world. The inhumanity of apartheid and the repression of South Africa's majority is a stain on the world's conscience.

Yet our own Government directly and indirectly subsidies South African racism. We operate a NASA-tracking station in South Africa where American dollars are used to perpetuate segregation and inequality. We allow American businesses to trade with South Africa and to practice discrimination overseas which would be illegal in the United States. It seems like the American policy is to put dollars ahead of people.

New York State Assemblyman Franz S. Leichter is introducing legislation in the State legislature to compel firms which contract with the State or in which New York State deposits its money or invests its pension funds to follow fair employment practices in South Africa. As Assemblyman Leichter pointed out recently, the bill seeks to "end the hypocrisy and double standard which commits New York State to human rights, but allows the moneys of its taxpayers to go to companies which violate human rights in South Africa."

This is an area where Congress should also have the moral courage to tread. In the 92d Congress, I attempted to cut off funds for the Amercan space tracking station in South Africa after NASA officials told the Science and Astronautics Committee that apartheid was accepted by NASA and that the space program had higher priority than human rights. The House subcommittee chaired by the gentleman from Michigan (Mr. DIGGS) has been holding hearings on American investments in South Africa. So far, however, Congress has refused to make the type of commitment necessary to show the South African Government how strongly we feel moral revulsion and outrage at its apartheid policy.

I hope that State legislative initiatives such as that begun by Assemblyman Leichter in New York will pressure Congress to act against apartheid.

STATE LEGISLATORS, CHURCH, AND CIVIC LEADERS ANNOUNCE STATE PLAN TO FORCE FAIR EMPLOYMENT PRACTICES BY U.S. CORPORATIONS IN SOUTH AFRICA

(By Assemblyman Franz S. Leichter)

We all know that in New York State we have laws on the books to end racially discriminatory employment practices by businesses operating here and we have established agencies to enforce these fair employment laws.

But today many of our corporations here, ones with household names, run by some of our most prominent and respected business leaders, companies that often carry the phrase "equal opportunity employer" in their advertising, are deeply involved to the tune of hundreds of millions of dollars in the most notorious system of racial oppression—the apartheid system in South Africa. Apartheid has enshrined racial discrimination and white supremacy as the law of the land in South Africa, the law that governs all business and employment activities there.

We are familiar with the excuses and evasions that have been offered up when those implicated with cooperation with apartheid have been called on to end thir business-under-racism practices. They say South Africa is "different", apartheid is an "internal problem for people in South Africa only", "things are getting better" or "more jobs for Black South Africans will bring an end to apartheid".

The bill that I am introducing in the State Legislature with the support of a number of my colleagues is designed to force companies contracting with New York State or in which the State deposits its funds or invests its vast pensions moneys to follow fair employment practices in South Africa now.

The bill establishes a Fair Business Employment Practices Board, composed of seven appointees of the Governor, including the chairman of the Human Rights Commission and the Commissioner of Commerce, to determine whether New York State-based corporations conducting business activities in South Africa are following "fair employment practices". The Board is to determine what are "fair employment practices" within the guidelines of the bill: equal pay for equal work, equal hiring, equal opportunity, etc., all without regard to race or color.

The bill requires that every company contracting with New York State agree to follow such fair employment practices. If one fails to do so, its contract can be cancelled. Further, State funds and investment of government pension funds can only be made in companies which are on the roster of companies found by the Fair Business Practices Board to be following Fair employment practices.

The State presently contracts for billions of dollars for goods and services each year. It invests billions of dollars in pension funds and deposits billions of dollar in banks. All these moneys should be used to make New York State-based companies and those who benefit by dealings with the State follow overseas the same fair employment practices which they are required to follow in this State.

The reason that we have focused on South Africa is that there U.S. companies profit by exploiting the labor of the African majority under the world's only legalized system of racial discrimination, apartheid. They use the system of apartheid to gain cheap labor. Not only is this practice morally objectionable, but it induces companies to go to South Africa, with the loss of jobs and business activities in New York State.

Apartheid has been formally condemned by the United Nations and governments have been called on to cease the business activities of their nationals in South Africa. This bill gives legal expression to the resolutions of the United Nations.

We are seeking by this bill to end the hypocrisy and double standard which commits New York State to human rights but allows the moneys of its taxpayers to go to companies which violate human rights in South Africa.

ETHNICS OFFER MUCH

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. DERWINSKI. Mr. Speaker, Mr. Tedis Zierins of Chicago, a naturalized citizen, is a very well known civic leader and spokesman on foreign affairs. I am pleased to insert into the Record his letter to the editor which was carried by the Community Publications—Chicago, Ill.—shortly after St. Patrick's Day.

The article follows:

ETHNICS OFFER MUCH

St. Patrick's Day is gone, but I would like to share with you some thoughts, which still linger on in my mind.

"Join the crowd. Be Irish have the St. Patrick's spirit for a day!", said a stranger.

Why have this spirit only for a day when St. Patrick's life can give us inspiration and many wonderful lessons for every day?

Patrick himself was a foreign born who as a youth was taken to Ireland against his will. By brutal force he was torn away from his parents and everything dear to him and brought as a slave across the sea to Ireland. But instead of seeking revenge for his suffering he decided to give to Irish people the best he had ever known.—He gave to the Irish nation the belief in one God.

If Patrick had renounced his heritage, his past and accepted the Irish way of life as it was in those days, without trying to enrich it with the best he brought within himself, nobody would remember him today and also Ireland and Irish people would be much poorer in their spirit today. No doubt, Patrick was asked to give up his heritage and belief in one God but he dared to be different and not just melt away into Irish society. Because of his strong convictions and love of God he is honored as the greatest Irishman year after year and century after century. I am a foreign born in the United States of America and on St. Patrick's Day in 1964 I became an American Citizen. How many times I have been asked to renonce my Latvian heritage, my past experience and accept the American way of life as it is today!

But I feel, also I can bring from my native Latvia something which can make America a better and greater nation. Although I am not another St. Patrick, still I have something good to offer to this great country.

And if you or your ancestors come from Italy, or Africa, from Poland, Mexico or Scandinavia, from Germany, Japan or any other place on earth, let's follow St. Patrick's example and instead of seeking revenge for any injustice, let's search in ourselves for something good to give to make this a better and greater nation under God.

Members of each ethnic group have something good to offer to America thus making it a beautiful bright mosaic where each contribution shines like a precious gem.

But communists, who destroyed the freedom of my native Latvia and made me leave my homeland, are working hard to destroy St. Patrick's ideals and any belief in God everywhere, including America. Therefore let's pray for strong convictions and faith in one God and his truth like St. Patrick had, so that like St. Patrick despite the dangers of losing his life buried and overcame paganism in Ireland, we bury and overcome godless communism. Only then freedom and true peace will also be assured for our generation and our children.

St. Patrick's Day is gone agan but let us keep his spirit for eveyday!

BOMBING OF CAMBODIA

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. RIEGLE. Mr. Speaker, I insert for the attention of my colleagues an excellent article written by Clayton Fritchey concerning the illegal and unjustified American bombing of Cambodia.

The article follows:

CAN CONGRESS STOP HIM?—NIXON HAS NO JUSTIFICATION FOR CAMBODIA BOMBING

(By Clayton Fritchey)

WASHINGTON.—In trying to justify continued aerial attacks on Cambodia, the administration says it secretly told North Vietnam that the bombing would go on until a cease-fire was achieved.

What matters, however, is not what Mr. Nixon privately told Hanoi, but what he publicly told the American public, which is that the Cambodian bombing would stop once U.S. troops were safely out of that country and neighboring Vietnam.

In an effort to get around that pledge, the President has all the experts in the White House, Pentagon and State Department racking their agile brains to find new arguments to legalize and support our prolongation of the war in Cambodia. So far, the results are feeble.

Even the claim that the bombing is in keeping with a "secret understanding" with North Vietnam collides with a statement made by Henry Kissinger on Jan. 24, when he described the terms of the Washington-Hanoi agreement. "There are no secret understandings," he said. "There are no secret formal obligations."

A White House spokesman now argues that Dr. Kissinger qualified this statement. If so, nobody noticed. In any case, an unwritten, unrecorded, under-the-table understanding with Hanoi cannot endow Mr. Nixon with constitutional powers he doesn't have, or justify the repudiation of his commitment to stop the bombing.

When U.S. troops were pulled out of Cambodia in June, 1970, Mr. Nixon said, "The only remaining American activity in Cambodia after July 1 will be air missions to interdict the movement of enemy troops and materials where I find this necessary to protect the lives and security of our forces in South Vietnam."

Elliot Richardson, the secretary of Defense, now contends the President has "residual" authority to keep pouring it on. This, of course, implies that the President had constitutional authority to invade and bomb Cambodia in the first place, but there are few constitutional experts in Congress who would agree.

The question that Congress is ready to fight over was raised by Sen. J. W. Fulbright, chairman of the Foreign Relations Committee. He asked: "Does the President assert—as kings of old—that as commander-in-chief he can order American forces anywhere for any purpose that suits him?"

The test will probably come on bipartisan legislation introduced by Sen. Frank Church and Sen. Clifford Case which provides that "no funds theretofore or hereafter appropriated may be expended to finance the reinvolvement of U.S. military forces in hostilities in or over or from off the shores of North and South Vietnam, Laos or Cambodia, without prior, specific authorization by Congress."

Sen. Mike Mansfield, the majority leader, fears the administration is getting itself into a position of "keeping in power a regime in Cambodia that does not have the confidence of the people, and doing it with the power of the B52 bombers." He also warns: "If we are not careful, we have got the makings of another Vietnam."

Fortunately for the United States, the Lon Nol government that Mr. Nixon is supporting in Cambodia is so weak and corrupt that it will probably collapse before we again get too deeply involved. Unfortunately for the Cambodian people, however, our bombs seem to be killing more innocent civilians than the elusive guerrilla forces of the enemy.

Few North Vietnamese forces are now opposing Lon Nol's reluctant army. The fighting has largely been taken over by determined Cambodian rebels. So once more the United States finds itself fighting on the losing side of what has become a civil war—but not for long if Congress has its way.

WHEN WILL TERRORISM END?

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. PODELL. Mr. Speaker, on Tuesday morning the news broke of another terrorist strike. This time, Arab terrorists staged simultaneous attacks on the Israel Ambassador's residence in Nicosia, Cyrus, and on an Israel airliner at the Nicosia Airport. Fortunately, the damage done was minor, and only one person, a Cypriot policeman, was seriously injured. Of the terrorists, one was killed, four were wounded, three were captured, and one escaped.

This time, we were lucky. Damage was miraculously held to a bare minimum. But how many more times do we have to witness the spectacle of innocent people shot to death and needless destruction of property before saying "Enough"?

I am amazed that this time the Israel Government was not condemned when it took justifiable reprisals against Lebanon. It is a well-known fact of life in the Middle East that, since their expulsion from Jordan after that country was the object of Israel commando reprisals, the terrorists have been using Lebanon as one of their chief bases. Ordinarily, the kind of raid that Israel commandos pulled off in Beirut would have been met by statements of outrage and hatred from the Arab States and their allies. This time, we hear only blessed silence.

It could be that the world is finally coming to its senses, and is beginning to realize that Israel has no other option in such circumstances than to strike back at known terrorist bases. It is sad that Israel must resort to such actions, but there seems to be no other way of dealing with the terrorists than by the exercise of armed might.

The reaction of the Lebanese Government is also out of character. The entire cabinet resigned, reminiscent of the political upheavals that took place in Jordan when that country was the object of Israel retaliatory strikes. It should be recalled that immediately after those internal problems, Jordan's King Hussein took a firm stand against the Palestinian terrorists and broke their power in his country. Hopefully, the same thing will happen in Lebanon in the near future.

However, we ought not to wait for Lebanon to deal with the terrorists, if indeed that nation ever does so. If nonviolent pressures can be applied to the Lebanese Government to take some decisive actions to control terrorists within her borders, that can and should be done.

What commitments does the United States have to Lebanon? Have we loaned any money or given other economic assistance to her? It would be in our interest to take unilateral sanctions against Lebanon in order to protect world peace. The next time, it may be a plane in flight, or another American diplomat, that becomes the target of the terrorists' madness. Perhaps if we make it clear to the Lebanese Government in a nonviolent way, as Israel has done by commando raids, that we will no longer tolerate her harboring of Palestinian terrorists, we can hasten the day when these moral lepers no longer can find a safe haven anywhere.

A UNION LEADER SPEAKS

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. GROSS. Mr. Speaker, it is indeed refreshing to find a union labor leader who is ready, willing and able to take direct issue with one of his national officers on the issue of the meat boycott.

Such is the position taken by Mr. Gerald R. Fisher, president of Local Union 1315 of the United Auto Workers, Charles City, Iowa, in a letter to Mr. Russ Leach, director of the UAW's Community Action Program Department, in Detroit, who has urged union members to join in the boycott of meat.

Local 1315 of the UAW represents the workers at the White Manufacturing plant which is the producer of Oliver tractors and other farm equipment.

Mr. Fisher says:

> We'll bet that if we UAW locals out here in the farm belt would institute a boycott on the high price of new cars we could well hear the screams from Solidarity House clear to Iowa and without the aid of loudspeakers.

I suggest that the Members of Congress and others take the 2 or 3 minutes necessary to read this union leader's letter and thus gain a further and perhaps clearer insight into the meaning of what a fair share of the national income for farmers means to millions of nonfarmers:

APRIL 5, 1973.

Mr. RUSS LEACH,
National Director, Community Action Program Department,
Detroit, Mich.

DEAR BROTHER LEACH: It is with a high degree of sadness that we read your letter of March 23, 1973, stating that we should all join hands in a boycott of food, particularly meats.

For three years, prior to September of 1972, I, as president of Local 1315, UAW, observed the great majority of our members here at the White Farm Equipment plant (farm and industrial tractors) walking the streets looking for work, primarily because the farmers of this nation were not sharing fully in our national income and, as a result, could not purchase new farm machinery.

If the price per 100 lbs. of livestock had kept up with everything else, the livestock prices today, to the farmer, would be around $90.00 per hundredweight—instead of $40.00.

How in the world can we, with one breath, ask the farmer to pay $15,000.00 to $20,00.00 for a farm tractor and then with the next breath tell him we're going to boycott his product.

We'll bet that if we UAW locals out here in the farm belt would institute a boycott on the high price of new cars—we could well hear the screams from Solidarity House clear to Iowa without the aid of loudspeakers.

As far as we are concerned, any action resulting in a boycott of any food products must be made clear that we are not aiming at, or being critical of the American farmer, who for too long has been asked to produce food below his costs. This has been one of the reasons so many, many farmers have left the farms to compete with us on the sidewalks of America for jobs.

In closing we want to make clear that our local union will never be a part of hurting an industry (farm) that keeps us employed—unless there is graft or corruption connected with the entire operation.

Fraternally yours,

GERALD R. FISHER,
President.

IMPOUNDMENT AND THE CONGRESS

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. BROWN of Michigan. Mr. Speaker, President Nixon has consistently justified his decisions to impound certain appropriated funds on the need, as he views it, to keep inflationary pressures under control. Regardless of the merits of that argument the real issue to resolve is how are the Congress and the Executive going to learn to live with this phenomenon—which has been occurring almost without interruption since the Presidency of Thomas Jefferson—without materially interfering in the performance of each others responsibilities.

Proposals for "reassertion" of congressional authority abound—some would write mandatory spending provisions into every appropriation bill; others would require the President to seek approval of every decision to withhold the expenditure of appropriated funds. Some Members have even gone so far as to join as amici curiae in lawsuits brought by intended recipients of appropriated funds. On the other side of the fence, the President and his advisers appear adamant in their insistence on the need to have this discretion, despite an initial setback recently given the administration position by the Eighth Circuit.

Somewhere between the battlelines lies an alternative that should be acceptable to all; a solution which would permit the President to fulfill his broad constitutional responsibilities, while at the same time, insuring that congressional appropriation decisions are not disregarded.

In brief, the attached bill would use the budget submitted to the Congress by the President at the beginning of each session, as required by law (31 U.S.C. 11) as the benchmark for requiring the President to seek congressional approval of a decision not to spend. Use of the budget in this manner requires the not unreasonable assumption that the President and his Office of Management and Budget would act responsibly in the preparation and submission of the budget.

Under the bill, the President could unilaterally impound those funds which exceeded his budget request in any functional area[1] by more than 2½ percent. If the amount appropriated by the Congress for any of the functional areas within the President's request by 2½ percent, then he would be required to transmit a special message to the Congress indicating his proposed action and explaining it. Congress would then have to expressly disapprove the proposed impoundment within 30 days, or the President could proceed.

The bill would define "impoundment" and provide for technical matters relating to procedures within the Congress for reviewing the Presidential proposal for impounding.

This proposal recognizes that minimal differences between the President and the Congress as to what should be the proper level of funding should be resolved in favor of the appropriating body, the Congress; whereas appropriations for a purpose grossly in excess of the President's evaluation of its priority in the whole budgetary picture could be limited by him.

Even in those cases where the appropriations do not exceed the budget by more than 2½ percent, the President can impound, if he can establish to the satisfaction of the Congress that changed circumstances or new evaluations prompt him to cut back on a program which even he thought was deserving of greater funding at the time he submitted his budget.

It would be the intention of this legislation to encourage cooperation between the Executive and the Congress and to create a healthy respect for the duties and responsibilities of the other—not to award victory to one side or the other in a power struggle.

[1] Functional area was chosen as the breakdown because it was not as comprehensive a figure as the Budget total (to give the President some control) and yet not such a complete breakdown as to preclude Congressional changes of some magnitude. In addition, functional areas appear to be one of the standard Budget classification (see attached FY 1973 Budget). Such breakdown would include:

1. National Defense.
2. International Affairs and Finance.
3. Space Research and Technology.
4. Agriculture and Rural Development.
5. Natural Resources and Environment.
6. Commerce and Transportation.
7. Community Development and Housing.
8. Education and Manpower.
9. Health.
10. Income Security.
11. Veterans Benefits and Services.
12. Interest.
13. General Government.
14. General Revenue Sharing.
15. Allowances.
16. Undistributed Intergovernmental Transactions.

WELFARE SCANDAL—XII

HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. THOMSON of Wisconsin. Mr. Speaker, the stifling paperwork that has characterized the Federal bureaucracy for years often works the same disadvantages of inefficiency on local units of Government. The result is waste and sloppy administration and low employee morale.

These are conclusions in this segment of the Milwaukee Sentinel series exposing the scandalous waste of an estimated $28 million in welfare funds in Milwaukee County last year.

Our present welfare system encourages this kind of gross waste and inefficiency. And the flabby Government discourages its clientel and further augments the problem of building public confidence in Government. We must trim the fat, tighten up standards, and streamline the administration of our welfare programs before the entire jerry-built apparatus collapses.

The article of the Milwaukee Sentinel follows:

WELFARE SYSTEM "REWARDS INEPT"

(By Gene Cunningham and Stuart Wilk)

The day to day operations of the Milwaukee County Welfare Department are sloppy, inefficient and unworkable, according to many of the workers who must live with the system.

It's a system that rewards incompetence and punishes those who recommend change, workers said repeatedly in a series of interviews with Milwaukee Sentinel reporters.

It's a system in which clients' official case records are sometimes lost or checked out and not returned.

It's a system in which files are such a mess that deputies with the Sheriff's Department Fraud Squad say they often spend hours reorganizing them in order to find the information they need. Often that information is incomplete or incorrectly they said.

It's a system in which a letter—or telegram—addressed to a caseworker or aide takes one to three weeks to move through channels and arrive at the worker's desk.

It's a system in which workers are snowed under by paperwork and are subject to the decrees of certain supervisors who may spend the day reading the newspaper, can't be found or don't want to be bothered.

Workers quote one top administrator as saying, "It isn't necessary to have good morale to do a good job."

And morale at the Milwaukee County Welfare Department is low.

Many client files are sloppy—with some notations scribbed on "the backs of envelopes" and then stuffed into the file, a county official said.

Quantities of files contain numerous errors, and so do other department records.

A 1971 study determined that the department's list of vacancies in foster homes was 60% incorrect.

TAKES MUCH TIME

The workers who did the study, for Supervisor William Nagel's special welfare investigating committee, said "a substantial amount of time and energy was spent just trying to run down records."

Some records had checkout cards indicating they'd been checked out more than a year earlier and were never returned.

Records were found in workers' desks, discarded in file cabinets and in areas that indicated they were not being used or simply had been forgotten.

"When records were located or reviewed," the report said, "we found a fantastic amount of inaccurate or incomplete (information), sketchy or inadequate narrative and records that did not indicate placement and/or removal of children placed in the (foster) home."

Almost daily, there are client files that cannot be found, a case aide said. "The whole thing is disorganized," he said.

"Anybody in the department can take a file out," said an administrator. "And they can lose it or not return it. They're supposed to put a checkout card in showing they have taken a file. Maybe they don't put one in."

ACCOUNT ON MAIL

Referring to the sluggish mail distribution system, a caseworker gave this account:

"After the mail hits Record Control I can't figure out where it goes, but wherever it is, it ends up taking two or three weeks to get to the workers."

Sometimes it is a communication from a client, she said.

All mail arrives already opened, The Sentinel was told.

One worker once received a telegram "two weeks after it had been sent to him," according to the case worker.

Mail distribution isn't the only operation that is slow.

A 1972 audit of the department revealed that records summarizing payments to clients were 10 months behind. The audit was conducted by Peat, Marwick, Mitchell & Co.

The computer list of available foster home openings is generally three months behind, caseworkers said.

DOES NOT KEEP UP

The computer process, the workers said, does not keep up with the filling of openings so it lists as available those openings that have been filled.

To find out what openings actually exist, workers must query other workers in the section.

If you ask welfare workers what is bothering them, you'll hear the word "paperwork" repeated often.

County officials acknowledge the problem.

"You can die of the paperwork," Supervisor William F. O'Donnell said in an interview. O'Donnell is chairman of the County Welfare Board.

A caseworker complained that there is wasteful duplication of paperwork—almost identical forms have to be filled out for the county and for the federal government.

It all takes time, energy and money.

"We do a lot of unnecessary paper shuffling," admitted an administrator.

If people suggested how to cut down on the paperwork, it would be helpful, but suggestions aren't welcome, he said.

THEY GET BACK

There are ways the department "gets back" at workers who suggest improvements or complain about the system, according to another administrator.

"They can isolate, transfer, reprimand or restrict (workers) to the office for speaking out against department policy or complaining of quality," he said.

"The administration has a way of making people feel intimidated. They really squelch people—even at top levels," he said.

He added that "this is what makes people go to the outside—to the press."

"We shouldn't have to, but there's no one else who'll listen and who is interested," said a case aide.

But "going to the newspaper" is forbidden by department policy.

A caseworker noted that employes are under instruction not to talk to the press and also not to talk to Nagel and other county supervisors.

If they have a complaint, it is to go through "department channels."

PERIODIC MEMOS

Welfare Director Arthur Silverman periodically sends out memos reminding employes not to talk to members of the press.

[Administrators, caseworkers and case aides who were interviewed by The Sentinel consented to the interviews only under the stipulation that their names would not be revealed.

They said they would be reprimanded by the department or possibly would lose their jobs.]

There is a prevailing feeling among workers—and some administrators—that the system rewards loafers and incompetents and discourages those who "step on toes" in attempts to correct departmental maladies.

It seems that the incompetents and "goof-offs" are the ones who are promoted, claimed an administrator.

"It becomes a morale killer," he said.

"Why am I knocking myself out, when (incompetents and loafers) are getting all the rewards?" the administrator quoted caseworkers as asking.

"How do you get rid of administrators who don't do their job under Civil Service—and we should get rid of them. . . .," said Supervisor William E. Meaux last November.

Meaux, who made the remark at a County Board Finance Committee meeting, was angered by an audit report that showed that babysitters were overpaid by the department by thousands of dollars.

"What happens to administrators who don't do their job? Yeah, we promote them and I'm damn sick and tired of it," Meaux declared.

Hard workers "are more likely to step on toes and get in trouble," said a caseworker.

It takes only a week for most caseworkers to learn—if not agree with—that philosophy, he said.

Workers are baffled by the lack of supervision and accountability and, they say, it produces massive bungling. They claim some of the supervisors don't care.

Each supervisor handles operations differently, aides said.

Some supervisors move applications through immediately. Others let them sit on their desks and get tied up "for months," aides said.

Some supervisors allow special grants to lag months behind when they should receive prompt attention, according to an aide.

"The only benficiary of the whole department," said an administrator, "is the staff. We are overpaid. No salary or benefits in government can compete with what we're getting.

"I would bet we make more than much higher administrators in the State Department of Health and Social Services. . . . We're overpaid and underworked.

"The department is not understaffed," the administrator went on. "If we knew what we were supposed to do as social workers, if the system was right, there'd be enough of us for all the work."

FOOD PRICE HEARING

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mrs. GRASSO. Mr. Speaker, on March 31, I sponsored a public hearing on food prices in New Britain, Conn. This hearing gave citizens an opportunity to ex-

press their views on the crisis in food prices.

Spokesmen included representatives of civic clubs and consumer groups, farmers and poultry breeders, food wholesalers and retailers, the fish and meatpacking industries.

The recommendations and observations of the participants were made available to members of the Banking and Currency Committee as they drafted legislation in this area.

For the benefit of all my colleagues, I am inserting in the RECORD today the statements of Betty Blanchard, legislative chairman of chapter 519 of the Waterbury Nutmeg American Association of Retired Persons, Inc.; Patricia Casella, president of the Junior Woman's Club of New Britain, Inc.; and a summary of the remarks of several other spokesmen at the hearing:

STATEMENT BY BETTY BLANCHARD

There are in Connecticut some 300,000 people 65 years or over, and the majority are members of our organization.

I am here to testify that this food crisis is creating hardship for our elderly citizens, and the Social Security increase they received last fall is now being gobbled up by high food prices and other rising costs.

Some workers in the audience may say here are our elderly citizens again, the people who caused another chunk to be taken out of our earnings. But food prices affect everyone. And to be well and stay well, it is imperative that elderly people have well-balanced, nourishing meals. Too, many are on medically prescribed diets to check and cure illness, and many of these foods, such as dietetic foods, are high in costs.

Long before this food crisis, many of our senior citizens were in dire need. Millions are among the most underprivileged. The White House Conference for the Aging of November 1971 revealed that one quarter of America's 23,000,000 elderly are living on a subsistence level, and another quarter are very near to this level. Prior to the last Social Security boost, millions were receiving $50 or $60 in Social Security, and tried to live on this monthly check. The elderly have higher drug costs, more sickness, more hospital stays. For most that last Social Security raise meant no more than $10 to $15 a month, not enough to meet one week's food costs.

I did not have time to consult with our entire membership prior to this meeting—our monthly meeting is next week—but I am sure the men and women of our organization who have experienced the struggle of raising families would ask me to speak for all Americans who are weary to death of the battle of the budget. Never before has there been so much people power as you see in food stores during the past few days.

On Thursday, President Nixon proposed a ceiling on beef, lamb and pork—which means the price of these products cannot exceed the highest prices to date. This means these incredibly high prices will continue—and it is expected they will continue throughout the year. One Administration spokesman said we could not have stricter controls because it would create a black market and then we would be unable to obtain beef at even $1.79 a pound. What is the difference? We can't pay $1.79 a pound now.

It is a strange thing that prior to the election, the Administration understood all our problems, knew our wants and needs down to the finest detail. Increasingly, it becomes apparent that the Administration has no idea how America lives—and one wonders if it really cares. Recently, when an Administration spokesman said that elderly Americans could pay an additional 10 per cent of their hospital costs, as proposed by the President, Senator Muskie asked him how. This added charge would impose hundreds and in some cases thousands of dollars on the elderly. This Administration spokesman said, "well, they just got a 20 per cent boost in Social Secuity," for some amounting to less than $100 yearly.

The same thinking seems to prevail during this food crisis. We have heard various—and conflicting—explanations of the reasons behind this skyrocketing in food costs. What hasn't been well publicized, and is completely ignored by the Administration, is the fact that practically all food items—except bananas—have constantly and sharply risen since January. We would like to know why canned and frozen vegetables and fruits, which were processed during harvest time last year, took a jump during these winter months. They lay in warehouses for months, and when they hit the retailers' shelves they, too, went up. I have seen cans with the old price stamped out.

It seems clear to many of us that Congress must act—and act quickly—to determine who is making the profits, and stop this inflationary spiral. The philosophy seems to be—lay it on for all the traffic will bear.

This crisis goes far beyond the battle of the budget. Increasingly over the years, we have been told that millions of Americans suffer from poor nutrition because of processed food, chemically grown food, and poor food habits.

I have been reading a book by Adelle Davis, one of our leading nutritionists, who points to the rising tide of illness in America which she attributes to poor diet. And during this food crisis you may be sure people are being denied the necessary nutrients which keep the body well and functioning to capacity. Watch the food baskets go by at the checkout counter. Certainly there's less meat, protein needed for body building; but there are also far fewer fresh vegetables and fruits. You wonder about our children. Certainly families have to cut down on milk which costs 40 cents a quart at small stores.

I have heard our hot lunch programs are forced to cut out or down on essential foods. Just yesterday at a large Waterbury supermarket, there was a display case filled with pigs' skins, pigs' ears, pigs' feet—at, mind you, 79 cents a pound. If the very poor were not forced to buy these, what in God's name would they do with them—throw them back to the pigs?

For a week I have been haunted by the sight of a young mother who walked up and down the meat counter and looked and looked and grew sadder all the time. She finally selected one pound of the cheapest hamburg—yellow with fat—at 79 cents a pound. How can her family of four or more be fed on this cheap hamburg, which will melt down to about one half pound? It is disgraceful. It is a crime that people should have to endure a situation like this in the richest country in the world—where millionaires are being produced in multitudes.

Throughout many decades, by hard work, excessive taxes, and self denial, Americans have fed the world. The time has come, Mrs. Grasso, for all concerned members of Congress to act now to feed Americans.

STATEMENT BY MRS. PATRICIA CASELLA

The Connecticut State Federation of Women's Clubs, Junior Membership, met on February 24, 1973, and passed the following motion: "To set aside the first week in April (April 1 through April 7) as 'Non-Meat Buying' week."

We, the Junior Woman's Club of New Britain, Inc., feel that this campaign, now nationwide, and its widespread publicity, are the reasons for President Nixon's meat price ceiling.

We offer no solution. Our aim is to call attention to the high cost of meat by not purchasing meat for one week. We hope that our legislators and economists who are knowledgeable in this area will study causes and effects, and provide the solution.

As housewives we can only read and listen to what the "experts" cite as reasons for this high cost: the law of supply and demand, farmers' problems, greater consumer purchasing power, expanded exports. We cannot offer remedies to these complex situations.

We are not blaming the owners of meat markets and supermarkets, however, but have enlisted their support of our boycott. The manager of a local chain, Mr. Paul Sussman, has ordered substantially less meat for the coming week and has purchased 5 tons of fish, which he will sell for less than $1.00 per pound.

As consumers we note that last December the price of bacon, ground chuck, and pork chops was 89c per pound. If an average family of four were to eat three meals with these meats served, the cost would have been approximately $3.56 (bacon and chuck in one-pound portions, two pounds of chops for the main meal).

Today, if the same three meals were served to the same family, the cost of meat would be bacon at $1.39 per pound, ground chuck at $1.29 per pound, and pork chops at $1.69 per pound, for a total of $5.06 for the same portions.

However, by using meat-substitutes with similar nutritional value, we could save $4.14 by serving egg-cheese omelets (instead of bacon and eggs) at a cost of 20c for the cheese, tuna salad for 53c, and haddock for $1.19 (one pound of fish sufficient). During our non-meat buying week, therefore, we encourage homemakers to consider serving meatless meals.

We are also urging our club members and city residents to send letters to our Senators, Congressmen, and the President protesting the high cost of meat. We feel that although people may spend a few minutes in writing these letters, they should keep in mind the money they won't spend in the future buying meat.

SUMMARY OF REMARKS BY SEVERAL SPOKESMEN

Albert Soli of Plainville, who represented the pheasant and poultry breeders, described the part a shortage of the freight cars that deliver grain to the Northeast plays in soaring food costs. Why, he questioned, do New England farmers and grain suppliers have to pay twice as much for transportation costs as do farmers and grain suppliers located in Southern states? The many freight cars used to haul to the coast grain headed for Russia played heavily in his response, as it did in the statement by Mr. Sal Trentino of the Fafnir Seniors.

Martin Greenberg, a member of the UAW, expressed the view that the "real culprit in the food price situation is the large corporate farms with vast acreage, farms that receive substantial federal funds for not growing crops on these lands." He said that the basic problem stems from the fact that the supply of food is controlled with only 65% of the nation's farmlands actually producing crops.

Neil Courtney, Director of the Connecticut Food Stores Association, which represents some 800 retail food stores in my State, pointed out that the retailers actually serve as the purchasing agents for consumers, and as such they share the concern of consumers for rising food costs. However, he said, everything is relative, and the retail food prices must reflect the costs of goods and services that are rising in all categories. Mr. Courtney also joined Mr. Mark Gordon of the Bostonian Fish Market in Hartford, in supporting waters from 12 to 200 miles.

Benny Price, of Cousins Bakery in New Britain, said that everyone is to blame for rising food prices. The law of supply and demand is reflected in the fact that "we eat too much."

Our consumer spokesmen represented many elements of the population. Led by Mayor Stanley J. Pac of New Britain, who told how rising food prices affect the residents of his city, they recited a moving catalog of personal experiences in the market place. Walter (Corky) O'Connor of New Britain, president of the Uniformed Firefighters Association of Connecticut, AFL–CIO said that much less meat was being bought during the weeks preceding the formal meat boycott. He told of the tribulations of feeding his family of seven, adding that his lot was far less difficult than the condition of the elderly with lower, fixed incomes. Brulio Qquindo, of the Spanish Speaking Center in New Britain, noted that many Spanish speaking citizens had low incomes, paid high rents, and were therefore forced to buy low cost, less nutritional food.

Mark Mahovney, a student at Central Connecticut State College in New Britain, noted that the increased cost of food also resulted in many college students living on an inadequate diet. Carl Symecko, president of the New Britain Jaycees, Michael La Rose, Director of the Senior Citizens Center in New Britain, and Al Scienco, Director of the Community Action Program in Norwalk, offered helpful suggestions to consumers. For example, shoppers would do well to purchase food on the basis of a planned menu, to engage in intelligent, competitive shopping, and to buy only those items for which unit pricing data is available.

IN FAVOR OF CONTINUATION OF NATIONAL INDUSTRIAL EQUIPMENT RESERVE

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. KEATING. Mr. Speaker, I rise in support of the amendment offered by my colleague, Mr. JOHN ANDERSON, to provide $1.8 million for continuation of the national industrial equipment reserve.

This program, which is an integral part of our national preparedness, was terminated when the Congress failed to supply funds during the 92d Congress. Today, $40 million worth of machine tools are rusting away in Government warehouses.

This program is not only essential for the national defense but it also provides training machinery on free loan for vocational training purposes. These schools keep the machines in working order at no expense to the American taxpayer and train tool operators at the same time.

At the time the program was terminated, 41 schools had been authorized to receive loan equipment under this program. At the time the funds were cut off, the 41 vocational technical education schools were notified that they would not be receiving this needed equipment. The reinstitution of this program will mean that the young people at the schools across the country will get the equipment to learn a marketable trade.

Cincinnati, Ohio, which is in my district, is the center of the machine tool industry. Officials at machine tool companies state there is a real need for skilled tool operators. If these young people can get the training, as long as the economy remains strong, there are jobs waiting for them.

Every day that the Congress holds up funds this machinery is rusting and losing its value. If we wait too long this machinery which is currently worth over $40 million will be a total loss.

A study conducted by the GAO showed that it would cost the schools who participate in the loan program $103 million to buy similar equipment. Furthermore, if a national emergency develops this machinery will enable our industry to meet the needed demand.

I urge passage by the House of this amendment and quick action by the Senate.

JUVENILE JUSTICE: PROPOSALS FOR REFORM

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. RAILSBACK. Mr. Speaker, for the past several days, I have been pleased to insert in the CONGRESSIONAL RECORD a fine series of articles by the New York Times about juvenile justice. Today, I will insert the final article of the four-part series which points to some possible solutions to our juvenile crime and delinquency problems. I recommend it to all my colleagues.

JUVENILE JUSTICE: PROPOSALS FOR REFORM

(By Lesley Oelsner)

Over tuna fish and coffee, at a table in the hallway outside their chambers, the judges of the Brooklyn Family Court are trading horror stories—a psychotic child sent home because the mental hospital had no place for him, a stabbing in the courthouse stairwell, a child who is an addict and another child whose mother doesn't want her.

"What can be done?" someone asks finally, interrupting the daily lunch hour catalogue.

There is a silence. And then, maelstrom-like, the answers come.

"Decent places to send kids," says one judge.

"Mental therapy," offers another.

Money, they say. Guards at the doorways to keep out the gangs. Merging Family Court with State Supreme Court. Better lawyers. Typists.

For here, as everywhere in New York City's juvenile justice system, there are proposals by the dozens. A five-week study by The New York Times found that the system is overripe for change and that the people who make up the system, from judges to prosecutors to psychiatrists to jailers are at least as eager for change as outside critics.

"We talk about changing it—it has to be changed," says Wayne Mucci, director of institutions for the Human Resources Administration's division of Special Services for Children.

"The problems aren't insoluble," says Judge Leo Glasser of Brooklyn Family Court. "They are problems that money and people can come to grips with."

The reform ideas range from a "Bill of Rights for Children," proposed by Judge Lois G. Forer of the Philadelphia Court of Common Pleas, to Bronx State Supreme Court Justice Sidney Asch's idea of a "central registry" of children in trouble. Some proposals are small, others huge; some are almost unanimously approved, others, controversial.

Mostly, though, they fall into these categories:

Diverting many more children from the justice system, prior to court action.

Attacking the problems of juvenile misbehavior through preventive services for children and families in trouble.

Shutting down most of the large institutions, such as reform schools and jails, and creating a huge network of small, well-staffed group homes and non-residential programs.

Restructuring the system so that there is more coordination between the units, and more accountability for what is done to children.

Rethinking the theories and policies underlying the system—especially those that allow a child to be jailed for conduct that an adult would not even be arrested for.

HOW DIVERSION WORKS

Diversion of children from the justice sys-Judge Philip D. Roache of the Brooklyn Family Court. "We really do."

Diversion of children from the justice system is the most common of the proposals; it has been made repeatedly by experts in the field, both nationally and locally, and is generally conceded to be the best approach for the majority of children in trouble.

The way it works, basically, is this: A child is arrested by the police; he is brought to some central location for an interview and a preliminary analysis of the case; he is then assigned to some type of program, drug treatment, say, or special schooling or psychiatric counseling; he is supervised by, and responsible to, a probation officer.

"We want to reduce penetration into the system," explains John A. Wallace, director of the city's Office of Probation and one of the the many advocates here of the diversion approach. For putting a child through a series of court appearances and perhaps a trial, he says, is often unnecessary and even damaging.

The problem with the diversion approach, though, is that in practice, it sometimes breaks down.

At the moment about half of the children who are brought into the city's system—either in juvenile delinquency cases, charged with essentially criminal behavior, or in the "person in need of supervision" or "PINS" category, in which they are charged with such things as truancy, are "adjusted out" of the system by the probation officials who must process each case before it can be sent to a judge.

RESOURCES CALLED LACKING

They are thus, in effect, being diverted in the manner that the experts recommend. But because of the scarcity of resources, probation personnel and community programs, they usually do not get the type of service or care on which the diversion theory is premised.

Because Mr. Wallace's department does not keep recidivism records on the "adjusted out" children, no one knows how these cases turn out. The feeling in the justice system, though, is that they don't turn out particularly well.

"I see it as a fraud against the child and a fraud against society," says Justine Wise Polier, the recently resigned judge of the Manhattan Family Court and one of the country's most outspoken advocates for children.

Yet the demand for diversion continues to mount—at least in part because so many officials view the court process here as potentially damaging for many children. And a pilot project set up last year in Schenectady indicates that if the necessary community services are provided, diversion can work.

In the Schenectady project—a joint effort of the state's Director of Probation, Peter Presier, and the Schenectady Family Court and other local officials—a vast array of community services is available to the children. More important, children are

supervised by probation workers who—unlike New York City's probation staff—have abundant time for the children in their care.

PROGRAM EVALUATED

Last December, after eight months of operation, Mr. Presier reported that 92.5 per cent of the children involved had not had new complaints filed against them. The number of court cases processed against juveniles had been reduced by 52 per cent, he said, and the projected total annual savings for the state and the county were $500,000.

At the same time, more and more experts are beginning to call for preventive services—a rather ambiguous term that is variously used to include such things as family counseling and foster homes.

Dr. Karl Menninger advocated prevention at a United States Senate hearing last week; locally, its proponents include Judge Florence M. Kelley, administrative judge of the Family Court, and Barbara Blum, the H.R.A.'s Assistant Administrator/Commissioner for Special Services for Children.

"If we had preventive services in New York City, and we don't have many," says Judge Kelley, officials could "spot children who are about to get into trouble."

"If you have that," she adds, "the number of children and families coming to court at all is going to be reduced."

INSTITUTIONS UNDER FIRE

Three bills are now pending before the State Legislature that would give Mrs. Blum's department money to study what types of services are possible, and then to purchase them from other agencies. Passage of the bills, as she puts it, would "help a lot."

Then there are the institutions in which children are placed—the jails, Spofford and Manida, with their locked doors and high walls; the so-called temporary shelters such as Callagy Hall in which children are left as long as a year because no one else can be found to care for them; the reform schools, called training schools, some of them maximum-security institutions and some not.

The director of Callagy Hall sits on the sidelines of the gym, watching a dozen of the girls in his care play at volley ball. "I think," says the director, John F. Leis, "the program as it exists now should be closed."

The building, he adds, could be used instead as a diagnostic reception center to handle perhaps 40 children at a time, holding them for short periods before sending them on the appropriate homes.

Up at Manida in the Hunts Point section of the Bronx, the superintendent, Ron Curylo, sits in his office and recounts some recent renovations and improvements. Then he leans back in his chair, and adds: "I think, eventually, you could probably do away with institutions."

And Mr. Mucci, who as director of institutions is responsible for the city's jails and shelters, says this: "Institutions are doomed to failure. If they're there, people can use them for problems they don't want."

Mr. Mucci, Mr. Leis and Mr. Curylo are echoed throughout the system—and, in fact, are urging something that others have been urging for years. One of the most recurring proposals in the juvenile justice field has been to shut down jails, reform schools and similar institutions and replace them with small group homes for children who need residential care, and carefully supervised probation for children who don't.

OTHER STATES ACTING

In Massachusetts, this proposal has already been put into effect; Dr. Jerome Miller, the official who directed the Massacuhsetts changeover from large institutions, has now moved to Illinois, where he is expected to initiate similar changes. Massachusetts officials—who send their most serious cases to a four-week stint in a small forestry camp or, occasionally, to a mental hospital—say that recidivism has dropped.

Yet at the same time, even Mr. Mucci is not ready to promise that every institution will be shut down. The goal of his department, he says, is to eliminate large institutions "wherever possible."

And Milton Luger, the widely respected child-care authority who was recently placed in charge of the state's training schools, says this :"I think it's naive to feel that all kids can be handled in the community, and that no one needs institutions. I think that's nonsense."

Mr. Luger admits that programs in the schools are still largely "irrelevant" for the children placed there, and that "a youngster should be institutionalized as a last resort." But, he says, "some youngsters need a moratorium from city pressures"—and they also need services not otherwise available.

STRUCTURAL CHANGE

"I'm all for keeping kids out of institutions," he says. "I think it's great. But I think it's naive to believe that some of the establishments such as, you know, the education establishment and the social services establishment and some of the psychiatric establishment are really going to serve these youngsters well—or really desire to serve these children well."

The structure of the city's juvenile justice system also has its share of critics. Typical is Merrill Sobie, chief administrative officer of the city's Family Court, who says this: "The whole system has to be managed. That includes management within the court, and, much more difficult, improving accountability through the whole structure."

While many judges and other officials agree, there is little consensus as to precisely what should be done. Should there be a new state agency? A new city agency? Should the state Judicial Conference's newly-created Office of Children's Service, under Elizabeth Shack, be expanded and given more power?

The one structural change on which most Family Court judges agree is a merger of their court (which also handles such things as abuse and support cases) with State Supreme Court—a recurring proposal that was most recently made in January by the state's Temporary Commission to Study the State Court System. The commission suggested the merger on the grounds of efficiency, but the judges favor it because they think it would provide them with more staff and services.

So too with the area of policies, under which juveniles are given a brand of justice that is markedly different than that meted out to adults: The feeling in the system is that the policies have to be rethought, but there the agreement ends.

A CONTROVERSIAL PROPOSAL

Current proposals include removing truancy cases from court, removing all PINS cases (this is also the subject of a pending lawsuit by the American Civil Liberties Union, the New York Civil Liberties Union and the Legal Aid Society), and giving children jury trials.

Even more controversial is a pending bill that would require Family Court to turn over to Mrs. Blum's department any indigent children it wanted to place in group homes or other programs—placements the court sometimes makes directly.

Many legislators favor the bill because it would enable the state to get far more Federal funding than the present system allows; Mrs. Blum favors it because she could then have a central listing of all the children as well as develop "a sensible plan" for them.

But the judges of the Family Court almost unanimously oppose it. They say it is unconstitutional because it is limited to poor children—a limitation that was drafted to come within the Federal funding requirement. Beyond that, they say it would obstruct their work—their duty under the statutes being to devise the most appropriate program for the children they handle.

And that, in fact, is one of the crucial issues now in debate: whether the judges should simply be judges, deciding facts and law, or whether, as now, they should be a bit of social worker as well. Says Judge Kelley, after an hour or so of discussing the system's problems: "I don't know where we're going . . ."

EXOTIC RESEARCH PROJECTS VERSUS JOHN TAXPAYER'S POCKETBOOK

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. MATHIS of Georgia. Mr. Speaker, I wish to call attention to an article from the Florida Times-Union, April 9, 1973, written by Carey Cameron. Mr. Cameron is a hard-working newsman who resides in Valdosta, Ga., and keeps up with what is going on in south Georgia for the Florida publication. I think you will find that Mr. Cameron is very ably expressing the view of many citizens who are concerned about cutbacks on many necessary Federal programs while many questionable projects are continued.

Carey wrote to me and said I had his permission and blessing to introduce his column into the RECORD "if it will help." I agree with what he says. I hope it does help.

SOUTH GEORGIA SCENE

(By Carey Cameron)

VALDOSTA, GA.—Dear reader, Would you spend $55,000 to learn "the role of serotonin in the control of color changes in the fiddler crab?" You wouldn't? What about $30,000 to study "A taxonomic monograph of the bark and ambrosia beetles?"

No? Try this one—$7,600 for a workshop on the role of ethics in the legal system. Ha, at least now we have one where we can understand the language. Here's a good one, $117,700 for "collaborative research on the distribution of income and wealth with microsimulation applications."

Here's a great one, $9,300 for a study or report on Early Italian and French Weights. Hey, how about $10,900 for a symposium to commemorate the 400th anniversary of the birth of Johann Kepler."

Or say $29,300 for a study on "Galileo's Juvenilia?"

Those of you who are laughing can stop it because if you are a taxpaying U.S. citizen you did spend this money and many millions of other dollars on projects with title descriptions sounding just about as practical as these.

The samples listed above are from 1972 grants and awards approved by the National Science Foundation which U.S. Rep. Dawson Mathis says is an independent governmental agency and is funded by the federal government.

This sort of spending is apt to continue on and on while funds for supporting peanut production and caring for the children of working mothers striving to get off welfare are reduced or eliminated.

Let me make one thing perfectly clear here. I'm not saying all of the things listed in the 245-page National Science Foundation grant and award book are useless. Some are probably quite worthwhile. There might be a cancer cure or a key to eternal life clue somewhere in the millions of dollars of projects. Even some of those I've named might have some practical value. I don't know since

only the titles are listed, who they went to and the money is contained in the book. But the titles themselves make some of these suspect. Some make good private projects but taxpayers shouldn't pay for them.

Reading the news releases that the winners of this money put out gives one a better chance of determining if there is a practical value. However, obviously no one person can study all the news releases even if he could get them all.

But a few weeks ago we got a release here which said where the University of Georgia, or one of its researchers, had received a grant of several thousand dollars to study something about the caddis fly.

I read the release several times and concluded that nowhere in the description of the project was there anything to show there was any practical value to the research to be financed by the handout.

These grants go to colleges, universities, individuals, foundations, institutes, etc. Granted, even the most worthless may have the effect of helping train some budding young scientist, historian, etc. Question is should the government pay for the training in this guise of research? Why not direct revenue sharing to colleges? No, that wouldn't work either. The major professors that let these projects be dreamed up to begin with probably would spend the money in about the same way. Of course the business end of the schools might have the chance to make a business-like decision in that case.

Mathis sent me the grant list and an annual report after I sent him the caddis fly release. In comment he said, "As you can see, the caddis fly research is only one example of the maladjusted priorities in this country. Of course our research scientists may not agree with this."

Why does this kind of stuff go on? One answer is that the right hand of government doesn't know what the left hand is doing. Those of you reading this column probably know more about some of the more way-out sounding grants than do 90 percent of the House and Senate members. Most will accept a committee recommendation and let it go. After all what's $50,000 here and $100,000 there compared to a major expenditure like a couple of hundred million on a defense contract? Give me the $50,000 and I'll show you what its worth.

The answer to the above problem is zero budgeting. Under this concept every department starts off with nothing every year and has to justify spending every dime it asks for.

But there is another problem. Everybody is for economy everywhere except at home. That $10,900 for the Johann Kepler anniversary went to I. M. Levitt at the Franklin Institute in Pennsylvania. Suppose the same amount was going to John the Barber to put on a Doc Holliday Festival in Valdosta? Heck, Dawson Mathias and I would help John get the money but we would tell that Kepler crowd to go get theirs from private sources.

And could you really blame us? As long as Congress votes funds for such things it won't save a dime to turn down your share. If John said he didn't want the Doc Holliday money some group in Arizona would start a Wyatt Earp show with it.

Mathis says the late great Sen. Richard B. Russell of Georgia said he would fight the giveaway programs to the wire but once they were passed he would be the first in line to get his share. And why not? If they pass, the money is going to get gone somehow if it doesn't do anything but vanish into administrative expenses.

Citizens should write their congressmen urging zero budgeting and an end to such spending whether it be by the National Science Foundation or some other agency or department. That would be a true taxpayers revolt and one worth the fight.

THE FUTURE OF NEIGHBORHOOD YOUTH CORPS—SUMMER

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. STARK. Mr. Speaker, one of the many fine programs that has been eliminated in Mr. Nixon's economizing drive is the Neighborhood Youth Corps Summer project. This program had an established history of success, nevertheless, it was abolished.

NYC—Summer attacked the sources of many of the problems of our cities while many other programs merely attacked the results. NYC—Summer offered jobs and opportunities to thousands of young people who might otherwise have turned to the streets for their amusement.

It is impossible to calculate the number of youths who have stayed out of trouble, because of NYC-Summer programs. But it is not impossible to see part of the tremendous impact this program has had on our communities. In Alameda County, Calif. alone over 6,500 youths were involved in the program last summer.

I recently received a letter from the chairman of the Youth Opportunities Board of Alameda County which succinctly and forcefully illustrates the impact of the NYC-Summer program and the incredible loss and void that will remain if we do not restore its funding. I submit that this letter illustrates the false economy we are sanctioning if we do not force the funding of this program:

MARCH 12, 1973.

HON. FORTNEY H. PETE STARK,
U.S. Representative, Senate Office Building, Washington, D.C.

DEAR REPRESENTATIVE STARK: We are disturbed over the news that federal funding for the Summer Neighborhood Youth Corps Program has been withdrawn. This program has provided job training and work experience for up to 6,500 youth from poverty-level families in Alameda County. The Youth Opportunities Board has been responsible for administering programs for 2,600 of these youth.

The Youth Opportunities Board of Alameda County is a joint powers body composed of representatives from state and local governments. It was established in 1962 for the purpose of developing and exercising leadership in youth program activities, and coordinating community efforts in youth programs directed toward the resolution of youth problems through education, training, and job counseling and placement to the end that young people would have a better opportunity to develop as responsible citizens. It is believed that the NYC In-School, as well as the Summer Program, has provided the means through which this community has been better able to work toward these goals.

Enrollees in all NYC programs must meet federal poverty guidelines. Additionally, selection criteria is employed that will identify the most needy in terms of education, training, vocational counseling and goal development in order to intensify the impact on the total area of youth needs. In the In-School Program, priority selection is given the student who, without the program, would either drop out of school or find staying in school difficult. The Out-of-School Program selects youth who have dropped out of school or are enrolled in continuation school and who need counseling and guidance in developing and pursuing educational and employment goals. Success in this program is measured on the basis of the enrollees status at the end of enrollments. Employment and further education and training, for example, are considered successes. The YOB Out-of-School Program has been experiencing over 50% success from a population that includes a significant number of problem youth.

The Summer NYC Program, in terms of numbers, is the larger of the NYC Programs. Selection is based on poverty guidelines but the special individualized attention to selection given in other programs is not possible. Efforts are nevertheless made to select the most needy in terms of what the program offers. Success of this program cannot be measured in the same terms employed in other NYC program. Summer NYC is short term and the time insufficient to allow for objective measurement of long-term effect. However, it is believed that the impact of this program on youth is significant and in many instances lasting.

Those who have been closely associated with the program do attest to its success in terms of value to the community, constructive training opportunity, and work experience for youth. While the opportunity for needy youth to earn extra money is certainly an important contribution and value of the program, it is seldom at the top of the values listed by those working with the program. It is probably true that for many youth participants the money is foremost.

While success of Summer NYC in objective terms at this time is not possible, we believe that there is ample evidence of its value and that you would agree with our statement had you had an opportunity to review the activity. For example:

Had you visited the New Haven School District in summer, 1972, you would have observed classrooms of Chicano teenagers tutoring fourth and fifth graders in reading—both learning from the process. You would have met two NYC graduates of the summer program working as teachers aides during the summer vacation from Mills College.

In the City of Fremont, you would have met three NYC enrollees working for the police department—answering telephones and assisting the department in processing citations. You would have listened to praise of the youth by the police and commendations of the police by youth. How better can we improve relations than by direct contact?

In the school districts of Amador and Alameda you would have observed similar youth roles in the police departments and you would have been impressed with the representation of minority youth in these assignments.

In the city of Castro Valley, you would have visited a clinic for the mentally retarded and observed NYC youth assisting in the care of other youth with gross physical and mental problems. You would have gained a feeling of the depth of understanding that the NYC enrollee had developed assisting youth whom he recognized as being more disadvantaged than he.

If you had visited our Chabot College you would have observed youth attending college level classes or visited work sites where NYC enrollees were carrying assignments normally carried out by regular staff in libraries, offices, and on special projects.

If you had visited the city of San Lorenzo, you would have talked to youth who were enrolled in a sophisticated training and vocational program covering the fields of drafting, horticulture, auto mechanics, and coupled with work experience.

In the city of Hayward you would have been impressed with NYC enrollees preparing the "free lunch" at the school cafeteria. You might have talked to a young man in a construction assignment who would have said he now knows "how to build a house."

If you had visited our city and county offices, you would have met many youth assisting in staff coverage during this vacation period.

While it may be that scientifically objective data is considered the ultimate for assessment of a study, it is also true that the empirical method of study holds a firm place in scientific research. On the basis of our own empirical review we submit that our Summer NYC Program was and has been unusually successful and that its value to youth and the community warrants continuing funding. We further submit that had you monitored our sites you would not only have acclaimed our program a success but would have commended our staff for its imaginative work in developing constructive youth programs.

To eliminate the Summer NYC Programs would mean that more than 2.6 million dollars would be taken from this community and 6,500 youth would be denied an opportunity for a valuable learning experience during idle summer months.

We urge that you employ all resources available to restore the Summer NYC Program to this community.

Yours very truly,

ROBERT C. CONEY,
Chairman.

H.R. 69: TITLE I PROGRAMS

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. RIEGLE. Mr. Speaker, last week I testified before the House Committee on Education and Labor supporting H.R. 69 which would extend the Elementary and Secondary Education Act for 5 years.

I include that testimony in the RECORD. The testimony follows:

TESTIMONY OF CONGRESSMAN DONALD W. RIEGLE, JR.

PURPOSE: TO URGE SUPPORT OF H.R. 69

Mr. Chairman and members of the Committee on Education and Labor, I am very grateful for the opportunity to testify on the extension of the Elementary and Secondary Education Act, H.R. 69. I feel that it is imperative that the programs included under this act be continued with full Federal funding. There is growing evidence of positive educational and community impact. While the programs are far from perfect, and while any educational program is hard to measure, there is no available financial alternative which would allow Flint area schools to continue the momentum of educational progress and innovation which H.R. 69 has made possible.

SOURCE OF INFORMATION: EDUCATION LEADERS FROM CITY OF FLINT AND STATE OF MICHIGAN

In preparation for this testimony, I have consulted with a wide spectrum of people involved in the Flint, Michigan, Title I programs—the Superintendent of Schools, Title I program supervisor, a target area school principal, members of the teachers' union, members of the Board of Education, legislative specialist of the Michigan State Department of Education, State Legislative leaders—as well as various educational authorities in Washington.

Many of the facts and observations that follow are based on the experience of schools in the Flint metropolitan area. Flint may be described as a typical American, middle-sized industrialized city, with a high proportion of working people and a broad ethnic and racial mix.

I would like to acknowledge to the Committee the testimony of Dr. William Early, Chief Executive Officer of the Flint School District, 1966 to 1972, before this Committee on March 28, 1973. Dr. Early's testimony documents the programs sponsored by Title I funds in Flint. Rather than repeat this testimony, I would like to offer the following evidence to illustrate both the academic and non-academic achievements of the program.

PROFILE OF TITLE I PROGRAM IN FLINT

In fiscal year 1973, Flint received $1.7 million under Title I. This money was directed to serve 2,859 children in 26 target schools. All of the 17,897 children in the target schools, however, benefit from Title I programs—the reduced class size, reading and math specialists and enriched curriculum. Eighty-four percent of Title I funds are used to pay the salaries of personnel: six program specialists, six certified teachers, sixty-five aides, and twelve social workers. With the additional staff, the schools can provide individualized instruction and innovative programs.

ACADEMIC RESULTS

One particularly unique program is the pre-school program. Academically, the pre-school program includes a highly systematic approach to learning skills and concepts. The preschoolers tested in 1971–72 showed a marked improvement over the course of the year. Test scores rose from the 32nd percentile to the 73rd percentile in pre- and post-tests, measured on a national norm. In addition, the program provides comprehensive health services—complete physical examinations, immunizations, vision testing, and dental care. Schools can identify and treat health problems which otherwise might impair learning. As Dr. Early testified, "As much knowledge of the child as possible is most important upon entrance to school. This information is now available for children entering kindergarten in Title I schools which was most difficult to acquire from parents due to lack of finances, lack of knowledge, and in some instances, . . . fear of the establishment."

Using standardized reading and math tests, evaluations of Title I children during the school year 1971–72 have shown improved test scores at every grade level. According to a United Teachers of Flint spokesman, the normal growth for children in similar urban school districts is 0.5 month's growth for each month in school—which put another way means that children fall one-half year behind with each year of schooling.

According to the Title I Program Specialist, Flint title I students from second through sixth grades are now progressing at least a month's rate for each month of school as indicated by the state and national standardized tests. Not only is this a substantial improvement over the previous achievement levels, before Title I programs were tested and debugged, but it is also better progress than many similar urban settings.

COMMUNITY AND FAMILY IMPACT

In assessing the success of the Title I program, the wider impact on adults should also be considered. Seventy teacher aides are now employed at hourly wages ranging from $2.66 to $4.11 per hour. This experience has encouraged many of these citizens to go back to schools to work on college degrees. To quote the Title I Program Specialist, the role of teacher aides "gives them a sense of worth."

Other adults—parents of the Title I children—who formerly were fearful of, or indifferent to, school matters have become increasingly involved. Parent advisory groups have been formed for each school. The parents work with the teachers and administrators of the schools to evaluate the progress of the children and to consider changes in the program.

I have received hundreds of letters from these parents voicing their concern that the program continue. My observation confirms Dr. Early's earlier testimony: "Trust has now replaced mistrust. Cooperation has been established in place of indifference. Participation and interest has replaced non-involvement."

THE ALTERNATIVES TO TITLE I—A BLEAK OUTLOOK

Teachers and principals involved with Title I predict that if Title I funds are disrupted, not only will youngsters suffer serious setbacks in their educational progress, but the social and economic fabric of the larger school community will be threatened. A former Flint school board member said, "The loss would be devastating," and foresaw social and economic ramifications which could create serious problems and unrest in the city. A current Title I school principal confirmed this view, commenting, "I don't know what would happen to the community. . . . (It would be) chaos."

COMMUNITY FINANCIAL STRAIN

Despite the critical role of Title I programs, if Federal funding were withdrawn, the programs might well face termination from lack of alternative funds. Flint citizens contribute already at the outer limits of their abilities to pay. In the last ten years, the community has never failed to vote a millage increase. With five or six votes, total mills have risen during the past decade from 16.8 to 29.2 mills. This is a record of local support for education unsurpassed at the ballot box and in the pocket book—all happening at a time when other communities around the nation have been rejecting millages as often as passing them.

The city is to vote next month to renew the millage rate. At present the Flint millage rate is three mills higher than the state average for comparable cities. School finance officials say that if the city were asked for an additional two mills to cover Title I expense, the chances of passage would be slim.

Over the past ten years the state's proportion of the local educational revenue has fallen from 52% to 31%. The local share reached 57% last year, with the Federal share at 8% and miscellaneous revenues at 4%. Compared with other cities of its size, Flint is paying more than the average local percent of total school revenue. The two-million dollar cost of the Title I program would place an excessive burden on the local tax payers. With no alternative sources of funding, it is imperative the Federal government continue funding this program.

STRONG MICHIGAN SUPPORT FOR H.R. 69

In closing, I would like to make public for the first time a resolution of the Superintendent of Public Instruction, Dr. John W. Porter, and twenty-five top administrators of the Michigan Department of Education. On April 2, 1973, Dr. Porter and the other education officials voted by over 90% for support of H.R. 69 as amended by H.R. 5163, introduced by Representative Quie. Although I do not fully support this resolution, I would like to propose a study of both the distribution formula suggested by Mr. Quie and the distribution formula used by Michigan Department of Education in its Chapter III program for disadvantaged children. According to one target area principal, the present system of earmarking funds for "low-income" children stigmatizes those who receive special aid and prevents staff from helping those with equal learning problems whose families happen to have higher incomes. While I feel a change in distribution methods would be beneficial, I feel alternatives should be carefully examined before initiated on a national scale.

CONCLUSION

Title I funded programs in Flint have helped to build successful patterns of educational, administrative and organizational teamwork—which are working smoothly and getting better all the time, allowing for flexibility, innovation and local control. To discontinue this Federal support now in favor of some new, untried program requiring untested mechanisms and the construction of new working relationships, could seriously damage the progress being made and more seriously undermine people's sagging faith in government. This is one program which is working, which is helping our young people, and which is helping our local communities to help themselves. To cast it aside now with no really workable alternative in sight, would deepen peoples' cynicism and despair over our self-government system.

Any alternative, if it is going to work, must have the broad support and involvement of those with the responsibility to make it work in our local schools and communities. Right now, these people—almost unanimously—support the continuation of the present funding and program arrangement rather than any alternative.

PRESIDENTIAL OR CONGRESSIONAL SUPREMACY?

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. DRINAN. Mr. Speaker, recently, I read an excellent article in the Boston Globe concerning the struggle between the Executive and the Congress. The author, Dr. William M. Goldsmith, teaches in the American Studies Department at Brandeis University. I commend this article to my colleagues:

CONGRESS MUST REGAIN ITS STATURE

(By William M. Goldsmith)

The end of the Vietnam War does not eliminate or seriously affect the Constitutional crisis in this country. Although the war and particularly the bombings of Hanoi and Haiphong dramatized the urgency of this crisis, it was by no means limited to these events and it was not resolved by the cease-fire. The President has aggravated the problem by impounding funds appropriated by Congress, and then ignored its protests.

The source of the crisis lies deep in the foundations of Constitutional government and nothing short of a fundamental redress of the present imbalance of power between the Executive and Legislative branches of government will resolve it.

The men who drew up the Constitution created a government not of separate powers, but a complex system where power and responsibility are divided between the three branches of government, and yet at the same time are shared among them. This would apply even to the responsibilities which appear to fall primarily upon one branch, such as legislation, for although Congress is responsible for passing laws, the President has the power to veto them, and also the prescribed invitation to propose legislative policy. Indeed today the Executive branch introduces close to 90 percent of the measures that eventually become law.

Not even the Supreme Court is immune from this divided but shared concept of responsibility. The Constitution spells out the original jurisdiction of the Court, but assigns to Congress the responsibility of determining the exceptions and regulation of its appellate jurisdiction, and of course the Executive and the Congress are involved in appointing its members. Every article and section of the document further defines and requires such a concept of shared responsibility.

Richard Nixon is not the first President to have violated both the spirit and letter of the Constitution to require such a shared responsibility, but the problem has become critical in this century and particularly urgent in his Administration. Although powerful Presidents dominated early days of the Republic, the Presidency after Andrew Jackson declined dramatically, and, with the exception of the war Presidents, Polk and Lincoln, a series of quite ineffective Chief Executives were subordinated to powerful and dominating Congresses.

The result of this decline of the Presidency in the 19th Century was a disaster for the American people, opening up the Treasury and other resources of government to the worst forms of corruption and exploitation by the so-called "Robber Barons." During this period, Woodrow Wilson described the President as nothing more than a glorified clerk.

It was not until the arrival of Theodore Roosevelt that the Presidency was restored to a more assertive and policy-making role in the government. Since then the power of the Congress has regressed gradually to the point where it has finally been eclipsed by the present inhabitant of the White House.

The crippling erosion of the Constitutional balance of power at the center of government has been destructive to the interests of the American people. Their power and welfare are best represented when they receive maximum expression in the balanced form of government drawn up by the founding fathers. Each branch of this system has its unique contribution to make to the interests of the people, and each branch brings to the crucible of public policymaking its own unique strengths and creative resources. Congress frequently reflects a healthy clash of sectional and minority views and interests which are absent from the more narrow partisan perspective of the White House.

This is not to indicate that the Presidency does not have a forceful and necessary role to play in the American system. A return to the Presidential impotence of the late 19th Century would be unthinkable. Without dynamic Presidential leadership, the country tends to flounder or be too vulnerable to the exploitation of self-serving special interests which are usually more successful in influencing the Legislative branch than the Executive.

The dynamic tension between two energetic and resourceful centers of power—a strong and purposeful President and a representative and cautious Legislature—produces at its best the ideal chemistry of democratic government. When this dynamic tension is short-circuited by the overbearing influence and power of either branch, the public interest suffers, the voice of the people is not heard, and representative institutions atrophy.

We are caught up at present in an historical crisis where the imbalance of power at the center of our government is rooted not only in the improper and arrogant expansion of Executive power, but also in the inertia of the Congress. Congress has sat by and accepted the rebukes of the President in recent years without doing much more than mouth empty rhetorical protests against the invasion of its prerogatives.

Congress has the power virtually to immobilize the Presidency if it has the will to act. It can harass him at every step of the legislative process. It can demand an accounting of impounded funds. It can refuse "to consent" to any of his appointments and cut off all appropriations until the President is willing to deal with it in a reasonable manner. But the public must support Congress in such a struggle or it cannot win.

The use of these ultimate weapons by Congress could paralyze the effective processes of government and lead to an inevitable showdown. The public interest would be jeopardized by such a crisis and public opinion would then demand a resolution of the conflict, hopefully before it led to the undermining of our Constitutional system of government. But to ignore the problem or to gloss over it could eventually lead to the same result without any real potential for its solution.

Of course there are risks in such a strategy. One tempts fate by showing such determination to reverse the trend or drift of events. On the other hand, President Nixon has given every indication in his political career that he is a reasonable man, and once convinced that Congress intends to fight back and recover its lost power, he will come to terms with the Legislative branch and permit the Constitutional balance of power to be restored. The alternatives are too dangerous for any President to consider seriously.

But Congress must fight this battle through to a decisive conclusion. Too much hangs in the balance for it to back off at this critical moment of history. The public interest is not served by either Presidential or Congressional supremacy, but rather by the balance of a dialectical tension at the center of our government, as the founding fathers planned.

RARICK REPORTS TO HIS PEOPLE: ECO-HYSTERICS SOLVE NO ENVIRONMENTAL PROBLEMS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. RARICK. Mr. Speaker, hardly a day passes that we are not confronted with new dispatches from the front lines of the "war to save the environment." Thanks to the mass media and special interest groups, the American citizen is kept up to the minute in the latest developments. However, much of the "pollution crisis" story is only half complete. The half most often told is the half that supports the theories and advances the causes of those that shout the loudest.

There is another side to the story. The position of moderation.

No same person can quarrel with the ideal of protecting and preserving man's environment. Everyone who lives here has a stake in the air we breathe, the water we drink and the land that provides jobs, shelter, recreation, and all the other things man needs to survive. The early environmentalists did a great deal of good in focusing public attention on pollution and damage to the environment. True conservationists have been working to preserve the natural resources of this country from the distruction long before "ecology" became a popular indoor sport. And they did their work without resorting to the theatrics that have accompanied the new instant environmentalists.

History is full of examples of noble ideas that degenerated into something quite different from the original design. During the prohibition era, the crusaders against alcohol found an improbable ally in their efforts to prolong prohibition—the bootlegger. Naturally, he would support the cause, it was money in his pocket. Karl Marx's theory to rid the workingman of his chains, was adopted by the Soviet Union, only to give rise to the most repressive imperialist empire in world history.

Some elements of the ecology movement show signs of using a worthwhile aim with good intentions to conduct a witch hunt of sorts.

I do not question the original idea, or the good intentions of the people who diligently work for a better environment. Clean air, clean water, conservation of nature, and improved quality of life are still the announced aims of the new ecologists, but lately a turn has been taken in the movement. The gloom and doom forecasters have taken up a new principal of antitechnology and stopping scientific advance under penalty of doomsday. This ecohysteria, based on half-truths, pseudo-scientific information and over simplifications should cause serious questions to be raised by the public, and ham the cause of environmental protection.

Scientific advancement has recently come under such serious general attack. Cloaked in such catch phrases as: "People start pollution; people can stop it" and "Population times prosperity equals pollution," the movement has attracted many sincere people who want to help. And many of these people are taken in by supersimplification rhetoric. What has often been produced by horror-story fiction, picturing this country and the world, being totally consumed by pollution, is a growing fear and suspicion of all science and technology. The reasoning goes: "Science and technology got us into this mess; therefore, technology and science must be limited or stopped."

To conclude that since technology has advanced our society, brought about tremendous economic growth, and in its wake a degree of pollution, economic growth and technology must be stopped is immature nonsense. The reverse is true. More and better technology will be needed to clean up the environment.

More electric energy, not less, is needed to rid the cities of pollution. Electric energy can remove more pollution than it creates.

More clean energy is needed to run the sewage treatment plants, recycling operations, scrubbers, and precipitators to clean smokestack waste, and all the other pollution removing equipment. There are not enough power stations operating today to satisfy the demand to clean up the environment. Yet this is due in large part to actions by environmentalist groups opposing powerplants on the grounds they pollute. And so the arguments go round and round in circles.

Injunctions and court actions by dedevelopers have tied up one solution to our problems in costly, time-consuming legal redtape. And while the court fights go on, the environment continues to suffer, and the ecogroups trumpet their victory over technology. One national leader of a large group of eco-reactionaries proudly predicted recently that "within 5 years concerned citizens will force the cancellation of all plans to build nuclear powerplants because of a threat of nuclear radiation." His consumer group will "continue to oppose the construction on any nuclear powerplants in this country."

This is ecohysteria in its most destructive form. The "blind opposition to progress" exhibited here can certainly do no good for the cause of a cleaner environment. And the damage it has already done to the economic progress of this country is exhibited in the growing energy shortage. If we followed his leadership, our factories would be operated by treadmill powered by oxen.

Like any convincing propaganda message, the late blooming environmentalists are sure to include a grain of truth in their raving against technology, but they refuse to be misled by facts.

So while the instant ecologists are out picketing powerplants with placards made of recycled paper, industry and science continue the difficult job of cleaning up the atmosphere. More often than not, their efforts are slowed or halted completely by some self-serving ecology group to get news coverage.

A good case in point is blind opposition to nuclear generation of electric power I mentioned earlier. Technology has provided us with a method of power production that is free of air pollution. We have the capability of generating power to clean up pollution, without creating more, yet phony prophets of doom continue their unalterable opposition. Most of their arguments have been shot full of holes long ago, but their blind opposition to progress and solutions continues.

Some have even sought to equate a nuclear power station with an atomic bomb. There is no similarity between a nuclear plant and a bomb of any kind. Not even an expert nuclear physicist could force a powerplant to explode like a bomb. Yet, retrogressive intervenors persist in picturing mushroom clouds. Such fears are totally groundless. In the many years that these plants have been in operation both in this country and overseas, there has never been a reactor accident in a commercially operated plant.

But the arguments and the injunctions continue. Thermal pollution and hazards of radioactive waste are new bugaboos some developers have seized upon to retard the production of clean energy. They claim the warm discharge water used by these plants to cool the steam which powers the turbines will raise the temperature of nearby waterways enough to kill fish and aquatic life. Scientific studies show no effect on aquatic life from such a small increase in temperature. In most cases the rise in temperature amounts to less than 1 degree Fahrenheit. Any danger from radioactivity is far more imaginary that actual. Nuclear generating power stations are carefully controlled and monitored to detect the slightest danger from anything that may go wrong. They have been in commercial operation in Western Europe and many areas of this country since the early 1950's. But their safety record, the contribution made to a cleaner environment, their conservation of natural fuel resources, and all the other advantages they have over conventional oil, coal, and gas powered generation mean nothing to the ecohysterical crisis maker. He seeks only to halt progress in the field, and stop the very technological advancement that could clean our environment without pollution.

I mentioned the false premise earlier that population times prosperty equals pollution. Besides the groups that would remove pollution by limiting or halting prosperty, there are others who would accomplish the same thing by limiting or halting the first so-called ingredient: population.

We have been told so many times that the very existance of the earth is endangered by a "population bomb", many people have begun to believe it—in spite of the facts. The Zero Population Growth advocates point alarmingly to the sprawling masses in Asia, the Indian subcontinent, and other underdeveloped areas. But population growth in the emerging nations has not changed substantially over the years. What has changed is a lower death rate and longer life expectancy. This is due in part to the role played by pesticides that have improved crop yield, and conquered malaria and other diseases, as well as, better medical care, penicillin and other drugs.

We do not have a population explosion in this country, but the Zero Population Growth people demand a heavy dose of legislation to cure this imaginary ill. They demand monetary incentives for or even compulsory sterilization, incentives to limit the birth rate, tax incentives for small families, and the list goes on. They have been successful in legalizing abortion as a method of population control—something totally alien to our morality, culture and history. There is no reason to think they will stop at that point. Some of State legislatures already have mercy-killing legislation under consideration.

The fertility rate in this country last year reached an all-time low—almost equal to the zero population level.

Government statistics show that this year it has dropped below the replenishment level. Scientists expect the population of the United States to level off, below 260 million, within the generation of the present teenagers. However, we continue to be threatened with doomsday predictions of a population explosion.

I do not question the constitutional right of these people to be heard so long as their activities do not infringe on the rights of other Americans. In many cases the rights of the majority have already been trampled by the actions of environmentalists and ZPG people. Energy shortages have been made worse by legal maneuvering that benefits only the self interests of a few. Legislation has been passed that imposes impossible restrictions on industry and business, at the demand of a vocal few. Court decisions that attack the moral fiber of the country have been brought about by a few.

Pollution is not a necessary result of technological advancement as some ecologists would have us believe. It is an unfortunate byproduct of civilization, that must be cleaned up with better technology. The simplistic answers of limiting growth, halting progress, or reducing the population are easy slogans, but they are certainly not solutions. Overcompensation and overreaction to social problems do not solve them in the long run. They only aggrevate them further.

It is interesting to note that since the ecohysteria fad became the current fashion in this country, fewer flying saucers have been sighted.

E. AUSTIN JAMES

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. BYRON. Mr. Speaker, E. Austin James, a good friend and formerly a colleague in the law profession in Frederick, Md., passed away this week. Austin James was a man who was respected and admired by all those who knew him and worked with him. He was a man of great energy and dedication who will be missed in his community. A brief biography and tribute to Mr. James follows:

PROMINENT ATTORNEY E. AUSTIN JAMES DIES

E. Austin James, one of Frederick County's most prominent attorneys, died Monday evening, April 9, at the Frederick Memorial Hospital. His wife, Mrs. Ruth Mills James, predeceased him in May, 1971.

He was born in Frederick, on Nov. 26, 1895, the son of the late Edward and Virginia E. Staley James. He resided at 204 E. Church St.

Mr. James was actively engaged in the practice of law since 1923, having graduated from Georgetown Law University in 1922. He was a member of the Maryland State Bar Association, and a member and former President of the Frederick County Bar Association. He retired from the practice of law last Jan. 1. He had served as Frederick City Attorney for three terms, and one term as Attorney to the Peoples' Counsel to the Public Service Commission in 1935, and served as a Magistrate for Frederick City in 1938. He was appointed Chairman of the Board of Property Review for Frederick County by the Circuit Court, and served in that capacity for a period of ten years, (as of 1971).

Politically, he was an active and lifelong Republican. He served as chairman of the Frederick County Republican Central Committee for 25 years, and as chairman of the Republican City Committee for 20 years.

Upon his graduation from the old Boys High School in the class of 1913, he became a reporter on the Frederick News and Post from 1913 to 1916, when he entered the military service as a member of Company "A", Maryland National Guard, to serve on the Mexican Border in 1916; and after four years of duty in World War I, was honorably discharged as a second lieutenant. Before being discharged, he served as Personnel Officer on the Martha Washington, a troop ship, returning men from Europe. He held the rank of major on the Adjutant General's Staff in the Maryland National Guard during World War II.

Mr. James was a member and past Commander of the Francis Scott Key, Post 11, American Legion; a member and a former President of the Frederick County Fish and Game Association at Camp Kanawha, and a member and former president of the Fishing Creek Rod and Gun Club. He was an active member and former vestryman of All Saints Episcopal Church. He had served for one term as Senior Warden of the Church.

TAX SIMPLIFICATION: TESTIMONY BEFORE WAYS AND MEANS OF CLEVELAND LAWYER EDWARD J. HAWKINS, JR.

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. VANIK. Mr. Speaker, during the current Ways and Means hearings on tax reform, the committee was privileged to have as a witness on March 9, one of the leading tax lawyers of the Nation, Edward J. Hawkins, Jr., of Cleveland, Ohio. Mr. Hawkins has undertaken substantial research work into some of the most complex areas of the tax law and is a convincing proponent of tax simplification.

The 16th amendment, adopted in 1913, permitted the imposition of income taxes in the United States. That amendment is only 30 words in length—but the Internal Revenue Code which implements the amendment has now grown to some 1,100 pages.

As Mr. Hawkins stated in his testimony:

In a tax world where professors and tax lawyers already disagree on the maximum rate applicable to capital gains, where textbooks are wrong, where Treasury return forms are wrong, I fear that the effect of constantly adding more and more mysteries may be disastrous to the level of accuracy at which tax practice is carried on.

If this gloomy prophecy proves true, and we increasingly enter a state of great inaccuracy and confusion, is not that the context from which could develop as a later stage a national climate of massive deliberate tax evasion?

Mr. Speaker, I would like to enter in the RECORD the full text of Mr. Hawkins' testimony as well as his recommendations in the hope that they will be of use to the entire Congress.

THE CASE AGAINST SPIRALLING COMPLEXITY IN THE INTERNAL REVENUE CODE

(By Edward J. Hawkins, Jr.)

THE RELATIONSHIP OF TAX SIMPLIFICATION TO TAX REFORM

These hearings began with a panel on tax reform and tax simplification. The distinction reflects the general understanding that those concerned with tax reform are dealing primarily with the question of who ends up paying the tax, whereas those of us who speak for tax simplification are concerned with writing the statute in such a way that people can figure out who pays the tax. The reformers are concerned with where the car is going. The simplifiers are concerned with how the car is mechanically put together. On the other hand, to the extent the tax law becomes too complicated, the adverse consequences are serious enough so that tax simplification may be an important reform in itself. It is pointless to argue about where we want the car to take us if it breaks down on the highway.

On the original panel, Professor Bittker submitted a statement on tax simplification which I vigorously endorse. In a sense, my purpose today is to illustrate from a practicing tax lawyer's standpoint some of the points he made and develop some of their implications. We will begin with some specific examples of excess complexity. Next we shall consider some of the costs, present and prospective, of excessive complexity. Finally, we will conclude with some suggestions for dealing with the problem.

EXAMPLES OF EXCESSIVE COMPLEXITY

1. *Capital gains.* An important question debated by tax reformers is whether the tax burden on capital gains should be changed. An even more important question in tax practice is to determine what the present burden is. A client walks into your office and says that he has some stock held for many years which he can sell for $10,000 more than what he paid for it, and he wants to know what the increase in his taxes will be if he realizes the gain. You patiently explain that he will have to respond to a fairly extensive questionnaire before you can begin the necessary computations. The client replies that he has not time for psychoanalysis. He will settle for knowing the *maximum* amount of dollars he could have to pay the government on account of the $10,000 gain.

At that point in the conversation, most attorneys and accountants would have to answer that they simply do not know, but since this is a prepared speech, I checked it out. To assume the worst, the taxpayer must have other gains this year of $60,000 thus using up the alternative tax and using up the $30,000 exemption applicable to tax preferences. If he is in the highest possible tax bracket, 70%, the initial tax on the capital gain will be half of that or 35%. In addition, he must pay a 10% minimum tax, but this is applied only to half of the capital gain, or $5,000. Furthermore, one deducts from that another $3,500, representing the increase in regular income tax caused by the gain. Thus the preference tax is 10% of $5,000 less $3,500 or $150. That is only 1½% of the original gain so that the combined tax rate is only 36½%, which is what Professor Musgrave of Harvard said was the top rate.

Unlike Professor Musgrave, we must not forget the maximum tax. Tax preferences can have the effect of taking compensation out from under the 50% ceiling and jumping the rate to 70%. This increase in tax equals 20% of half of the gain, or a 10% rate on the gain as a whole, thus jumping the tax to 46½%. On the other hand, this increase in ordinary tax further reduces the preferences subject to minimum tax, thus decreasing the total tax rate from 46½% back to 45½%.

The next thing which one must consider is that in some years the maximum tax can be based on a five-year moving average, and thus, again assuming the worst, the gain will enter into the computation of the maximum tax for each of the four years following the year of the gain. In each later year the capital gain will be divided by five so that instead of a 10% impact per year it will have an impact of 2% per year for four years, or a total of 8%, producing a final total rate on long term capital gain of 53.5%, far above the rates commonly understood to be applicable.

The point of this illustration is not that the tax on capital gains is too high or too low but that it can be computed only by a most involved analysis with repeated interactions between three types of tax provisions and covering a five-year period. If a Harvard Professor of Political Science can't get within 17 points of the right answer, how can tax practitioners and revenue agents out in the field, let alone taxpayers, begin to understand it?

2. *Qualified stock options.* Let us now assume that the client walks into your office

and says that he has a qualified stock option to buy stock worth $10,000 more than the option price. He asks how much—at the most—his taxes will be increased if he exercises the option, holds the stock more than three years, and then sells it, making the simplifying assumption that the price of the stock is the same when he sells as it is today. In partial answer, you have already heard the analysis of the capital gain at the end of the road when he sells the stock. In addition, at the start of the road, the full $10,000 spread is a tax preference when the option is exercised for purposes of both the minimum tax and the maximum tax. Indeed, when one combines the exercise of the option and the sale of the stock and considers the moving averages, the one $10,000 spread is treated as a tax preference for maximum tax purposes two-and-seven-tenths times. Stated in dollar terms, the $10,000 preference is expanded to a $27,000 preference. As you can imagine, the total tax gets pretty high. Specifically, if we assume the worst, of the $10,000 spread the executive is left with $250.

3. *Baby-sitting expenses.* One may ask why it is that competent idealistic reformers appear before you to contend that the minimum tax ought to be tightened or increased when the tax burden on a perfectly legitimate transaction is 97½% already. It may be suggested that the answer is that reformers do not like business types, and don't care if their oxen get skewered. Such an explanation is hardly fair either to the businessmen or to the reformers, and in any event you will recall that Professor Bittker's speech included an example, which would be hilarious if it were not so real, of the impossible complexity of the rules for baby-sitter deductions for working mothers. It is not easy to evolve a political philosophy under which both business executives and working mothers are treated as public enemies.

The truth is that Congress is not trying to treat either group unfairly but that for all groups of taxpayers the statutory draftsmen are increasingly creating verbal jungles the practical implications of which are beyond the understanding of mere human beings.

4. *Private Foundations.* It is impossible in brief compass to describe the full complexity of the private foundation provisions. A few highlights are that the statutory provisions are spread among three different locations in the Code. They contain two different definitions of public support, involving intricate but different computations. They have one definition of income to which the 4% tax is applied and another definition of income for determining how much must be distributed. Procedurally, even the smallest private foundations are required to value their assets monthly. One effect is that a significant part of the income which had once been irrevocably set aside for charity is now being spent on the fees of professional advisers.

5. *Reorganizations* are an area on which tremendous expertise has been focused by both the private tax bar and the Internal Revenue Service and the result is five different statutory definitions of acquisitive reorganization, each with its own body of technical rules. Presumably each tiny subrule has some reasonable explanation, but the overall structure seems quite irrational. There may be a policy that certain types of acquisition should be tax-free, but there is no sensible policy explanation for requiring solely voting stock in a B reorganization and almost solely voting stock in a C reorganization but not requiring any voting stock in an A reorganization. Similarly, there is no policy reason for permitting securities to be received tax-free in a Section 351 exchange, while in an A reorganization they may be tax-free, capital gain boot, or dividend boot, and in a purported B reorganization they defeat tax-free treatment even for the accompanying voting stock. Still further incongruities are created by the two newest definitions, each different from the old definitions and from each other.

6. *DISC corporations* are highly controversial. Some say the DISC provisions should be repealed entirely, while others believe them a valuable contribution to the balance of payments problem. To tax practitioners, perhaps the most outstanding characteristic of the DISC provisions is not their goodness or badness but their sheer bewildering complexity. We are told that for provisions of this type, complexity is not a problem since big corporations can always hire lots of people to figure out the involved prose. This is seldom factually true, however, since most provisions applicable to large corporations are also relevant to small businesses. Furthermore, those who do tax work for large corporations have just as much trouble coping with labyrinths as anyone else. By way of personal experience I well recall the evening when I first had to answer a question about DISCs. The idea of DISCs is reasonably simple and at that time there were no regulations, no rulings, and no articles, so I thought it would be a simple matter of spending an hour or two with the Research Institute summary. I discovered, however, that the explanation ran for 46 two-column, 8½ x 11 pages of small print and bewildering terminology. Following those 46 double-column pages there were ten triple-column pages in even smaller print containing the text of the statute. I think that at best this is an absurdly wasteful use of the time and intellectual energy of tax people who, even in the case of large corporations, are limited in time and numbers. At worst, the length and complexity may mean that few or none of the people who must work with the law really understand it very well.

It is important to be aware that the DISC provisions are simply the latest example of the policy of drafting a group of fantastically complex sections, complete with special definitions, and layer after layer of exceptions to exceptions, to cover each corner of the law. Within the area of federal income taxation we have an increasing number of special areas, such as DISCs, REITs, private foundations, controlled foreign corporations, subchapter S corporations, savings and loan associations, various types of insurance companies, etc. Each is a separate and very involved world of its own, requiring considerable specialization if one is to have a working knowledge of the rules.

THE COSTS OF EXCESSIVE COMPLEXITY

1. *Lack of enforcement.* It is doubtful if the Internal Revenue Service can find enough revenue agents who will spend the time to really learn the ever-increasing, spiralling complexities of the tax law. Thus in practice many of the complexities are made tolerable by being ignored. Some years ago, I advised a client on a stock redemption, pointing out that the results would be catastrophic under the attribution rules. The lawyer on the other side admitted that I was correct if the rules were to be taken literally, but said that was not how they really were applied in practice. It is hard to say that he was wrong. How many of us in actual practice have seen any applications of these elaborate attribution rules beyond the most obvious of cases?

Another example of the difference between the written law and the enforceable law is the taxation of estates and trusts. That is an area with a mild level of complexity which in its context seems sensible and appropriate. Nevertheless, the fact it has given rise to relatively little litigation may say less about the merits of the rules than about the inability of the Service to find people to administer them. For example, we once attached to a fiduciary income tax return a note explicitly pointing out that we had not followed the form and the directions since they seemed to us to be wrong. This daring insubordination did not force us to the Supreme Court. It did not even elicit so much as a phone call from the Internal Revenue Service. Still again, I understand that, at an institute on estate planning, not in Cleveland, a speaker asked the audience of practitioners in this field whether any had ever had a fiduciary return audited, except where such audit arose from an audit of a different type of return. No one present admitted to having had such an audit.

In short, discussions by tax gurus frequently deal with very subtle, refined provisions which, out in the real world, are simply unknown to the Internal Revenue Service and to many tax practitioners.

2. *Uneven enforcement.* The usual result of complexity is not an absolute lack of enforcement but very uneven enforcement. In some cases, this seems intentional. For example, the area of travel and entertainment expenses, applicable to myriads of taxpayers, is replete with subtleties. One of my favorites is the rule that in determining whether an entertainment facility is used 50% for business one counts both entertaining "associated with" business plus entertaining "directly related" to business, but in determining the percentage of the expenses of the facility which can be deducted once the 50% test is met, one includes only "directly related" entertaining and not "associated with" entertaining. This rule on its merits is not bad, but it is nothing taxpayers or revenue agents can be expected to remember or apply. Its usefulness begins after the Service has already decided that a return should be attacked and both sides start to do research. Put more strongly, many of the rules are technical traps useful as handles for attacking bad guys who abuse expense accounts. This may be a good idea, perhaps depending on how much confidence one has in the government's ability to distinguish correctly which are the bad guys.

Most of the time uneven enforcement is not the result of policy but of pure chance. The taxpayer is simply unlucky enough to have found the one revenue agent in a hundred who happens to have heard of the provision in question. Perhaps instead he was unlucky enough to have hit the one tax practitioner in a hundred who knew of it and volunteered the correct result on a return.

3. *Eroding voluntary compliance.* I do not believe that the chief enforcement mechanism of the federal income tax is the honest taxpayer, because the honest taxpayer doesn't know enough of the rules to know what is required, and because most tax returns are now professionally prepared anyway, especially business returns. It is also not the diligent Internal Revenue Service, which audits very few returns and is staffed from top to bottom with human beings. The real enforcement mechanism, which makes the whole system work, is the vast body of tax professionals, whether independent attorneys and accountants or the internal tax staffs of the corporations. While there has been a lot of publicity attached to a handful of fraudulent tax return preparers, by and large, I have seldom encountered a more strait-laced group than the real tax professionals. One hears of regulatory agencies which adopt the thinking of the people they are supposed to regulate. It often seems to me that the tax bar has been brainwashed by the thinking of the regulatory agency they are supposed to fight. In discussions among tax lawyers I hear just as revenue-oriented viewpoints as I find in reading rulings or decided cases.

It is this estimable group of people whose position is being eroded by escalating statutory confusion. To the extent we are able to learn the mysteries of each new revenue act, we frequently do not save our clients money, but, through knowing the restrictions included in the statute, actually cost our clients money by enforcing rules which the

Internal Revenue Service in the field has scarcely heard of. For a clear example, I recently gave a client some tax advice he considered unpalatable. He took the same question to the Internal Revenue Service, which gave him the opposite and more favorable answer. The reason for the difference was that the Service was simply overlooking a rather technical rule, but the client, with no personal knowledge of the law, must have wondered, and should have wondered, about lawyers who apply pro-government rules that seem to have no existence out there in the real world.

Despite the disadvantages flowing from our role as enforcers, I do not think that the problem of spiralling complexity is going to make hitherto legitimate tax practitioners dishonest. The real cost initially is sloppiness. The most diligent tax man cannot today learn all the rules, let alone remember them. Accordingly, all of us have to practice some of the time with less than the technical knowledge that we would like.

As this becomes increasingly common on all sides of the table, I fear that the whole atmosphere of tax practice will become less one of technical precision and more one of tacit avoidance of whole complex areas. In a tax world where professors and tax lawyers already disagree on the maximum rate applicable to capital gains, where textbooks are wrong, where Treasury return forms are wrong, I fear that the effect of constantly adding more and more mysteries may be disastrous to the level of accuracy at which tax practice is carried on.

If this gloomy prophecy proves true, and we increasingly enter a stage of great inaccuracy and confusion, is not that the context from which could develop as a later stage a national climate of massive deliberate tax evasion?

WHAT CAN BE DONE?

1. *Definition of problem.* The first step must be one of analysis. One cannot simply attack every complicated provision in the Code. As Professor Bittker noted, much complexity is inevitable when one attempts to write a law which will translate any conceivable economic act by any one of 200 million people into a specific numerical dollar figure. Still other apparent complexities actually simplify the law; a very precise and hence lengthy rule will sometimes resolve many questions that would not be avoided merely by the device of not facing them. Accordingly, we must begin by developing conceptual rules for distinguishing between necessary or helpful complexity, and undesirable complexity. For example, I would suggest that rules which are too complex to be enforced should be considered suspect. Rules which go too far beyond the capacity of the human memory are suspect. Rules which serve small policy objectives are suspect.

2. *Support for simplifying legislation.* When bills are developed for simplification purposes, I think this Committee should go a little out of its way to push them. The reason is that the more a bill is genuinely aimed at simplicity for its own sake, as opposed to increasing or decreasing tax burdens, the less pressure from either private or Treasury sources there will be for the measure.

One example of this is the Deadwood bill. This seems to me to be most innocuous from a revenue standpoint, but it would be regarded by many as a hopeful sign that fighting for structural improvements in the Code is not a useless endeavor. Another example is the ABA Attribution Proposal. As you know, the Code is replete with different attribution rules, each with its own subtle quirks. The ABA developed a draft bill to consolidate these rules into a single set with a minimum number of special exceptions. Someday that bill will be introduced for your consideration, probably with all the political force behind it of a marshmallow thrown at a sofa pillow. Its only hope will be for members of this Committee to give it a helpful forward kick on their own initiative.

3. *Assign people to the problem.* Perhaps the key to the problem is that today there is no vested interest in favor of simplification. The Treasury is interested in raising revenue, and tax practitioners are interested in the amount of that revenue raised from their clients. Both sides curse complexity as they wrestle with it but have no incentive to linger with it when the current problem is resolved. A potential third force might be the legislative staff personnel who draft much of the law and review what is drafted by others. The problem with these men is that they work so deeply with a given provision that they become excessively aware of each subtle policy point, and lose any personal sense of how complex the provisions will seem to someone whose role does not permit such single-minded concentration on a single area. Thus they strive for high quality not in the area of comprehensibility—they personally comprehend the bill very well—but in the area of achieving perfect substantive rules, an inherently complex objective. To counter all this, would it not be possible to assign a small group, either in the Treasury, or in the Service or on a Congressional Staff, to the project of continuing technical review of the Code, not from the standpoint of reforming policy decisions made by Congress but from the standpoint of identifying the worst areas of confusion and of suggesting changes which at minimum cost in terms of tax policy will produce maximum returns in terms of preserving a Code which works.

EARTH WEEK, APRIL 8–14

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mrs. GRASSO. Mr. Speaker, a soda bottle along the roadside, a piece of paper flying from a car window, a deserted and rusting car by the side of the highway, a litter heap in the park, and a crumpled cigarette package on the sidewalk—all are symbols of the punishment that man has given to his environment.

The commitment of Earth Week, April 8–14, is to the preservation and enrichment of our natural environment. If we are to progress in our battle against garbage and pollution, our citizens must recognize the necessity for clean air, clean water, and a healthier environment. These are the goals toward which we strive.

In 1970, the youth and environmentalists of our country proclaimed that a special day be designated to celebrate the beauty of our Earth. In 1971, Earth Day was expanded to Earth Week. It was hoped that by setting aside this week—by drawing attention to the beauty of our Earth and its problems—determination to preserve and improve our environment would spread to all people throughout the Nation for every day of the year.

We have long recognized that human beings have the potential to severely alter or destroy the environment which sustains all living things. It is also in their hands to make the Earth a clean and health place to live. Clearly, it is our responsibility, through knowledge, commitment, and intelligence, to attack the forces of pollution and ecological destruction that could threaten our very existence.

Mr. Speaker, some small steps to improve the environment are being taken. Let us consider Earth Week as a celebration of the progress we have made toward the improvement of our environment. Better exhaust systems and cleaner gasoline for automobiles, waste treatment plants, and recycling programs for glass and paper are a few of the responses to the pleas of environmentalists. But most important, let us also consider Earth Week as a time to recognize the vast mountain of work that remains to be done in this area.

Earth Week is a call for continued action, commitment, and progress for ecological improvement.

AN INACCURATE NEWSPAPER ACCOUNT

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. ESCH. Mr. Speaker, one of the burdens of being in public life is the burden that we all bear in living with the uncontrollables that surround us. Surely one of the most significant uncontrollables that a public official has, and rightly so, is that of the media. I rise today to correct an erroneous impression that may result because of such recent media accounts concerning remarks alleged to have been made by H. R. Haldeman of the President's staff before an off-the-record meeting of the Wednesday group on March 28, involving the Watergate affair.

Like all Members, I am deeply interested in determining the full truth with regard to the Watergate incident and feel very strongly that the grand jury investigation and the study being conducted by the Senate are in the best interest of the Nation. Only when our political process is free of the kinds of illegal and immoral activities which have been alleged in this incident can it be really free in assuring that the choice of the people is heard at the polls. I first expressed my hope to the White House last year that prompt action be taken to clear up the record in this case. Most recently, I have introduced legislation with Congressman ERLENBORN which would limit executive privilege and would require testimony in cases such as this one. I feel very strongly that those who are directly involved should be prosecuted to the full extent of the law, and should be fully exposed in the eyes of the people of this Nation.

Having said all this, however, I also want to express my deep concern about the manner in which this incident is being treated in the media. All of us remember all too well the disgraceful period of the early 1950's when hundreds of people were "tried" through such immoral tactics as guilt by association, trial by headline, innuendo, and implication. The great media of the Nation were

among the strongest opponents of such tactics and loudly condemned them. It was truly a despicable era.

Such innuendo and implication were directly involved in an article written by Robert Walters of the Washington Star-News on Saturday, April 7, purporting to report on the "off-the-record" meeting of H. R. Haldeman with the Wednesday group on March 28. No reporters were present at that meeting—but I was—and I rise today to correct the totally inaccurate implications of what was said at that meeting. Mr. Walters was, in fact, far fairer in his story—and far less guilty of using innuendos than are many of his colleagues—but the total story still made many implications which simply are not an accurate reflection of what was said at that meeting. Along with many of my colleagues I was personally distressed with the account.

The erroneous impression left by the entire article is that Mr. Haldeman admitted "that he was personally responsible for organizing a political intelligence operation" during last year's campaign. The use of the word "intelligence" in that paragraph is the first of many tainted words which are intended to give a false impression of what Mr. Haldeman said. Mr. Haldeman freely conceded that he had suggested a program of opposition research which included coverage of all opponents' public—and I emphasize his use of the word "public"—utterances during the campaign. He even indicated that as many as possible of the public utterances were to be taped—surely a legitimate means of keeping track of the opponents' stands as they shifted throughout the Nation.

There is not one of us here in this Congress who did not make an effort to keep track of what our opponents during the last campaign were saying. We all certainly tracked their written comments and, when we had an adequate staff, I am equally sure we attempted to track their major public appearances. Yet, the innuendos of the Star-News story imply that the "intelligence" operation which Mr. Haldeman discussed was somehow different.

Along the same lines is the emphasis of the word "tapes" with regard to the methods used to record public speeches. There can be no doubt in anyone's mind reading that story that the word "tapes," and its emphasis, is used to imply a somewhat shady connection with other "tapes" which were directly involved in the Watergate incident. I can assure you that Mr. Haldeman made no such implication.

Mr. Walters stated that Haldeman "freely acknowledged responsibility for establishing and running the political intelligence unit." That is a direct contradiction of fact. The article continues—

He told us that he hoped to have tapes and used the word tapes of everything the opposition said in public.

The location and inference of that quotation appears to be a direct attempt at equating standard political opposition research with the Watergate incident. There was absolutely no such implication or discussion in the course of the meeting. Equally inaccurate is Mr. Walters' account of the "secret fund." He said in his report that—

Haldeman denied newspaper accounts that he had access to a "secret fund" of hundreds of thousands of dollars in cash, reportedly used to pay for sabotage activities according to the congressmen. They also recalled that Haldeman asked that even his wife had asked about the "secret fund."

The real context of the discussion of the "secret fund" came as a personal illustration of how the newspaper accounts regarding Haldeman's control over a secret fund were erroneous, and how, when his wife had first seen a newspaper account and asked him about it, his reaction was one of equal incredulity.

My purpose in rising this afternoon is to correct the implications of inaccurate hearsay reporting on just one incident. I am not attempting to make a judgment on the Watergate affair and the persons involved in it. I simply don't have all the facts and I do not know who was involved in it. I do know, however, that contrary to the innuendos and sly implications of the Walters' story, Mr. Haldeman said nothing at the March 28 meeting which in any way remotely gave any indication that he was associated with the illegal and immoral activities of the Watergate affair.

This entire investigation reaches to the very heart of the integrity of our political and democratic system. Surely the media have a responsibility to be diligent in their pursuit of the truth as a legitimate check on all of us who serve the public, but when inaccuracies and innuendos take on the semblance of truth, I for one cannot stand idly by and see an individual accused unjustly. All of us, in the media and public life, are demeaned by such McCarthyite tactics. Our citizens deserve more.

FUNDS FOR THE PEACE CORPS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. GILMAN. Mr. Speaker, on March 29, 1973, the House voted continuing appropriations for the Peace Corps, approving a 2-year authorization.

It is difficult to fully assess the success of the Peace Corps because much of its real progress is intangible. The person-to-person approach of providing assistance to underdeveloped countries of the world is reflective of the great humanitarian spirit of our Nation. The Peace Corps has helped our Nation build ties with other countries in the far corners of the world.

The administration and the Congress has been focusing its attention upon economizing and tightening the Federal purse strings. Since some Members of Congress have expressed concern about the extent of the appropriations for the Peace Corps, I have suggested that Peace Corps funding should be partially absorbed by the utilization of our balance of excess currencies which now exist in some of the underdeveloped countries.

These local currencies, owned by the United States, have been accruing over the years as a result of the sale of agricultural commodities provided for in P.L. 480, and from interest on loans returned to us by foreign governments. A limited amount of these moneys are utilized for official governmental expenses—that is, H.R. 5610, the Foreign Service Building Act, passed by the House on March 28, 1973, and H. Res. 340, adopted April 5, 1973; authorizing travel expense for the Committee on Interior and Insular Affairs. There is still a substantial balance of U.S. owned foreign moneys in India, Tunisia, and Morocco, where some of our Peace Corps volunteers are stationed.

Mr. Speaker, if it is possible to utilize such funds for other purposes, why can't such funds be utilized by the Peace Corps?

Some of our foreign affairs experts have suggested that we write off these surplus funds because of the red tape and reactions involved in the administration of such resources. Surely, in the interests of economy, we should not just write off these funds when they could be put to a much wiser and sounder use for such worthy purposes as our Peace Corps thereby making that program even more meaningful to the taxpayer.

SUPPORT FOR REVISION OF TITLE I OF ESEA

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. QUIE. Mr. Speaker, yesterday, I inserted into the RECORD excerpts from letters which I have received in the last several weeks supporting in whole or in part H.R. 5163, a bill I introduced to amend and extend title I of the Elementary and Secondary Education Act of 1965, and excerpts from testimony on H.R. 5163 given before the General Education Subcommittee of the Committee on Education and Labor, of which I am ranking minority member. I am reproducing today excerpts from several more statements which I have received in the last several weeks and which I believe are of interest to all Members:

Mr. Rich Boyd, director, grants management section Department of Public Instruction, Olympia, Wash., March 27, 1973:

I think the notion of allocating funds on the basis of academic need is good. Let me give you an example explaining why I think that change is healthy. Currently, as you know, Title I funds are allocated to districts on the basis of low-income. In Pullman, the lowest income area is near the college, where all the graduate students live. Therefore, the only eligible school for Title I services is Edison school which serves that area. Those kids are certainly not the most educationally disadvantaged in Pullman, as they are the sons and daughters of candidates for master and doctoral degrees. Their parents, however, are receiving very little income and conse-

quently, that school is the only eligible service area for Title I.

Again, let me say that I support the notion of making funds available on the basis of educational need as opposed to low-income.

Gene England, Ph. D., Behavioral Sciences Institute, Monterey, Calif., March 16, 1973:

We support your efforts to develop evaluation methods based on criterion referenced tests rather than standard achievement tests. We also support your efforts to extend the Title I effort with rigorous constraints on accountability and cost-effectiveness. And finally, we strongly support your emphasis on individualization of instruction and competency based teacher training.

Edward C. Myers, Ph. D., special assistant to the president, Cemrel, Inc., St. Ann, Mo.; March 26, 1973:

We at CEMREL have been following with great interest your attempt to implement a criterion-referenced testing system backed up by individualized instruction.

I believe it is important to making the case for criterion-referenced tests as the foundation for the measurement of educational progress to also point out two important side effects of these tests. First, they eliminate most of the adversary relationships in the school, both between the teacher and the students and between students. Second, they provide understandable tools for community members (who are not necessarily educational experts) to evaluate the effectiveness of their schools.

Mr. Gordon R. Werkema, the Council for the Advancement of Small Colleges, Washington, D.C., March 28, 1973:

I react favorably to the bill, particularly to the requirement that parents be actively involved in the establishment of meaningful educational goals and evaluating those goals. I hope that we will continue to realize that education is primarily the responsibility of parents and progressive legislation at all levels should involve parents in meaningful ways.

The distinction between economically deprived and educationally deprived children in your bill is commendable.

Mr. W. A. Wettergren, executive secretary, Minnesota School Boards Association, St. Peter, Minn., March 20, 1973:

As you and I have talked before, I think this is the correct approach to this kind of assistance as the economic status of an individual or family has absolutely nothing to do whether that pupil is educationally disadvantaged.

Dr. Jack P. Nix, State superintendent of schools, Department of Education, Atlanta, Ga., March 21, 1973:

I agree with your desire to place emphasis upon individualized instruction and upon parental involvement in the educational process. I also agree with you that the use of outdated 1960 U.S. Census data can no longer be justified and that all low achieving children should benefit from the provisions of Title I—not just those who reside in concentrated areas of poverty.

Your proposal to use criteria referenced tests as the basis for allocating funds to states and, I assume, the use of a similar procedure for allocations within states, is basically sound; however, I question the readiness of the general public to accept a national testing program to accomplish the desired end.

James J. Gallagher, director, Frank Porter Graham Child Development Center, Child Development Research Institute, University of North Carolina, Chapel Hill, N.C., March 30, 1973:

First of all, I am impressed by the many good issues that you address in the bill itself. I have great sympathy for the strategy of focusing on educational problems, as opposed to economic problems, in an education bill. I am also extremely enthusiastic for the benefits that could be realized by the many handicapped children who still need special service in this country.

I favor the general notion of an individualized written plan with responsibilities to both parents and school. Properly done, I would see that as bringing the school and the parents together as allies in a common cause to the benefit of the child, rather than have them be hostile antagonists a great deal of the time.

NO SIMPLE SOLUTION TO COMPLEX ENVIRONMENTAL PROBLEMS

HON. BILL ALEXANDER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. ALEXANDER. Mr. Speaker, every day we become more and more aware that there are no simple solutions to the environmental problems faced by our complex society today. To accomplish the environmental aims of some, we would have to give up some of our conveniences—a price which I do not believe the majority of the American people are willing to pay. We in the Congress are faced with the almost impossible task of choosing the course which offers the best method for insuring the maximum environmental protection available without crippling or destroying vital elements of our society.

One example of this selection which we will have to make that is before the Congress now is S. 425 which promulgates regulations concerning surface mining operations and the acquisition and reclamation of abandoned mines.

I believe a letter I had from one of my constituents in Jonesboro, Ark., together with a letter from the Brick Institute of America which includes a section-by-section of analysis of the bill illustrates very well the other side of the coin in this situation. I include them for the information of my colleagues at this point:

MARCH 30, 1973.

DEAR MR. ALEXANDER: Inclosed is a copy of the position paper submitted recently in behalf of the brick industry with respect to Senate Bill 425. I urge you to read this paper and support our position.

If passed in its present form, this bill could have a devastating effect on small firms such as ours. There would probably be no way we could meet the financial guarantees required. The brick industry is composed mostly of small companies, so the net result would be to destroy a large percentage of brick production within the United States, and the environment would gain nothing. Pits abandoned by companies legislated out of business would not be reclaimed, thus causing ecological damage, whereas laws which are reasonable, such as the present Arkansas law, will result in improvement of the environment.

Laws such as Senate Bill 425 have the same effect on innocent industries that saturation bombing of a populated area has on innocent civilians.

Let's not let hysteria over so-called environmental problems blind us to the economic needs of our country. The attitude of many environmentalists is, "Don't worry about industry, they have plenty of money and the technology to work it out." This is an unrealistic and unreasonable attitude and should not be accepted by our society.

We must use reason to determine first if a problem exists. Don't assume that because there is a problem caused by strip mining of coal, a similar problem is caused by open-pit mining of clay. It is simply not true. The two operations are very different, and should be treated differently. This is what we are asking. That legislation not be passed which will kill an innocent industry in an effort to correct the bad effects of an entirely different one.

Sincerely,

RANDALL WHEELER.

STATEMENT OF THE BRICK INSTITUTE OF AMERICA

We are presenting this statement as a committee of the Brick Institute of America, a national association of Brick Manufacturers representing over 65% of all brick production in the United States. Most of these brick manufacturers surface mine their raw material, clay and fire clay, which would be covered by the present S. 425.

There is a great concern in our country over land disturbed by surface mining operations in which the brick manufacturers concur. The brick manufacturers have been responsive in their own assessment in the need for reclamation, long before public sentiment brought on a demand for local, state or federal legislation. There are many examples of fine reclamation projects by clay miners which contribute to public and private use. An open clay pit mine site in North Carolina is now a beautiful landscaped golf course. In Pennsylvania and Ohio, housing developments now stand on former clay pits which are easily leveled for this use. In Ohio, the National Football Hall of Fame and a football stadium now stand on an old clay open pit mine site. The city of Chicago used the clay pits for garbage disposal and land fill operations. Many public and private water recreational areas have been created due to brick manufacturers' reclamation activities.

Notable examples of what has been done with clay surface mine sites also appear in Washington, D.C. The Washington National Airport and the Pentagon are now located on old clay surface mine sites.

The surface mining of clay represents less than 3% of the total land disturbed by surface mining operations, so, by national standards, the effect is minimal. For example, in the State of Ohio in 1972 only 250 acres were disturbed compared to approximately 20,000 acres which were disturbed by coal mining operations. Brick manufacturers have worked closely with their respective local and state authorities to develop and implement surface mining and reclamation regulations. They have reached relative harmony with these authorities in their combined social and industrial objectives. Of 29 states which have surface mining and reclamation laws, five states do not regulate clay mining.

We are opposed in principle to the enactment of Federal surface mining legislation which would affect the brick industry primarily due to the many variables encountered in this type of operation. We believe the brick industry has proven its commitment to the need for reclamation and we feel that local and state laws are quite adequate in protecting the use of our valuable natural resource; clay. Some states which do not have laws governing the extraction of clays are in the process of enacting same.

The mining of clay is quite different from that of coal and many other minerals and should be treated differently. The ground disturbed by clay surface mining operations is minimal in comparison to that disturbed by other materials, in particular by coal. Open pit mining is condutced in a relatively small area and over a long period of time.

Due to the nature of the clay mining operation whereby, in most cases, clay is extracted from the surface downward many environmental problems such as disposals of overburden, acid water drainage and spoils do not occur in clay surface mines. The typical brick manufacturer will extract his clay from a large hill thus leaving a level area that can be successfully reclaimed upon completion of the mining operation Proper time should be allowed for reclamation based on problems encountered in each individual surface mine operation. In the case where coal or another mineral is encountered incidental to securing clay special consideration should be given for disposal of this "overburden" without penalty.

Regulation of the mining of clay is more suited to local cooperation and local regulations. These distinctions should be considered by any enacted legislation.

In fact, we think the brick industry should not be included in any Federal mining legislation.

If, however, the committee decides to report S. 425 favorably we would like to make certain recommendations which would help make it a more workable piece of legislation than it would be as now written.

Three are certain sections of S. 425 which have been identified by the American Mining Congress in previous testimony before your committee. These areas would also have a significant impact on the clay industry.

1. Criteria of Reclamation (Section 212):

A. Requirements of Section 212 (b) are put in absolute terms which are not attainable. The example, the prevention of "permament erosion" is not attainable.

B. No consideration is given to cost versus benefit to insure that the ultimate use of land, manpower and money would be a wise use.

C. To require operations to return all surface areas to a condition "at least fully capable of supporting the uses which they were capable of supporting prior to any mining", excludes any other desirable and practical use of land.

D. Under Section 212(b)(4) the operator must establish a "stable and self-generating vegetation cover which, when advisable, shall be comprised of natural vegetation". This does not allow for mined areas which had no vegetation prior to mining or where vegetation will not grow, or where future use might be desirable such as for housing, etc.

E. "Contemporaneous reclamation" provided for under Section 212(b)(11) fails to take into account the fact that some reclamation requirements are not feasible during the mining cycle. The provision should allow some flexibility. More discretion should be provided for in determining how the land should be reclaimed.

2. Terms of Permit and Renewal (Section 207):

A. Section 207(c) provides that permits shall be effective for a period of 5 years. The life of a clay pit is from 15 to 40 years, with most averaging about 30 years. The Brick Institute of America recommends that the permit period be extended to at least 30 years or for the life of the mining operations.

B. Termination of a permit if production does not start within three years disregards the fact that many companies require a much greater start-up time. Time should not begin or run on a permit until the operator begins to commercially extract minerals from the ground.

3. Enforcement (Section 214):

A. Section 214(b) gives the Secretary the authority to order cessation of mining operations *absent* danger to human life and health. The judicial process should control in these cases.

B. Criminal penalties should not be prescribed for operators who must abide by regulations which, by their very nature, are vague.

C. S. 425 provides for review throughout the permit application period and during operations. This encourages constant costly intervention. Review should be provided for at set stages in the Process.

D. A bond should be required of any objector or intervenor "Having a valid legal interest" who brings an "appeal for review by a court". This would encourage only legitimate complaints under Section 209(d).

4. Bonding (Section 208):

A. The Brick Institute of America is opposed to posting a bond based on "estimated costs of reclamation by a *third party*" as stated under Section 208(b). This may tend to increase the amount of a required bond beyond what is reasonably necessary to guarantee reclamation.

B. Bonding provisions impose non-productive costs upon the clay mining industry.

C. Section 208 should provide alternate methods of assurance such as showing financial responsibility or the deposit of securities.

D. There is no assurance that bonding companies have the capacity to provide enough bonding coverage to guarantee prospective operators adequate funds to initiate clay mining operations.

E. The required amount of a bond should not be an amount equal to the costs of reclamation, only such amount that will insure the reclamation will take place.

F. Section 208(b) requires procedurally that a bond be submitted upon application of a permit. Since it is impossible to determine the cost of reclamation until a final plan has been agreed upon, the applicant should be permitted to furnish bond after the reclamation plan has been approved.

5. Open Pit Mining (Section 212(c)): Distinctions are not adequately drawn between strip mining, open pit mining and other types of surface mining.

6. Designation of Areas Unsuitable for Surface Mining (Section 2):

A. Any decision whether reclamation is physically or economically possible on a particular piece of land should be based only upon a permit application with respect to that land and *never* based an ex parte judgment of an administrator.

B. Prohibiting mining on land which is within 100 feet of primary or secondary roads, on lakes, streams or tidal waters to which the public has access, under Section 215(c)(1), would compel the closing down of many of the clay mining industries in current operation.

7. Federal Land Programs (Section 216): There is no overriding reason why mining operations on Federal lands and Indian lands should be distinguished from those on other lands for purposes of reclamation. Federal and Indian land programs should conform to the same procedures as enforced on other mined lands.

8. Exploration Activities (Section 401(5)(b)): All exploration activities should be exempted from the coverage of this bill.

These comments are made with the hope that the committee will give the utmost consideration to clay mine operators while simultaneously considering the interests of other mineral industries and environmental groups. We along with your committee feel we are working for the best interest of the public. In the interest of the clay miners and brick manufacturers we respectively request that these comments be considered in arriving at the best possible legislation.

STATE REGULATION OF NUCLEAR POWERPLANTS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. KOCH. Mr. Speaker, I am concerned over the fact that States are presently prohibited from setting more stringent controls on the discharges of wastes from nuclear powerplants than those set by the Atomic Energy Commission because Federal legislation has preempted the matter. With the proliferation of nuclear powerplants, it is desirable that States wanting to do so become involved in considering the adequacy of safety standards set by the AEC relating to projects in their respective States. In my opinion, States such as New York, which are particularly concerned about the discharge of radioactive effluents, ought to be able to establish additional, more restrictive environmental standards if these States do not consider the AEC Federal standards to be adequate safeguards. The AEC has not demonstrated infallibility in these decisions.

It is estimated that within the next 20 years at least 164 new sites will be needed for nuclear plants. Critical decisions will have to be made in the next few years as to the kind and quantity of wastes that may be discharged into the local environment. Certainly the States are in the best position to determine their own special environmental needs and they are, in addition, fully capable of making use of the available expertise needed to set stricter regulatory standards.

A year ago, in April 1972, however, the Supreme Court ruled that the Federal Government under the Atomic Energy Act has sole authority to regulate radioactive wastes. Thus, with this ruling, Minnesota's laws setting more stringent standards were in effect erased by the AEC's regulatory authority. To deal with this legal situation, I am cosponsoring legislation (H.R. 2314) introduced by my colleague Representative DON FRASER which would firmly establish the right of States to impose regulations more restrictive than those set by the AEC.

This legislation, to date cosponsored by 40 House Members, reflects the widely shared views of public officials in several States that State regulation of atomic energy facilities is often necessary to enable States to carry out their responsibilities for protection of the public health, safety, and environment. Under the 10th amendment of the Constitution States are given the responsibility to protect the health and safety of their citizens. Accordingly, since the discovery of X-rays, States have held regulatory authority over the use of X-rays and over the use of all radioactive materials. Under the Atomic Energy Act of 1946, however, Congress assigned to the Atomic Energy Commission the sole authority to regulate nuclear energy. H.R. 2314 would leave the AEC's existing regulatory program intact, but would empower States to strengthen the Commission's program

through concurrent application of more restrictive State standards.

This legislation would establish the same relationship between the States and the AEC that the States now have with HEW for air quality standards. The Clean Air Act recognizes the right of a State standards by specifying that—

Nothing in this title shall prevent a State, political subdivision, intermunicipality or interstate agency from adopting standards and plans to implement an air quality program which would achieve a higher level of ambient air quality than approved by the Secretary.

H.R. 2314 would reaffirm the State's right to more fully protect its peoples not by reducing the AEC's standards but by strengthening them. I urge my colleagues here in the House to join in supporting this essential legislation.

ALASKA OIL PIPELINE PROJECT

HON. DAVID TOWELL

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. TOWELL of Nevada. Mr. Speaker, during the last few days while attending Public Lands Subcommittee hearings, I have heard volumes of testimony regarding the Alaska oil pipeline project. The majority of the testimony was presented by persons representing outside interests. It is with a great deal of pleasure that I now present the testimony given by my colleague, the Honorable DON YOUNG from Alaska. I trust that my fellow colleagues will respect the feelings of the Alaska delegation and not be swayed by outside emotional appeals.

The testimony follows:

STATEMENT OF CONGRESSMAN DON YOUNG

Mr. Chairman, members of the Public Lands Subcommittee of the House Interior and Insular Affairs Committee. As a member of this subcommittee and as Alaska's only Representative in the House, I appreciate this opportunity to come before you and testify on the rights-of-way legislation which we have before us. Needless to say, the outcome of these hearings is of great importance to the people of Alaska and to the people of the "lower 48" States.

Since April 2, when the Supreme Court declined to review the Court of Appeals decision in the Alaska Pipeline case, it has become increasingly urgent, in light of today's energy need, that some form of rights-of-way legislation be enacted which would allow for the construction of the Trans-Alaska pipeline. Moreover, the reasoning of the Circuit Court of Appeals decision that the Trans-Alaska pipeline not be built because the Mineral Leasing Act restricts rights-of-way to 25 feet on either side of the pipeline could possibly obstruct construction of new pipelines as well as leave existing pipelines and other essential public utilities open to judicial review. Thus, it seems doubtful that many will oppose the basic concept behind much of the rights-of-way legislation which is being considered by this committee. Such legislation will most certainly involve the transmission of energy in nearly all parts of the United States, and, in particular, the public land states.

Yet the question remains as to what form of legislation this committee will act on. Mr. Chairman, this country is vitally in need of the oil flow the Trans-Alaskan pipeline will supply two and a half to three years from the time construction begins. And, it is for this reason and Alaska's critical need for revenue that I ask the Committee to act expeditiously on legislation which would allow for the immediate construction of the Trans-Alaska pipeline.

However, the recent Supreme Court refusal to hear the Trans-Alaska case has also spurred proponents of the Trans-Canada route to marshal their forces and argue that the time advantage of the Alaskan route has now been lost. Mr. Chairman, nothing could be further from the truth. Whereas it is generally agreed that the Trans-Alaska pipeline would take no more than three years to construct, uncertainty, delay, and extenuating circumstances surround the Trans-Canada alternative. (Secretary Morton has recently addressed a letter to Members of Congress which supports this contention. I would like to ask that this be made part of the record).

In that both routes require rights-of-way legislation to be enacted, both, then, are on equal footing so far as this committee is concerned. Yet when other factors are considered, it is clear that an Alaskan pipeline can be built more quickly than a Canadian line—if a Canadian line could be built at all. Not only is a Canadian route four times longer, and almost three times as costly as an Alaskan line, there are many obstacles which stand in the way of its construction that have not yet been resolved. It is important that these obstacles be kept well in mind when considering the viability of any Canadian pipeline route.

First is the potentially explosive issue of the Canadian aboriginal claims. As you may know, Prime Minister Trudeau just recently agreed to negotiate treaty claims with the Indians for a cash land settlement, and perpetual royalties on natural resources. However, it is my understanding that at the same time, Mr. Trudeau refused to definitely say that aboriginal rights exist legally. The Treaties, as they are referred to, involve only 7,000 Indians in the territories; 13,000 Eskimos have no treaty, nor do the 5,000 Metis who live side by side with the Indians in the Mackenzie area. In any event, the Indians want to do more than just negotiate their treaty claims, and rightfully so. Together with the Eskimos and Metis, they are organizing with the intention of settling their aboriginal land claims. And, I should add that it took more than five years to settle Alaska's native claims. Canada's natives have watched Alaska's 60,000 natives win $962.5 million in cash and royalty payments, title to 40 million acres of land and the right to chart their own future. We should expect that a proposed oil pipeline will alter negotiations with the Canadian natives, as it should, when the government and the courts address the aboriginal claims question.

Equally important is the fact that the Canadian government has enacted and is presently considering additional legislation aimed at protecting the environment. It is my understanding that these laws are phrased in broad terms which permit great leeway both in their interpretation and implementation—obviously the potential source of many time-consumed legal actions if Canadian oil development follows the pattern already established in the American Arctic, as I have every reason to believe it will. Because much of this legislation has only recently been enacted, its full impact is not yet known. Also uncertain is the role to be played by organized environmental groups which have just begun to gain momentum in Canada. There can be little doubt that the ecological impact will receive a thorough public review. In addition, the Trans-Canada route would require another U.S. environmental statement for more than 200 miles of line in Alaska and its extension in the "lower 48" states.

Another matter to consider is that a Trans-Canada oil pipeline would be subject to the provisions of Canada's National Energy Board Act of 1959. Section 2 (g) of that act requires a "Special Act" of the Canadian Parliament for the authorization of the construction and operation of a pipeline. Also, the Canadian Parliament or government can attach any conditions to this authority it deems desirable.

Once a "Special Act" is obtained from Parliament, the construction and right-of-way location, operation and rates of the pipeline must be approved by both the National Energy Board. Neither the government nor any other body may authorize a pipeline to proceed.

Once an application for a pipeline is submitted, the N.E.B. must then provide notice, hold a hearing and consider the objections of interested parties. Some delay is inevitable. In addition, public concern will compel a complete public airing of the issues involved, both in Parliament and before the Board. In the end, the Board has the responsibility of making the decision. If the decision is a negative one, then that is the end of the proposal.

In addition to these requirements and controls, the N.E.B. has discretionary power to compel oil pipelines, as opposed to gas pipelines, to act as common carriers for all oil irrespective of its origin, no matter whether Alaskan or Canadian. Moreover, there is little question that part of any proposed line capacity would be designated for the transportation of Canadian oil. This was made abundantly clear in the 1970 government guidelines for northern pipelines for reasons enumerated recently in the Commons by J. J. Green, Minister of Energy, Mines and Resources:

"Most important of all will be the right of entry to Canadian resources into this pipeline. It is not good enough that this be merely a bridge to transport United States resources to United States markets and that we have the boom that would go with construction, but no downstream benefit. So the most important under the conditions referred to, is that Canadian resources must have a right of entry into that method of transportation." (*Debates* at 4226).

Although the extent to which the Canadian oil might eventually occupy the line is an open question, there is little doubt that it would depend upon the success of Canadian frontier explorations. Transportation of any reserves would be essential:

"The most important thing is that the presently locked-in northern resources of oil and gas would have transportation to the market places available to them. I think probably the key to growth and development in this great country of ours has always been transportation. So the most important guideline, under the conditions referred to, is that Canadian resources must have a right of entry into that method of transportation." (J. J. Green, former minister of Energy, Mines, and Resources, *Debates*, at 4226.)

At the present time, currently known reserves in the Canadian north, while increasing rapidly, are not sufficient to justify the construction of the needed transportation facilities.

On March 13, 1973, Dr. Robert D. Howland, Chairman of the National Energy Board, told the House of Commons standing Committee on National Resources and Public Works, that 400,000 barrels per day from proven reserves would be required before a 48 inch pipeline could be built down the Mackenzie. It is clearly in Canada's interest to be able to rely on American capital for the construction of any proposed trans-Canada pipeline and, further, to be able to rely on the United States reserves and markets to support such

a line until Canadian reserves have been developed. As the Minister for Indian Affairs and Northern Development has stated:

"To develop the great potential of the North, to overcome the great technical challenge of exploration, production, and transportation, we are going to need help, we are going to need capital." (J. Cretien, Minister of Indian Affairs and Northern Development before the Society of Petroleum Engineers, Dallas, Texas, March 9, 1971).

Unoffical cost estimates for the Trans-Canada pipeline construction (20–25% higher than a gas line which is presently estimated at more than $5 billion) emphasize the staggering costs of such a project and demonstrate why it is probably beyond Canadian resources. Therefore, it would be a matter of American capital investment which from every indication is agreeable to Canada. The Honorable Donald MacDonald, present Minister of Energy, Mines, and Resources explains it like this:

"The advantage of having American involvement in shipping Alaskan product through this kind of system is that over the long run we can get a transmission system constructed basically at the expense of the American consumer and producer." (Donald MacDonald, Minister of Energy, Mines, and Resources, A CTV interview with Bruce Phillips, March 16, 1973.)

As Canadian production increases, as there is every likelihood it will, it would be reasonable for the N.E.B. to take steps to reserve additional capacity for Canadian oil as it is authorized to do under the unequivocal terms of the National Energy Board Act.

If Canada were to require a significant share of any Trans-Canada line capacity, this would result either in a significant extension of the time required to deliver North Slope resources to market or the costly development of alternative means to deliver the displace quantity. For example, North Slope reserves of 15 billion barrels could be transported in 20 years if dedicated exclusively to North Slope production and operating at the rate of 2 million barrels per day. Inclusion of Canadian oil at the rate of 500,000 barrels per day (25% of capacity), however, would increase this time to 27 years. Canadian throughput of 1 million barrels per day (50% capacity) would increase this time to 41 years for complete recovery. Since the American capital investment would be returned over a significantly longer period of time—for example, from 7 to 21 years longer—a 25% or 50% Canadian throughput would result in a 1.1 percent or approximately $2.7 billion extra cost. (The calculation of extra costs is based on a Report on the Relationship of Oil Imports to the National Security, Cabinet Task Force on Oil Import Control, February 1970.)

A clearly emerging national goal is the intelligent development of the Canadian north, including the gas and oil resources of the Canadian Arctic. To the extent the latter decreases available U.S. transportation capacity, it would conflict with the U.S. policy relating to the development of Alaskan oil. This cannot be avoided if both countries are dependent upon the same limited transportation facility.

It is axiomatic that Canada's legitimate pursuit of its national interest in resource development and other areas may often conflict with equally valid and important American interests. Resolution of any such conflicts will require hard and realistic bargaining. To relinquish any significant part of American control over the only transportation system planned for Alaska's North Slope oil reserves, an essential element in the development of our domestic energy resources is to place the United States' interest at an unnecessary disadvantage in this critically important area.

Contrary to popular belief, a final policy decision favoring an oil pipeline has not yet been made by the Canadian government. Prime Minister Trudeau has stated that there has been no commitment by his government to permit the United States interest to build a pipeline. I should add that sometimes you would think that American supporters of the Trans-Canada route presume that this is a decision for the U. S. to make.

It is true for the reasons explained that Canada would most definitely benefit from a pipeline, but it is also true for the very same reasons that Canada would demand unacceptable terms to take advantage of the situation. Secretary Morton, in his letter, gave us a good idea of the unfavorable burden these terms would place on the United States. Evidently, it has been made clear to him by "responsible Canadian officials" that: (1) a majority of the equity interest in the line would have to be Canadian (2) management would have to be Canadian (3) a major portion (at least 51%) of the capacity of the line would have to be reserved for transportation of Canadian-owned oil, with the primary objective being to carry Canadian oil to Canadian markets and not to the American heartland, and (4) at all times preference would be given to Canadian labor groups during the construction of the project and to Canadian manufactures for supplying materials.

There is little question that if Canada should agree to let the pipeline through its country it won't be a favor to us and there will be a price to pay. Should there be any doubt, we have only to examine Minister MacDonald's comments regarding the proposed gas line given at the St. Lawrence Center, Toronto, on January 24, 1973.

"In order to keep the cost of transmission, and therefore the ultimate cost of gas, as low as possible for Canadian consumers, it has been proposed that the American demand for gas should be exploited in two ways: by providing a market for some of the Canadian gas, i.e., gas surplus to the foreseeable Canadian needs; and by incorporating Prudhoe Bay gas in the pipeline transmission system so that the American gas consumer will wind up paying a substantial part of the cost of construction of the pipeline."

As I have mentioned, Minister MacDonald has the same ideas with regard to an oil line being constructed down through the Mackenzie Valley.

In any event, the Trans-Canadian proposal is far from actuality. Minister MacDonald has recently stated in *Commons Debate* (February 14, 1973) that, ". . . the Government has no intention of renewing its representation. . . . Of course we will be interested in hearing from the United States administration in this regard, but at present we do not plan to take any fresh initiative. In light of President Nixon's meeting with Secretary Morton of April 5, I believe it is safe to say that the Canadian governmeht will not be hearing from the U.S. government with respect to a Trans-Canadian pipeline.

However, our government would not be the party which filed an application with the Canadian National Energy Board. It presumably would be the private oil companies who are the owners of the North Slope Oil. To date, no applications have been received by the N.E.B. and it is unlikely any will be filed in the future when we consider the terms of ownership. Why? Simply this: the increased costs of a Canadian pipeline have at this time made the venture prohibitive. Mr. Thornton Bradshaw, president of the Atlantic Richfield Company, testified before the Joint Economic Committee, June 22, 1972, that "U.S. companies could not provide initial financing for a Canadian line, because the cost would be too great."

In summary, the Canadian route is mired down with uncertainties, delay, and extenuating circumstances which leads us to question the viability of the proposal. We know the line would take three to five years longer than the Alaskan route for construction alone. Should a gas line be built at the same time, you could add a year more. Moreover, the native people, the environmental issue, the financing, the N.E.B. requirements, the proposed ownership terms, and finally, the absence of an application, are all matters which would have to be looked into before construction of a Canadian pipeline could begin. All things considered, it would be difficult to estimate the time of delay.

By comparison, the Trans-Alaskan route has only the right-of-way and the Circuit Court's ruling on the environmental impact statement before it. Then, too, so does the Trans-Canadian route. There will be other testimony which will bear out the cost of each year's delay and the inconvenience to the American people.

Time, of course, is not the only factor to consider when comparing the two routes. The conditions under which Canada would be offering its right-of-way are unacceptable. It does not have to be done that way. Moreover, it would not be to the economic advantage of the United States if it were done that way.

Mr. Chairman, I would like to raise two additional points with respect to the State of Alaska. As you know, a little more than a year ago, Congress approved the Alaska Native Claims Settlement Act, equitably adjudicating the aboriginal claims to Alaska of more than 60,000 Indians, Aleuts and Eskimos. In that settlement, the Congress authorized payment of $962.5 million. More than half that money, $500 million, must come from a two percent overriding royalty on Alaska mineral production. With construction of an Alaska pipeline, Alaska's native peoples would realize $5,575,000 from North Slope oil production in fiscal year 1976, $21,625,000 the following year, and $27,273,000 in fiscal year 1978. Building a line through Canada will inevitably bring postponement. If an Alaska routing is not authorized, the state's contribution to the claims settlement will have to be delayed. A three-year delay would postpone the state's payments of $54,473,000 to Alaska's native peoples. With each year's additional delay, Congress will dash the hopes of Alaska's native peoples who have agreed to settle their claims. Without an Alaska pipeline, the 1971 Alaska Native Claims Settlement Act is only another piece of white man's paper.

Alaska pipeline construction will create 26,000 Americans jobs if—and only if—the line is routed through Alaska. Most of these jobs will be created in Alaska but workers throughout the West and unionized pipeline specialists from the hiring halls of Oklahoma will also earn the salaries. Canadian construction would send American money into a foreign nation to pay for foreign workers.

Alaska pipeline construction will provide 73,000 man-years of U.S. tanker construction. The President has said America's position as a maritime nation must be strengthened. Without an Alaska route, without modern American tankers built in re-vitalized American shipyards, antiquated foreign vessels whose registry puts them beyond the reach of American codes of safety and standards will continue to import oil into this nation.

SENSIBLE AUTO EMISSIONS STANDARDS URGENT

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. WYMAN. Mr. Speaker, in two Congresses I have introduced legislation

to reduce the auto emissions standards required by the Clean Air Act of 1970 to sensible levels. They are higher than public health or ecological need requires at the present time. The cost of their full implementation at this unnecessarily high level will be an enormous waste of energy and money. It will also unreasonably burden the motoring public and the automobile industry with expensive gadgetry the net effect of which will be to cause the 1975–76 automobiles to run inefficiently and cost hundreds of dollars more per car.

Even in California with the air inversion problem in Los Angeles, the California Assembly has not required anything like the 96 percent pollution free standard now in the Federal law. In many parts of our country there is, in truth, no auto emission pollution problem that has any meaningful relation to public health. To require the cars in such locations to adhere to a standard that will see cars get as little as 8 miles to the gallon and cost as much as $500 more for emissions controls, is wrong.

Oil is in short supply in this country. There rages currently a great debate about how to improve our energy supply, to lessen the escalation of domestic energy demand, to do something to counter the specter looming before us of permanent imbalance in our balance of payments as we must pay billions of dollars more each year for foreign oil. Yet if the presently required emissions standards are persisted in, cars in 1976 in the United States will for that reason alone consume as much as 3 million barrels of oil more each and every day. This is the equivalent of what we hope to get from Alaska's entire North Slope when the pipeline is completed. It is a terrible waste of energy. It is up to Congress, the people's representatives, to take action now to prevent this prospect from occurring.

In this connection I commend a reading of the lead article in today's Wall Street Journal, pointing out that no less than the Environmental Protection Administrator and the National Science Foundation both acknowledge that the Federal standards presently in the law go beyond what is necessary to protect the public health. Sensible auto emissions standards are urgently needed now.

The Wall Street Journal article and the amendment follow:

[From the Wall Street Journal, Apr. 12, 1973]

AUTO MAKERS ARE GIVEN DELAY IN EXHAUST RULES, BUT MAJOR BATTLES LOOM

(By Seth Lipsky)

DETROIT.—The federal government has given the auto industry more time to clean up its engines, but the Great Clean Air Battle is far from over. Paradoxically, the moves by the Environmental Protection Agency yesterday set the stage for a battle in Congress to scale down the cleanup problem that the auto makers face.

Even before yesterday's decision by EPA Administrator William D. Ruckelshaus to delay 1975 standards for one year while setting tough interim standards the auto makers had decided to take their case back to Congress to win more basic concessions than the EPA is allowed to give.

Top auto-company executives have already started to make the rounds quietly in Washington to line up support from the White House and influential lawmakers. The oil industry, whose stake in the battle is as big as Detroit's, has been corralled to join the massive public-relations and lobbying battle. Shareholders, auto dealers, parts suppliers and just about anyone who might be able to pressure Congress are being recruited. Even the auto makers' arch rival, the United Auto Workers Union, is being solicited to join the campaign and to go far beyond the tentative support the UAW already has given.

A TOUGH FIGHT

But getting the law changed, in the view of strategists on all sides, may be far tougher than the just-finished battle for more time from the EPA. The reason: The changes the auto makers want are so far-reaching.

Detroit's top demand is for a sharp reduction in 1976 standards that require nitrogen oxides to be almost completely removed from auto exhaust. The auto makers would also like some modifications in the 1975 standards that require near-elimination of hydrocarbons and carbon monoxide from auto emissions. Although Detroit has made important progress to meet these standards and now has an extra year to comply with the law, auto makers aren't happy about the prospects of going far beyond what they believe is needed to provide a healthy atmosphere—at what they consider onerous costs for them in capital outlays and for the public in higher car prices and poorer gasoline mileage and performance.

Beyond these basic changes, the auto makers also want more flexibility in their technical approaches to cleaner air and permission to phase in pollution-control devices on only one part of their total model lineup at a time. In addition, the manufacturers seek less responsibility for the performance of government-required cleanup devices after the cars are sold. And Detroit wants the EPA, not Congress, to set specific pollution limits.

UNREASONABLE DEMANDS?

These demands seem unreasonable to the congressional authors of the 1970 Clean Air Act amendments that specifically told the auto makers what to do. Sen. Edmund Muskie, author of the 1970 amendments, now threatens to call for tougher legislation, not compromises, that would specify the design of engines, not just performance levels. And California Sen. John Tunney, apparently despairing that Detroit can or will clean up conventional engines sufficiently, is pushing a bill that would use federal funds for research and development of a less polluting power source within three years.

The environmentalists' pressure on legislators is increasing. "We'll be prepared to wage as vigorous a campaign as has ever been waged by environmentalists on any issue," says Michael McCloskey, executive director of the Sierra Club, a big environmentalist group. The club is already campaigning against the auto and oil companies.

Instead of a total victory for either side, some observers believe that the more likely outcome is a compromise, reached after what one emissions expert in Detroit calls "a protracted public negotiation"—one that could take several years and would undoubtedly involve some face-saving for all sides.

CONFIDENT OF CONCESSIONS

But the auto makers are confident of getting concessions. For one thing, the National Academy of Sciences, in a report on auto pollution, "strongly urges an early and thorough reexamination" by Congress, the EPA and the academy itself of "all aspects of motor-vehicle pollution standards" set in the 1970 act.

Also, a federal appeals court, in forcing the EPA to reconsider its original rejection of Detroit's bid for a one-year delay in the 1975 standards, stressed that environmental and health gains must be weighted against economic costs in arriving at controls.

Furthermore, the auto makers picked up a valuable ally yesterday in their attempt to change the 1976 standards. EPA Administrator Ruckelshaus urged Congress to look into possible relaxation of those standards because, in the EPA's view, the health risk associated with nitrogen oxides "no longer supports" the sharp reductions of this pollutant dictated by the Clean Air Act.

Ironically, Detroit's legislative battle may be helped by Mr. Ruckelshaus' decision to set stiff interim standards. These require that 1975 models go halfway toward meeting the final goals for hydrocarbons and carbon monoxide. This requirement applies to all parts of the country except California, where auto makers must go two-thirds of the way. Observers think that Detroit may be helped because instead of giving the auto makers a clear-cut victory of a year's delay, the EPA gave the manufacturers a mixed bag that included requirements about which they could argue.

General Motors reacted quickly to the interim standards, denouncing them as "most difficult to attain" and hinting at a formal protest. Ford went further, casting doubt on be helped by Mr. Ruckelshaus' decision to set whether it could meet all the interim rules. There was speculation in Detroit that one or more of the auto makers might go to court to appeal the EPA ruling. Protests or a court battle would only underscore Detroit's arguments to lawmakers that the basic rules need to be changed.

But the auto makers aren't leaving anything to chance. Their massive campaign to get the law changed moved into high gear right after the outcome of the 1972 presidential election became reasonably certain. GM sent its president, Edward N. Cole, to tell the American Petroleum Institute that Detroit would require very costly refining changes in gasoline if it hoped to use its most promising emissions cleanup device, the catalytic converter; this device is "poisoned" by lead in gas. The big oil companies quickly jumped behind a later proposal by Chrysler that standards be relaxed to the point at which the job could be done without catalysts.

The oil industry later responded to the threat of having to supply unleaded gasoline by beginning a major advertsing campaign arguing for relaxed clean-air standards. Mobil Oil warned of a "$66 billion mistake." Detroit now is counting on the petroleum lobby for help in the fight to get the law changed.

Shortly after the election, Detroit's weak industry group, the Motor Vehicle Manufacturers Association, began asking the powerful National Automobile Dealers Association to take some of the burden in lobbying on Capitol Hill. "You wouldn't believe the pressure we're under," one staff member of the dealers' group says.

Privately, the top auto brass began making trips to Washington to plead their case. Chrysler's chairman, Lynn Townsend, went straight to the White House to seek help from a top Nixon assistant, John D. Ehrlichman. Later, Mr. Ehrlichman, the President's domestic-affairs assistant, told a Detroit news conference that some aspects of the Clean Air Act don't make "common sense" to the White House. Detroit brass was gleeful, whether or not the Townsend visit had prompted the statement.

The auto industry also began making public moves, including stepped-up speechmaking. For example, Ford began sending executives into middle-size cities around the country in a carefully planned campaign calling for changes in the Clean Air Act.

The prospects are that such tactics by the industry will increase now that the EPA has made its decision. The call for changes in the law will come in a "rising crescendo," according to an executive at GM, which will probably take the lowest profile among the Big Three. And so far the tactics have brought some results that are encouraging, even a little surprising to Detroit.

The UAW, which some sources says top auto executives have asked directly for help, wrote Mr. Ruckelshaus and asked the EPA to recommend to Congress what the difficult nitrogen-oxide standard should be changed to, in light of the contention that measurements that led to the current standard seem "faulty."

Sen. Philip Hart, the Michigan Democrat who has been so hostile to the big auto companies on pollution and other questions, publicly called for a reexamination of the clean-air standards; he also sided with the auto makers in their bid to win a year's delay from Mr. Ruckelshaus. One auto-company staffer called it "a fantastic, unbelievable switch." Opponents said Sen. Hart "caved in."

But indications are emerging that Detroit will run into much more resistance when it starts to deal with the other key Congressmen it will have to woo to win changes in the law. The main figure is Sen. Muskie. Both privately and publicly, the Maine Senator and his aides have been posing tough basic questions that auto makers don't want to answer—and apparently haven't yet answered to anyone's satisfaction. The questions: What is the industry "willing to *commit* itself to do"? When will it commit itself to do it? And what guarantees is it willing to give the public?

When Leon Billings, a Muskie aide, asked those questions in an address to a meeting of about 50 top Ford executives in Washington last week, Henry Ford II, the firm's chairman, reportedly winced. Senate staffers say they will be asking those same questions at hearings likely to be held to take another look at the Clean Air Act.

All the Big Three auto makers have proffered suggested standards. But they are more in the nature of interim limits acceptable to Detroit and are far less strict than the levels called for by the law for the middle and late 1970s. Their attraction to Detroit is that they don't require catalysts, except in California, and Chrysler's proposals don't even go that far.

The proposals aren't apt to satisfy either the environmentalists or the key Congressmen. And congressional environmental hawks seem to be losing patience with Detroit. Sen. Muskie's staffers argue that "we are at the level with the air-pollution issue where we're outside the technical bickering." The debate will be over policy.

Some sources have suggested the only way to get Detroit to develop a clean engine is to legislate an economic penalty on cars that don't meet strict standards—what some call a "pay-to-pollute" tax. For example, a Harvard University research group, in a recent paper, recommended that a fine be levied on manufacturers of cars that don't meet certain interim standards. It also urged that the money collected be contributed to a fund to speed development of low-polluting automotive technology.

Those who want to keep the maximum pressure on Detroit in the clean-air battle oppose the auto industry's desire to have the law changed so that an administrative body would set the specific pollution limits, rather than Congress. "Congress would be out of their damned minds if they change the structure of the law," one expert in the field says. An administrative body would be more readily susceptible to White House pressure, he says worriedly.

The health effects of auto pollution remain a question of considerable controversy. The auto companies contend that the current standards are stricter than necessary to protect health and that the air is getting cleaner as newer cars replace old smokers on the roads. But no one seems to agree on what the health standards should be. And the absence of such agreement will continue to fuel the clean-air controversy.

H.R. 4313

A bill to amend the Clean Air Act to modify the emission standards required for light duty motor vehicles and engines manufactured during or after model year 1975

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202(b)(1)(A) of the Clean Air Act is amended by striking out "reduction of at least 90 per centum from emissions of carbon monoxide and hydrocarbons allowable under the standards under this section applicable to light duty vehicles and engines manufactured in model year 1970." and inserting in lieu thereof "reduction of at least 90 per centum from the estimate of the average emissions of carbon monoxide and hydrocarbons which would have been emitted from light duty motor vehicles and engines manufactured during model year 1970 had such vehicles and engines not been subject to any Federal or State emission standard for carbon monoxide or hydrocarbons. Such estimate of the average of emissions shall be determined by the Administrator under regulations.".

NATIONAL LIBRARY WEEK AND THE NIXON ADMINISTRATION—WATCH WHAT THEY DO, NOT WHAT THEY SAY

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. WILLIAM D. FORD. Mr. Speaker, I would like to join my colleagues in observing the week of April 8–14 as National Library Week. Libraries are one of our most important educational resources. They are in effect the backbone of our entire educational system.

I find it somewhat perplexing, however, to read President Nixon's statement launching this annual observance, wherein he states—

I ask all Americans during this special observance to share generously in the support of our libraries and to make the fullest possible use of the rich treasures they possess.

I find this perplexing because I recall the fact that this is the "watch what we do—not what we say" administration, and because it is quite apparent that while the President is saying all these nice things about libraries, he is simultaneously slamming their doors shut—by withdrawing millions of urgently needed Federal dollars from them.

Mr. Speaker, since the days of Abraham Lincoln—our first Republican President—books have symbolized the self-made man in this country. Libraries have traditionally been one of the most valuable and useful tools of self-improvement. So it is even more perplexing that the President has decided to destroy Federal library programs at the very same time that he is urging all Americans to do more for themselves.

Since the Library Services Act was enacted, Federal funds have made library services available to more than 17 million people for the first time. In 1956, when this program was established only six States provided grants-in-aid to localities for the support of public libraries. Today there are 44 States which provide such funds, and nearly every American citizen is in a library service area.

Since 1965, when we passed the Elementary and Secondary Education Act, the Federal Government has been helping over 60,000 public and private elementary and secondary schools purchase books, films, and other educational materials.

Now President Nixon proposes to wipe out title II of the Elementary and Secondary Education Act, which provided $90 million in school library resources during fiscal year 1972. He proposes to discontinue funding title II of the Higher Education Act; which last year provided $15.7 million for college library resources, training and research; and he wants to eliminate three titles of the Library Services and Construction Act, which last year provided nearly $60 million to public library services and construction and interlibrary cooperation.

Mr. Speaker, while the advertising relations office grind out publicity statements for public consumption which praise our libraries, his boys in the backroom of the Office of Management and Budget are working overtime to kill federally supported library programs—by reducing Federal aid from $165 million to zero.

To this administration I can only say, "what you do speak so loudly that I cannot hear what you say."

CONGRATULATIONS TO THE STAR-LEDGER

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. RODINO. Mr. Speaker, since the merger of the Newark Star-Eagle and the Newark Morning Ledger into the Star-Ledger almost four decades ago, I have been a constant and satisfied reader.

Through the years, this exceptional newspaper has served me and an ever-growing community with dependable news coverage, informative features, provocative editorials, and engaging sports stories.

My day is never complete until I have gone through the Star-Ledger carefully, page by page. And this ritual, I might add, becomes increasingly more time consuming as the newspaper continues to expand.

Physical bigness and large circulation figures, needless to say, are not true measures of a newspaper's greatness; the acid test is the quality of its product.

On this score, the Star-Ledger is No. 1. It has just won the best daily newspaper and best Sunday newspaper awards for 1972 in the competition sponsored by the New Jersey Press Association.

The newspaper won four first place awards, including best interpretive writing, best feature writing, best editorial page layout and content, and best portrait and personality photo.

It also placed second for spot news coverage and sports pages layout and content. Third place awards were captured for enterprise writing, special column and women's pages layout and content.

Altogether, the Star-Ledger garnered more editorial and journalism awards than any other newspaper in the State.

It is comforting to know that New Jersey's biggest newspaper in size and circulation and influence is also the State's most honored newspaper—recognized by professionals for excellence in reporting, writing, page layout, and content.

ANIMAL WELFARE

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. BROOMFIELD. Mr. Speaker, anyone who has ever seen the widely publicized photos of animals caught in leghold and steel-jaw traps must admit that these traps are needlessly cruel and inhumane.

They capture an animal by its paw, crushing or breaking the leg. It usually suffers extreme pain for days before it eventually succumbs to infection, starvation, or the elements. With little expense or inconvenience we could at least require that this trapping be done as humanely and painlessly as modern technology will permit.

Recently, I reintroduced legislation which I first introduced in 1957 with Senators HUMPHREY, Neuberger, and Kefauver which would do exactly that by banning leg-hold and steel-jaw traps. Sixteen years ago our legislation was lost among thousands of other bills. For all the attention it received, it might as well have not been introduced at all.

Fortunately, times have changed. Of late my measure to prevent the unnecessary cruelty and suffering inflicted by steel-jaw traps has been the focus of growing support by environmental and animal welfare organizations. These groups have at great expense and effort brought this bill to the public's attention.

Mr. Speaker, it may be true that there is no such thing as a tender trap. Nevertheless, there are economical and effective alternatives now on the market which would immeasurably reduce the pain we inflict on hundreds of thousands of small animals. Cage devices and traps which instantly kill their victims have been on the market for some time. The latter variety is especially well suited to the task since it is available at the same price as the traps we seek to outlaw.

Mr. Speaker, the hue and cry of the opposition to the contrary, my measure would not ban all trapping; it would merely proscribe the use of an inhumane variety of traps. To the extent that trapping is still a source of recreation or commercial enterprise, it will be allowed to continue.

I mention this only because many have been misled to believe that we seek a prohibition against all trapping. Many sporting groups and sportsmen have been especially vocal in this regard. On reflection, it is apparent that this proposal is not inconsistent with the fundamental principles of sportsmanship.

Most sportsmen have a very deep and profound respect for the animals they hunt. They abide by a very rigid and self-enforced code of ethics. For example, they will continue to stalk a wounded animal regardless of the inconvenience or time which this might involve. They do so, not so much to capture their prize, but out of a desire to put an end to the animal's misery. It is this same principle which underlies my opposition to leghold and steel-jaw traps.

In a day when trapped animals are no longer a viable source of food or clothing, we who oppose these cruel devices are really asking very little. Animal furs have long ago been replaced by synthetic fibers which are lighter, warmer, and cheaper. Thus, the pelts are used almost exclusively for the production of luxury coats. If the people who wear these coats were aware of the suffering that was part and parcel of their manufacture, I doubt many would continue to purchase them.

Mr. Speaker, other nations, specifically England, Wales, Austria, and Norway have converted to humane traps. England banned steel-jaw traps in 1951 after a government study concluded that they were "diabolical devices that cause an incalculable amount of suffering."

It is probably true that man's inhumanity to man is nothing compared to man's inhumanity to animals. As Senator Neuberger said in 1957:

> A people's attitude toward the animals and other living things with which it shares a common world, is one significant measure of the people's civilization.

By that standard alone, we still have a long way to go. I only hope that one of our first steps will be the passage of my legislation to ban leg-hold and steel-jaw traps.

Mr. Speaker, at this point I would like to insert a copy of my legislation for the benefit of my colleagues:

H.R. 5917

A bill to discourage the use of leg-hold or steel jaw traps on animals in the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DECLARATION OF POLICY

SECTION 1. It is hereby declared to be the public policy of the United States to discourage the manufacture, sale, and use of leg-hold or steel jaw traps on animals in the United States and abroad.

PROHIBITION

SEC. 2. No fur or leather, whether raw or in finished form, shall be shipped in interstate or foreign commerce if such fur or leather comes from animals trapped in any State of the Union or any foreign country which has not banned the manufacture, sale, or use of leg-hold or steel jaw traps.

CURRENT LIST

SEC. 3. The Secretary of Commerce shall compile, publish, and keep current a list of States of the Union and foreign countries which have not banned the manufacture, sale, and use of leg-hold or steel jaw traps.

PENALTIES

SEC. 4. Anyone shipping or receiving fur or leather in contravention of section 2 of this Act shall, for the first offense, be fined not more than $2,000; for the second or subsequent offenses, he shall be fined not more than $5,000 and shall be sentenced to a jail term of one to three years.

EFFECTIVENESS

SEC. 5. The provisions of this Act shall become effective four years after the date of its enactment.

CONGRESSIONAL REFORM: LET US NOT STOP NOW

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. VAN DEERLIN. Mr. Speaker, with all the laudable actions of late to effect congressional reform, we may still be missing a bet or two.

A column containing some pertinent suggestions was carried last week in the San Diego Evening Tribune. Writer Ben Shore, who is based here in Washington, finds a few things still amiss about the way we run this "show"—and I am inclined to agree with at least some of the points he makes.

Why, for example, is it necessary to prohibit note taking in some—but not all—of the visitors' galleries? What is logic in telling any visitor—regardless of where he is sitting—that he cannot take pen or pencil in hand? And by whose authority are these archaic seeming rules kept in force? These strictures conceivably could have been justified on the dubious grounds of denying onlookers the opportunity to record where their congressman stood back in those days when teller votes were never a matter of record. Now that teller counts are out in the open, there is surely no solid justification for retaining this ban.

And parking. Our constituents pay the taxes—why could not a few more parking spaces be reserved for them on Capitol Hill. The House controls something like 7,000 such spaces; we should set aside a generous bloc of them for our visitors. It may well be there are some among us and our staffs who would be better off walking anyway.

Mr. Shore has some other interesting observations, and I commend his column, which follows, to all our colleagues:

LOOK—BUT DON'T TAKE NOTES—THE TALK CIRCUS: IT'S BIGGEST SHOW IN TOWN!

(By Benjamin Shore)

WASHINGTON.—The upcoming Easter school recess marks the traditional start of the tourist flood in the nation's capital.

While the sheer volume of tourists is larger each year, long-time observers have noted an even more distinct trend: increasing numbers of visitors are interested in seeing how their congressional representatives really function.

But for those tourists planning a visit to Capitol Hill, a slight warning is in order—serious visiting is not encouraged by the House and Senate.

The first inkling of this comes when citizens discover that the Congress has not pro-

vided public parking. With more tourists staying in the suburbs, and with the Washington area lacking effective mass transit, more and more visitors must rely on their cars for getting in and out of Washington.

Yet there are virtually no public parking facilities within walking distance of the Capitol, Congressional office buildings, Supreme Court and Library of Congress, which are clustered on the Hill.

But assuming the citizen finds a way to get to the Hill—and tens of thousands do each year—he quickly discovers that any serious observation of House and Senate floor and committee activities will not be easy.

He may know that the real legislative process occurs not on the floor of the two ornate chambers but in the committee rooms. Yet nowhere will a citizen find a public posting of that day's committee sessions. Reporters and lobbyists who work here know that a list appears in tiny print somewhere in each morning's newspaper, but most visiting citizens don't know that.

If a tourist heads for the House or Senate chambers to observe debate, doorkeepers tell him that he cannot enter without a pass from his representative or senator.

The pass, which is free, is nothing but a gimick to force the tourist to report in at his congressman's office, get the warm smiles and friendly greetings that can pay off at reelection time, and sign the guest register that is used to expand the congressman's mailing list.

Now the citizen returns to the gallery to watch the House or Senate debate and vote on legislation. But if he takes out a pad and pencil to make some notes on who is saying what or how they are voting, an eagle-eyed attendant will rush over and admonish him for violating congressional rules against notetaking in the public galleries.

The citizen need not waste his breath pointing out that people in the press galleries, the staff gallery and the congressmen's own VIP guest gallery are permitted to take notes, or that, in the Senate, people in the Vice President's VIP guest gallery may write. Seems the Congress just doesn't feel comfortable letting the masses take notes.

These may seem like small obstacles, but there are many citizens who come to Capitol Hill with a serious desire to study the functioning of their elected representatives. They are quick to sense the deliberateness of these petty regulations. Which tend to perpetuate the public impression that legislators don't like being watched too closely by just anyone.

SHOULD THERE BE A LEGAL SERVICES CORPORATION? BY ALL MEANS

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. ERLENBORN. Mr. Speaker, in yesterday's Evening Star and Daily News, columnist James J. Kilpatrick succinctly told us why Congress should create a National Legal Services Corporation. I commend his article to our colleagues:

CONTINUE LEGAL SERVICES? BY ALL MEANS

(By James J. Kilpatrick)

There are times, sad to say, when American conservatives appear to constitute "the stupid party," as John Stuart Mill once labeled their British counterparts a century ago. By their failure to give active support to a continuing program of legal services for the poor, my brother conservatives are abandoning their principles and exhibiting a dull-wittedness that makes a man despair.

Of course a legal services program should be extended! Let the Congress, if it pleases, scrap everything else that has been funded through the Office of Economic Opportunity. Let the administration, if it can dismantle a hundred boondoggling, paper-shuffling programs of grants-in-aid. But in one form or another, the Neighborhood Legal Services must be maintained.

Chiseled in stone above the great white columns of the U.S. Supreme Court are four famous words: Equal justice under law. No concept in our public life is nobler and no concept has been more poorly served. The grim truth is that for all practical purposes, we still have two systems of law in this country, one for the rich, another for the poor. Every newspaperman who ever has covered the small claims and criminal courts of his city knows this is so.

Granted, much has been done in recent years. Indigent defendants, even in serious misdemeanor cases, now have a right to counsel. Bail reform has remedied some of the most flagrant evils of the criminal justice system. Since 1965, the federally assisted legal services program has greatly benefited the poor in areas of civil litigation. Now this civil program—a program seeking to promote equal justice under law—is threatened with abandonment. Conservatives. dedicated in principle to this elementary proposition, ought to be in the forefront of a fight to push the cause along.

But where are they? They are grumbling that in recent years the program of legal services has been abused. Doubtless this is true. It would be incredible not to discover abuses in a program involving 2,500 lawyers in 900 neighborhood law offices.

But these occasional abuses, while serious, have been few. Viewed on the whole record, the legal services program has helped to foster a sense of confidence not only in the courts, but also in what is known vaguely as "the system." In a message two years ago, urging creation of a wholly independent Legal Services Corporation, President Nixon made that point: "This program can provide a most effective mechanism for settling differences and securing justice within the system and not on the streets."

Unhappily, Nixon now seems to be dragging his heels. The present $70 million program is to expire in June, and nothing is yet in sight to take its place. It would be calamitous to let the concept go. As a recent report from the General Accounting Office made clear, the great bulk of case-work by the NLS lawyers involves legal problems arising from housing, domestic relations, employment, and consumer grievances.

What is needed—and needed promptly—is a bill to create an independent legal services corporation, generously funded, with authority to provide essential representation for the poor. Such a corporation should have backup facilities for research. It ought not to be denied a hand in "law reform." Neither should it be prohibited from bringing the class actions that often provide the most effective remedies at law.

Conservatives should back such a bill, in the full awareness that from time to time they will be irritated, harassed, and outraged by the "zeal and adrenalin." Mistakes will be made. Incidents of bad judgment can be expected. But if we truly believe in equal justice under law, we ought not to be deterred from supporting an effort to make those words in stone something more than an empty phrase.

URBANOMICS REPORT DETAILS FONTANA PLANTS' AREA IMPACT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. BROWN of California. Mr. Speaker, one of the major employers in California's 38th District, which I represent, is Kaiser Steel of Fontana. In fact, the role which Kaiser plays in the economic life of the 38th District is probably much larger than most people in the area realize. I would, therefore, like to insert in the RECORD at this point a brief article from the Ingot, a publication of the Kaiser Steel Corp., which describes the impact Kaiser has on our local economy. I believe the information in this article deserves wider circulation than it has received, and I hope that printing it in the RECORD will help give it that circulation. The article follows:

URBANOMICS REPORT DETAILS FONTANA PLANTS' AREA IMPACT

The nearly 9,000 employees at Kaiser Steel's Fontana plants had an annual payroll of over $90 million in 1971, the company spent $114 million for materials and supplies, paid $9.6 million in taxes to San Bernardino and Riverside counties, and, in total, added $271.4 million in direct expenditures to the Southern California economy.

These facts are a few of the highlights of a comprehensive study of Kaiser Steel's economic impact on Southern California, introduced late last month by Dr. Gerhard N. Rostvold of Urbanomics Research Associates.

At a meeting March 26 in San Bernardino of government officials and business leaders, Dr. Rostvold unveiled the 116-page major research project titled, "The Employment, Income and Spending Habits of Kaiser Steel Corporation-Fontana on the Southern California Economy."

"This study is the most thorough and comprehensive analysis of a company's economic impact on its local community that my organization has ever produced, and probably the most detailed in my experience," Dr. Rostvold said. "Frankly, we have been surprised at the magnitude of this one company's economic significance to the Southern California economy."

FIRST SUCH STUDY

Kaiser Steel officials said that this is the first comprehensive study of the company's total economic impact to be undertaken in its 30 years of steelmaking and steel fabricating operations.

The report, which was commissioned in July, 1972, analyzes a large volume of data, mostly from the company's 1971 operations. It deals with the employees, their residence pattern, their importance to the economy of their communities and the many ways in which the operations of the steel plant and nearby fabricating plants contribute directly to the local economy.

After a detailed analysis of the impacts and expenditures that come directly from the Fontana-based operations, the report discusses the indirect or "induced" economic impacts. Dr. Rostvold defines these as the jobs, payrolls, spending, and investment, not directly related to Kaiser Steel, which are created in the area as a result of the company's economic contribution.

He stated, "The Fontana plants support more than 17,500 non-basic (service) type jobs in local communities, and support ap-

proximately $124 million of non-basic payrolls each year."

Totaling the primary and induced impacts, the report concludes that Kaiser Steel-Fontana facilities have a total impact of at least 25,000 jobs, annual payrolls totaling $216 million, and annual household spending of $164 million.

ANDERSON AMENDMENT WOULD HELP EASE POLLUTION CRISIS

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. COUGHLIN. Mr. Speaker, the Federal-Aid Highway Act of 1973 will soon be considered by the House. As the Congressman from an urban area, I strongly support the amendment to be offered on the floor by the Honorable GLENN ANDERSON of California, which would allow flexibility in the use of $700 million of urban system funds from the highway trust fund for either bus or rail capital programs or for highway-related purposes.

If this legislation were enacted, it would contribute significantly to the alleviation of traffic congestion in our major cities. In doing so, it would help to reduce the problem of air pollution which plagues our urban areas.

The critical nature of the environmental problem was confirmed when William D. Ruckelshaus, Administrator of the Environmental Protection Agency, recently announced that at least 26 metropolitan areas in this country will need to curtail motor traffic in order to comply with the air quality standards prescribed by the Clean Air Act Amendments of 1970. I am particularly concerned that Philadelphia, a part of which is in my own congressional district, was among the 26 cities named.

Even prior to Mr. Ruckelshaus' announcement, Philadelphians and Pennsylvanians, in general, were involved in studying ways to reduce center-city pollution. As the following editorial from the Philadelphia Inquirer of January 22, 1973, will explain, an increase in mass transit ridership is envisioned as the primary means through which this goal could be achieved.

The Philadelphia Inquirer, I might add, has been a long-time supporter of the principle to allow urban areas flexibility in the use of urban system funds. It endorsed the local option concept both this year and last. I commend this paper for its foresight in recognizing the significant benefits which would be reaped if the Anderson amendment were adopted. Its passage would not only contribute significantly toward reducing urban pollution, but it also would be a giant step forward in providing our country with the type of revitalized and balanced transportation system it so urgently needs.

Following is the text of the Philadelphia Inquirer editorial:

ENLIST MASS TRANSIT AID IN FIGHTING AIR POLLUTION

Philadelphians who noted with casual interest the Federal warning that auto traffic in Los Angeles may have to be drastically reduced by 1977 to meet air pollution standards should not get the idea it couldn't happen here.

It could.

And if 1977 seems a long way off, the moment of decision is almost at hand. Pennsylvania, as every state, must submit to the U.S. Environmental Protection Agency by Feb. 15 a plan to meet carbon monoxide air quality standards by 1977. The Pennsylvania Department of Environmental Resources will hold a public hearing Jan. 30 on its plan for Philadelphia.

Motor vehicle exhausts are, of course, the source of carbon monoxide—so the basic question is how to reduce exhaust fumes in areas of high traffic density.

The arithmetic for Philadelphia, although not nearly as bad as for Los Angeles, is discouraging nonetheless. Current carbon monoxide emissions in the center-city business district are calculated at 25,240 tons a year and must be reduced about 70 percent, to 7,440 tons, by 1977.

Emission control devices on auto exhausts, to comply with Federal mandates, will cut emissions to 9,720 tons by 1977. The additional reduction of 2,280 tons must be achieved in some other way.

A 36 percent increase in mass transit ridership is the core of the state's plan for Philadelphia. Also proposed are state inspection and maintenance requirements for exhaust control devices that would reduce emissions even below limits mandated by the Federal Government.

How to get motorists out of their automobiles and into mass transit is the challenge. State proposals include these excellent ideas:

Exclusive bus and trolley lanes on center-city streets connecting directly with downtown railroad and subway stations.

Exclusive bus lanes on outlying streets of city and suburbs for feeder lines to railroad and subway stations.

Exclusive bus lanes from outlying areas into center city so persons who don't use rail transportation will be encouraged to use buses rather than their automobiles.

More parking facilities at rail stations.

Completion of the center-city rail tunnel by 1977, which would more than triple the capacity of the 12 Penn Central and Reading commuter lines—from 25,000 to 85,000 riders an hour.

Exclusive bus lanes, since they would eliminate right-hand turns by automobiles, would require major changes in center-city traffic patterns.

Air Management Services, an agency of the Philadelphia Department of Public Health, has a plan that, like the state's, would place major emphasis on development of mass transit. AMS would be more direct, however, in discouraging auto commuting to center city by imposing a special tax on autos arriving in off-street parking facilities before 9:30 A.M.

Even if there were no air pollution problem, mass transit improvements would be essential to relieve traffic congestion. SEPTA has long proposed virtually all of the mass transit projects that the state now endorses—but has lacked funds to implement them.

Ironically, air pollution from auto exhausts could prove to be a blessing in disguise if it awakes the nation, at least, to long neglected urban mass transit needs. And it becomes more essential than ever that the fight be won in Congress this year to make U.S. highway trust funds available for mass transit purposes.

WHEELMASTER DAY

HON. PAUL S. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. SARBANES. Mr. Speaker, on May 17 the Safety First Club of Maryland will celebrate its 17th anniversary of service to the citizens of Maryland. Founded in 1965, the Safety First Club is dedicated to improving highway safety and reducing the number of traffic accidents and fatalities. To accomplish these goals, the Safety First Club has emphasized the importance of traffic safety to our youth, and rendered valuable community service by conducting safety programs, campaigns and activities aimed at making people more aware of the need for highway safety.

I am particularly pleased to note that the "Leader in Lifesaving" award of the Safety First Club, will be presented to the University of Maryland's Center for the Study of Trauma, located in Baltimore in tribute to its remarkable record in treating traffic victims and other patients with multiple, life-threatening injuries. Mr. Speaker, last year in the State of Maryland alone, 800 people lost their lives as a result of highway accidents. I believe that concerned citizens groups, like the Safety First Club of Maryland, can help to prevent this tragic death toll on our highways and I strongly commend its efforts. I believe the Members will be interested in the following resolution paying tribute to the Safety First Club of Maryland which was recently adopted by the Maryland General Assembly and signed by the Governor.

The resolution follows:

WHEELMASTER DAY

Whereas The Safety First Club of Maryland, a non-profit citizens' organization, has been crusading since 1956 for safety on our streets and highways; and

Whereas The organization's major objectives are to help reduce traffic fatalities; Stress the importance of traffic safety among our youth; Work for the passage and enforcement of statutes aiming to reduce our tragic traffic toll; and give proper recognition to the deserving for attainments in the field of traffic safety; and

Whereas The Safety First Club believes that traffic supervision and control being in the sphere of duly-constituted experts and authorities; but, nevertheless, such groups as the Safety First Club of Maryland can render services through planned and consistent safety programs, campaigns and activities aimed at helping to reduce our mounting toll; and

Whereas The Safety First Club of Maryland will feature the theme, "How To Protect Ourselves Against Air Pollution" at the organization's 17th Anniversary Wheelmaster Banquet to be held May 17, 1973 at the Emerald Gardens.

Whereas As one of the highlights at its 17th Anniversary Banquet to be held on May 17, 1973, the Safety First Club of Maryland will be the presentation of a "Leader in Lifesaving" Award to University of Maryland's Center for the Study of Trauma, in Baltimore, Maryland, in tribute to its remarkable record in treating traffic victims and other patients with multiple, life-threatening injuries; and

Whereas The seriousness of the traffic problems tragically emphasized by the fact that 800 persons lost their lives on Maryland's highways during the year of 1972;

Be it therefore resolved that May 17, 1973 is declared "Wheelmaster Day" in tribute to the services being rendered by the Safety First Club of Maryland to help reduce traffic injuries and fatalities. Citizens throughout the State are urged to join the Safety First Club of Maryland in its "Crusade for Safety" to protect their lives, their dear ones, their neighbors and their fellow Americans.

ASPIN URGES BEEF UP OF OIL IMPORT APPEALS BOARD

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. ASPIN. Mr. Speaker, despite requests for the importation of oil by oil refiners and distributors for more than 1 million barrels of oil per day, only approximately 170,000 barrels per day have been approved by the Oil Import Appeals Board according to official statistics provided to me.

I am urging Interior Secretary Rogers C. B. Morton today to immediately beef up the staff of the Oil Import Appeals Board to increase imports in order to alleviate this summer's rapidly approaching gasoline shortage.

Many of my colleagues may not know that the Oil Import Appeals Board has not acted on many of the approximately 250 requests to increase imports because the board is terribly understaffed.

On March 23, President Nixon issued a proclamation allowing the Oil Import Appeals Board to increase the imports of any oil refiners and distributors who are facing an emergency situation. At present, gasoline supplies are more than 20 million barrels lower than a year ago and gasoline shortages in various parts of the country are already developing.

Despite the President's public relations flourish about increasing oil imports, the Appeals Board has only two professional staffers and three part-time board members who cannot possibly process approximately 250 requests to increase imports.

For instance, according to the Oil Import Appeals Board statistics provided to me, of 33 requests seeking 300,000 barrels per day, of crude oil, the Board has only been able to approve six petitions allowing an extra 55,000 barrels per day into the United States.

The Board has been able to act on most of the 124 petitions seeking gasoline. But instead of allowing the importation of 325,000 barrels per day as requested, the Board is allowing only 61,000 barrels per day.

There is a need to dramatically increase the amount of petroleum products being imported into the United States to alleviate this summer's gasoline shortage and the Board must act now to ease the crisis.

I suggested to Secretary Morton that he send a special team of lawyers and investigators to the Oil Import Appeals Board to process all applications as quickly as possible.

While I do not believe that every single petition should be granted by the appeals board, each one should at least be acted upon as quickly as humanly possible.

APRIL 11, 1973.

Hon. ROGERS C. B. MORTON,
Secretary of the Interior,
Department of the Interior,
Washington, D.C.

DEAR MR. MORTON: According to the information provided to my office, the Oil Import Appeals Board has approved approximately 170,000 barrels per day of special allocations, although requests for new allocations total more than 1 million barrels of oil per day.

I also understand that in addition to the Board's three part-time members, only two full-time professional employees are assigned to the agency. Apparently, the Oil Import Appeals Board has not acted on many of the approximately 250 requests for increased imports because the Board is terribly understaffed.

President Nixon's March 23rd proclamation allowing the Oil Import Appeals Board to increase the imports of any oil refiners and distributors who are facing an emergency situation was an important step forward. With gasoline supplies more than 20 million barrels lower than a year ago, and with gasoline shortages in various parts of the country already developing, more action is necessary *now* to increase imports.

Apparently the Board's slow action and understaffing is the result of sheer bureaucratic stupidity. In view of the current emergency, this situation must be corrected, immediately. There is a need to dramatically increase the amount of petroleum products being imported into the U.S. to alleviate this summer's gasoline shortage and the Board must act now to ease the crisis.

One possibility might be to send a special team of lawyers and investigators to the Oil Import Appeals Board to process all applications as quickly as possible. While I do not believe that every single petition should be granted by the Appeals Board, each one should at least be acted upon as quickly as humanly possible so that a serious gasoline shortage can be avoided this summer and necessary stocks of fuel oil can be accumulated for next winter.

Sincerely,

LES ASPIN,
Member of Congress.

SENIOR CITIZENS

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. McKINNEY. Mr. Speaker, I sometimes believe we live in an age of Euphemisms. Many labels and characterizations are so overused that they soon become more well known than those which they were intended to euphemize. How many people, I wonder, would like to be just known as a person rather than a conservative, a liberal, a hippie or a senior citizen?

Recently, the YMCA of Westport, Conn. opened the "Bedford Room for the Elderly" and to mark the occasion, Parke Cummings authored a tribute to those who would enjoy the facilities. I would like to share Mr. Cummings' prose with my colleagues today, not only for its literary value, but for the message it contains. I think in light of my initial comment, we all may find it of interest.

The tribute follows:

SMILE WHEN YOU CALL ME A SENIOR CITIZEN

(By Parke Cummings)

God bless us all plus sixty-five;
Long may we live, long may we thrive.
Long may our praises fill the air
For Medicaid and Medicare.
Whatever good or ill befall us,
Just what, I ask, should people call us?
Senior citizens? I claim
That makes us sound too prim, too tame,
Too tottery and muttery,
Too fossilized and stuttery.
In talking geriatrical
Let's make it more theatrical.
And so let's try these on for size
"Maturing dolls" or "grizzled guys."
To tell the truth I'd just as soon
Be labeled a "decrepit goon."
Nor would I even hesitate
To be an "aging reprobate."
As for a feminine old-timer
Let's say that she's a sweet "post-primer"
An "elder Moll," a "golden flame,"
Or call her a "retreaded dame."
Yes, let's sound young and swingy-er,
A lot more ringy-dingy-er,"
And as for "senior citizen,"
Don't let me hear those words again.

"MISS HOPE" OF PENNSYLVANIA

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. GAYDOS. Mr. Speaker, it is with great pride I call the attention of my colleagues to a young woman from my 20th Congressional District who has been selected Miss Hope of 1973 by the Pennsylvania Chapter of the American Cancer Society—Miss Cecelia A. Evans.

Miss Evans, a daughter of Mr. and Mrs. Cyril B. Evans, resides in West Mifflin, Pa., and is the second young lady from that community to achieve recognition by the American Cancer Society. Last year, her friend and neighbor, Miss Gerri Wasilisin was chosen "Miss Hope" of Allegheny County.

The title of "Miss Hope" is not an empty one. It involves a great deal of personal sacrifice in that the holder must travel throughout Pennsylvania, launching local cancer crusades, representing the society at public appearances and addressing professional groups in the field of health. As the "spirt of hope," which symbolizes the American Cancer Society's educational effort, Miss Evans will try to inform as many people as possible about the lifesaving facts of this dread disease, offering assurances that someday it will be cured and conquered.

Miss Evans, who is employed at the Pittsburgh Poison Center in Children's Hospital, is a graduate of St. Peter's High School in McKeesport and the Pittsburgh Hospital School of Nursing. She entered the profession, she explains, because it affords her the opportunity to find a cause I can attend with heart and soul. Involvement with other human beings places me in a situation in which I find it possible to give of myself."

Mr. Speaker, Miss Evan's dedication to her profession, her compassion for people, and her earnest desire to help

others makes me extremely proud to serve as her Representative in the Congress of the United States.

INDIANAPOLIS, IND., LSO INVOLVEMENT IN PARTISAN POLITICS

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. LANDGREBE. Mr. Speaker, I would like to submit a letter written by Judge John L. Niblack of the Marion Circuit Court, 19th Judicial Circuit, State of Indiana, to the local paper in Carmel, Ind.

Judge Niblack's letter provides an example of how OEO-funded legal service programs lawyers violate the Hatch Act while they neglect the legal needs of the poor.

I insert Judge Niblack's letter in the RECORD:

JANUARY 18, 1973.

"VOICE OF THE PEOPLE,"
North Side Topics,
Carmel, Ind.

DEAR SIR: I see a suit was filed in Federal Court to upset the patronage system of the two political parties of this State by three employees in the Department of Instruction, two of whom are Democrats and one not listed as to political party. In the election last fall their boss lost out to Republican Harold Negley, who will assume his duties on March 15. Their attorney is one Ronald E. Elberger, as LSO attorney conducted the suit against the Indianapolis School Board and Tech High School authorities in the "Corncob Curtain" case. Mr. Elberger prevailed on Judge Steckler to overturn the school ban on obscene papers that the students of Tech were publishing.

Mr. Elberger, a recent import from the East where he was prominent in such cases for the Office of Economic Opportunity, has conducted most of the LSO attacks on established government in this State in the past two years. He has sued Judge Joseph Myers of Municipal Court One, Judge Rufus Kuykendall of Superior Court Six, the Indianapolis School Board, the Attorney General of the State of Indiana, the State of Indiana itself, prison officials of the State and now is attacking the two-party system through Federal Court.

The two-party system in America may not be perfect, but it is a lot better than the system in Russia where the Government hands out a list of candidates and you vote "yes or no" with a soldier standing just outside of the voting booth. The life blood of the party system is party members holding minor positions in various public offices from Township to National level. They are the ones who man the precincts, register the voters, get out the vote, get up at 5:00 A.M. on a cold day to open the polls and generally see that the party functions. When their party goes out of office they should go out of office and the other party take over. That way the public can benefit by changing their public officials when they are not rendering good service.

We have enough of Civil Service now in this country, in my opinion a way too much. When you go in a federal bureaucrat office maybe you get some attention and maybe you will not. Some blond stenographer on Civil Service, after she disposes of her chewing gum and has found time to notice you, may ask you what you want and quite frequently refers you to some other office across town.

According to the news story, these three employees are paid $13,300.00, $13,900.00 and $5,848.00 respectively per year for their services. I do not see how Mr. Elberger and the LSO can contend they are "poor" people and in need of public funds to conduct another law suit against our established customs and institutions.

Incidentally, in all of the current strife about the County-Council refusing to appropriate $200,000.00 for the year 1973 to the LSO, the public should be advised that the LSO will have $400,000.00 in federal money beginning the first of February to assist the "poor" in legal matters. This amount alone should be enough to take care of all such affairs for Marion County and the surrounding 25 Counties.

JOHN L. NIBLACK,
Judge, Marion Circuit Court.

LIBRARY FUNDING AND AN OUTSTANDING LIBRARIAN

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. CULVER. Mr. Speaker, this week is National Library Week and thus an opportune time to talk about library financing. One of the principal omissions in the President's proposed fiscal year 1974 budget is in the area of library resources. The administration claims that libraries no longer need direct Federal aid and that libraries willing to lobby for revenue sharing funds can still obtain comparable Federal aid.

A recent survey by the American Library Association indicates that 20 million Americans do not have library facilities in their communities. Many of these communities are not large enough to support a library, but an expansion of library loan services or an increased number of mobile libraries could help to solve the problem. Many existing libraries, however, find these activities in conflict with their taxing and service boundaries.

Funding is an omnipresent problem because most libraries rely heavily on property taxes for financing. In many small towns there is a limited amount of money produced by the property tax, and the small allocation to libraries is not adequate to provide a diversity of materials.

Additionally, most librarians find that the majority of patrons use about 10 percent of the books. Regional library systems eliminate the need for all libraries to stock many of the other 90 percent. A regional library can supply the other books through loans, thereby freeing the use of community libraries' funds for local services. The Federal funds insure service for people who live long distances from the large libraries as well as library service for the elderly who are unable to leave their homes.

Libraries unfortunately do not command the high priorities at the local government level which police protection, fire protection, street repair, and sewer repair receive. In fact, libraries will likely receive very little in revenue sharing funds when other areas of public need compete for limited money.

There are many misplaced priorities in the President's budget. The lack of funding for the Library Services and Construction Act, which has been authorized by an act of Congress through 1976, is one such example. While I certainly agree with a reasonable budget limit for fiscal year 1974, I do not agree with many of the President's spending priorities. In my judgment, we can cut substantial amounts from the defense and foreign military aid budgets without harming our national security, and, in addition, I believe that we can increase revenues by reforming tax laws. This would enable the Federal Government to stay within a spending limit and reduce the Federal deficit while providing money for demonstrably efficient programs such as the Library Services and Construction Act, which meet the human needs of our people and, through their contribution to the improved education of our citizens, contribute invaluably to the genuine strength of our Nation.

Mr. Speaker, I have a very special legislative interest in libraries. Recently I learned of the death of my great aunt, Miss Essae Martha Culver, who served as a distinguished librarian for the State of Louisiana. This inspirational and influential family member impressed the importance of libraries upon all of us who were devoted to her.

In 1925, she became executive secretary of the Louisiana State Library Commission. At that time there was no State library and only five public libraries in Louisiana. It was her goal to build a State library and to provide a public library in each parish in the State. During her outstanding career, a State library was constructed and, by the time of her retirement in 1962, it had acquired 440,000 volumes, was processing 72,000 information requests, and was receiving $297,226 in appropriations from the State legislature.

In October 1968, she saw the project she had started 48 years before completed. The opening of the Jefferson Davis Parish Library meant that every person in Louisiana now had a library in his own parish. Not only were there more libraries, but the quality of the library services had greatly improved during her term of office. She was instrumental in the drafting of new legislation establishing qualifications of librarians and standards for a quality library program.

This most remarkable woman, like many other outstanding librarians in our country today, devoted her life to making public libraries a foremost place for persons to further their quest for knowledge and to enjoy fine literature. She knew that libraries greatly contribute to the general level of education in society.

This outstanding librarian will be remembered for generations in the improved opportunities available to the citizens of Louisiana through her work, and she will never lose her place of affection in the hearts of her family. In addition, her role and influence in her community were recently remembered in an article in the Register, the city magazine of Baton Rouge, which I insert in the RECORD at this point:

WE PAUSE TO REMEMBER—A 21-GUN SALUTE TO THE LATE ESSAE MARTHA CULVER

(By Shirley Knowles Stephenson)

The commanding image of the late Dr. Essae Martha Culver has been intensified in the minds of her numerous friends and colleagues as her accomplishments in Louisiana library development were recognized at the recent Governor's Conference on Libraries. Miss Sallie Farrell, Louisiana State Librarian, indicated that the Louisiana library systems stand as living memorials to "Miss Essae," as she was so cordially and affectionately addressed. Miss Culver never wanted to be called Doctor even though she had been granted honorary doctorates by Pomona College, her alma mater, and Louisiana State University.

Miss Culver was eagerly anticipating the Louisiana Governor's Conference, which focused attention on "Library Excellence—Louisiana's Challenge" when she developed serious respiratory difficulty. A personal invitation to attend the conference called by Governor Edwards was in the mail addressed to Miss Culver at the time of her fatal illness.

SHE WOULD HAVE ENJOYED THIS CONFERENCE

Miss Farrell deeply regretted that Dr. Culver did not enjoy the rewards of participating in the conference. For many years Miss Culver had worked with the leaders and officials of the Louisiana State Government. She had advocated holding a Governor's Conference earlier in her career as State Librarian of Louisiana.

Those who were fortunate enough to encounter and to enjoy close personal relations with the *real Essae Martha Culver* doubtless remember varied aspects of her gracious personality. Her professional achievements are historically significant to the State of Louisiana and to the present and future of American libraries and information science. She has been recognized as the First Lady of Librarianship in Louisiana. For this we salute her!

Miss Essae's leadership qualities were dynamic forces which her friends respected, honored, and treasured through association and in retrospect. She enjoyed an inner endowment which motivated her constantly and forcefully to seek the ultimate good in our society! Her artistic and cultural motivation might be compared with the forces and the inspiration which the American astronauts experienced and reported concerning their journeys through the celestial regions.

The editor of *The Register* requested that this account focus attention on the magnificent personality and tremendous talents in human relations which were reflected by Essae Martha Culver. Miss Culver's innate poise and gracious manner and becoming attire were valuable asests as she travelled throughout the state and nation. Her compelling personality was a motivating force in engaging the interests of people and cultivating friends in all walks of life. She challenged persons in various business and professional activities to devote themselves to community projects designed to improve individuals and to enrich the pattern of life in this region.

Miss Culver's creative talents in human relations were assets which the library profession recognized, appreciated and identified as hallmarks of her success! We salute Essae Martha Culver as a great and gifted librarian!

The transition from the leading professional role in library development to the figure of the revered, retired Librarian Emeritus of the Louisiana State Library required tremendous testing of human values. In making the transition to another role, Miss Essae had the support, gratification and satisfaction of an eminent career. She had an enviable zest for living, which was reinforced by the success she had enjoyed in cultivating friends and exploring new ideas, as well as developing impressive buildings and library collections in Louisiana.

CORDIAL FRIENDSHIPS CLIMATE WAS DEVELOPED

The cordial climate of friendship which Essae Culver developed with the people of Louisiana and specifically with creative figures in the artistic and literary world were treasures which she took with her into the new phase of life with more leisurely and less clock-controlled living. Her sensitivity as a hostess, her graciousness and talents in sharing rewarding interpersonal experiences led to an intensified era of satisfaction in human values. She concurred with Robert Browning in believing that, "the best is yet to be."

For Miss Essae, there developed a rennaissance of social activities. She enjoyed more relaxed contemplative moments without the demands of professional pressures. She enjoyed the personal satisfaction of closeness with friends. The Culver hospitality was expressed in her apartment in the Westmoreland area of Baton Rouge where friends encountered the truly gratifying experiences of her special gifts in human relations.

Artists, writers, friendly colleagues, community leaders in various fields and their guests were frequent visitors. A star visitor who arrived frequently and was given a special welcome was a miniature blonde poodle named "Cindy" who accompanied her fond owner, wearing a gay ribbon in her carefully brushed top knot.

FEW LIFE-LONG FRIENDS MENTIONED

Space permits identification of only a few life long friends. A brief listing of noted persons who entered her life would certainly include figures such as Lyle Saxon, Alberta Kinsey, Lois Janvier Lester, John Chase, Robert Tallant, T. Harry Williams, Caroline Durieux, Margaret Dixon, and "Pie" Dufour.

In the European manner of the grand dame, Miss Essae was at home to her friends after five in the afternoon on frequent occasions. She enjoyed the callers who dropped in to visit. The setting was enriched by Miss Culver's special interest, momentoes of her travels and her cultural pursuits. Books, silver, paintings, brass, interesting glassware and exquisite china were accessories which she used with a flair and greatly enjoyed. A certificate presented to Miss Culver attesting to her crossing of the Arctic Circle during her travels with her revered brother, Mr. Chester Culver, was a conversation piece. The cafe brulot parties which Miss Essae staged for special guests of national prominence in library service were feats of hospitality as well as exciting as extraordinary gourmet celebrations.

Miss Essae enjoyed music, drama, the arts and she had a special enthusiasm for the LSU Tigers. She attended the football games regularly until failing eyesight limited her. Even after she could see very little of the playing field, Miss Essae would attend the games using a transistor radio to keep her informed as the game progressed. She owned a golden miniature tiger mascot, which she took to the games. She stroked "Mike," cheering him and the players! For out-of-town games, listening parties were arranged and enthusiastic cheers by Essae Martha Culver punctuated the radio commentaries on the game.

HER PROFESSIONAL FRIENDS WERE, INDEED, LEGION

A roster of her professional friends would form a tome similar to *A Biographical Directory of Librarians in the U.S. and Canada.* Her colleagues understand that space limitation permits identification of only a few. Certainly Mrs. Lois Shortess, Miss Debora Abramson, Mrs. Florrinell F. Morton and Miss Norris McClellan are representative colleagues whose association with Louisiana Library Development may be traced from the early phase of Miss Culver's role as Executive Secretary of the Louisiana Library Commission.

Miss Culver enjoyed working with numerous distinguished citizens who supported library development from the era of the 1920's and 30's when Mr. J. O. Modisette served as chairman of the Louisiana Library Commission to the period of her retirement. Throughout her era of service, Miss Essae enjoyed the friendship, counsel, support of distinguished lay leaders.

Retrospectively, we recall and salute Miss Essae for her strength and courage in accepting a pioneer role in the realm of library development in Louisiana. While the library project was initially supported by a grant from the Carnegie Corporation, Miss Essae looked to the people of Louisiana for ongoing personal and professional support as she utilized the demonstration method of library development in the State. Among her treasured friends from her early days in Baton Rouge were Miss Katherine Hill, Dr. Harriet Daggett, Dr. Mary Mims, and Mrs. A. G. Reed. One of the first organizations to extend an invitation to membership after Miss Culver arrived in Baton Rouge was The Study Club. Miss Essae accepted the invitation with pleasure. She considered membership in The Study Club an opportunity to become closely associated with a number of outstanding civic minded ladies in the community. Becoming a vital member of the community was an objective which Miss Essae set for all members of the profession. She realized that the objectives of The Study Club are correlated with her personal goals in helping to create in Louisiana more rewarding cultural activities which bring enrichment to individuals and to the community. Miss Essae realized that commentaries on great books and great ideas were more gratifying and enriching than merely polite conversations on the weather.

SHE RECEIVED SHOWER OF GREETING CARDS

On the occasion of Miss Essae's 90th birthday in November of 1972, her friends planned a shower of greeting cards. The activity was such a success that the cards were the featured attraction at a small party which Miss Farrell gave to celebrate the event. An unofficial count of the signatures and cards numbered approximately three hundred well-wishers!

The last party which Miss Culver gave honored her niece, Miss Ruth Cowen of Royal Oak, Michigan at a Thanksgiving dinner held at Masson's Beach House on Lake Pontchartrain.

A Christmas celebration was scheduled to share the excitement of the season and the annual gift box from Mrs. William Culver of Cedar Rapids, Iowa, mother of Congressman John Culver, devoted nephew of "Aunt Essae." The hand of destiny prevented the realization of the holiday celebration.

Miss Culver was indeed a brilliant and forceful personality. By her stature and her personal and professional qualities, she contributed magnificent values to the social tapestry of Louisiana.

The rewards of her services will be on going aspects of our cultural heritage and will pose a compelling frame of reference for the future. We salute Miss Culver, the great lady, warm friend, inspiring citizen, distinguished pioneer and mentor in Louisiana Library Development whose role will grow in significance with the realization of the greater goals set by Governor Edwards' conference on the challenge of achieving high standards of excellence.

HIGHER EDUCATION

HON. TENNYSON GUYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. GUYER. Mr. Speaker, after much warfare, all America welcomes peace. Young Americans with their hopes and dreams at long last are looking forward to a life uninterrupted by war to the promised volunteer military and the end of conscription.

In this critical time, it is imperative that the halls of our colleges and the equal opportunity for higher education be made available to all.

Tomorrow belongs to those who are prepared for it. In keeping with this commitment to our youth, I join my colleagues in support of the important amendment to House Joint Resolution 496 which would help erase doubts of uncertainty and bring timely tuitional assistance to the youth of America. We must give them the green light now by making supplemental appropriations under the National Direct Student Loan program, the College Work Study programs, the Supplementary Educational Opportunity Grants, and the Basic Opportunity Grant program. College preparation cannot wait; plans for enrollment must be made now.

Also, I am most pleased Representative JOHN ANDERSON was able to make our bill which would restore $1.8 million for the National Industrial Equipment Reserve and provide tools for schools, an amendment to House Joint Resolution 496.

Machine tools worth $46 million are literally rusting away and some 400 U.S. schools face possible loss of $40 million in tools on free loan for vocational training purposes.

Schools in my State of Ohio have 484 items on loan from the National Industrial Equipment Reserve—NIER—valued at $2,653,809.

Troy High School, in my district, has 18 items on loan from National Industrial Equipment Reserve—NIER—which are valued at $107,488.

Tools for schools are more of an investment than a cost. It would cost our Government $3.8 million each year to store these tools; if this machinery were to be withdrawn, it would cost schools $103 million to replace the machinery.

HANOI'S HEINOUS POW TREATMENT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 12, 1973

Mr. DERWINSKI. Mr. Speaker, now that our POW's have been released by the North Vietnamese, they are quite properly discussing the treatment to which they were subjected during their period of captivity.

Statements now being made and evidence now available demonstrate total disregard of the Geneva Accords relating to prisoners of war. Columnist Nick Thimmesch, in an article in the Chicago Tribune of Sunday, April 8, very effectively summarizes the treatment of our POW's.

The article follows:

HANOI'S HEINOUS POW TREATMENT

(By Nick Thimmesch)

WASHINGTON.—Last week, I wrote that the antiwar people who went to Hanoi and came home to tell how decently the North Vietnamese were treating American POWs were strangely silent. No sooner had I written that than Jane Fonda lipped off.

"Hypocrites and liars" is what she calls the returned POWs who told of their torture. "History will judge them severely. The condition of the returning prisoners should speak for itself to prove the men have not been tortured."

But the condition of some of the POWs is precisely what has converted some honest skeptics to believe that North Viet Nam is guilty of heinous treatment of its prisoners and also of a brilliant job of fooling some American visitors who now must be classified as "dupes."

But then we have Father Philip Berrigan saying not a word against Hanoi's violation of the Fifth Commandment, but describing the POWs as war criminals under "divine and human law."

And we have folk singer Joan Baez proclaiming from Paris that she is a little surprised that Americans are outraged over the atrocity revelations because there are still 200,000 prisoners in South Vietnamese prisons not being treated well.

Fonda, Berrigan, and Baez operate from their glands and can't be expected to be rational. But what of the political and academic folk who went to Hanoi and uttered authoritative remarks about how well our prisoners were? Those remarks, according to some returned POW's, were thrown in their faces later by the North Vietnamese and were part of Hanoi's propaganda campaign against the United States.

Take Ramsey Clark, former U.S. attorney general, who said that the 10 POWs he saw in Hanoi "were unquestionably humanely treated" and lived in individual rooms "bigger and better" than any prison he had seen anywhere.

Clark must have known that he met "showcase" POWs and that the North Vietnamese rigged the show for him. What does Clark say now? Nothing. I can't get him to return phone calls.

Dr. Richard J. Barnet, co-director of the Institute for Policy Studies, told a congressional committee in 1971 that there was compelling evidence that the North Vietnamese were not mistreating our prisoners.

He debunked stories of atrocities against the POWs. Not a peep out of Dr. Barnet now. He is in Mexico, unreachable by phone.

Stewart Meachem, peace secretary of the American Friends Service Committee, testified in 1971 that he was impressed in his visit to a POW camp in Hanoi with how alert and healthy the POWs were, and how he was told there was no mistreatment. No word from Meachem now.

Mrs. Cora Weiss of the Women's Strike for Peace, trafficked in the POW business for several years. She said, in November, 1970, that North Vietnamese disclosure of the names of four POWs and letters from POWs "show that the North Vietnamese are following a humanitarian policy toward the prisoners."

What does she say now? "I'm sure there was some suffering and hardship," she told me. "There are horrors in prison life, whether it's in Hanoi or the United States. Some of the POWs are angry at me and are looking for a scapegoat, and they found the wrong one. I didn't do anything wrong. The hands of the United States aren't clean on this war."

I talked with Lt. Col. Leo K. Thorsness, a returned POW, who told of how his captors taunted prisoners about how strong the antiwar movement was and how they wasted their efforts and lives in the war.

"They propagandized us," Thorsness said, "and two things that really got me were statements they provided us by McCloskey and [George] McGovern." He referred to Rep. Paul McCloskey's [R., Cal.] remark on NBC's Today show, June 7, 1972, opposing the bombing of North Viet Nam.

Thorsness said that he felt disheartened in prison when he learned of Sen. McGovern's statement that "I would go to Hanoi and beg if I thought that would release the boys one day earlier." Thorsness, who lives in Sioux Falls, S.D., now says, "Nothing would give me more joy that to run against and defeat the honorable Mr. McGovern some day in the future."

SENATE—*Friday, April 13, 1973*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

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

Almighty God, unto whom all hearts are open, all desires known, come to us in the purity of Thy presence and make us what we ought to be. Answer every prayer in this place, uttered or unexpressed, according to each particular need. In our work help us to move with alacrity, to be patient when we must wait, and to make decisions only when the answer has become clear. Grant us the serenity to accept what cannot be changed, the courage to change what can be changed, and the wisdom to know one from the other. Bring us at the end of the day to our resting places with hearts content and souls unblemished.

Through our Redeemer and Lord we make our prayer. Amen.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed a joint resolution (H.J. Res. 496) making supplemental appropriations for the fiscal year ending June 30, 1973, for the Civil Aeronautics Board and the Veterans' Administration, and for other purposes, in which it requested the concurrence of the Senate.