

SENATE—Monday, April 30, 1973

The Senate met at 12 o'clock noon and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Reverend Jesse E. Thomas, Round Hill Community Church, Greenwich, Conn., offered the following prayer:

God of our fathers, we pray for this Nation our fathers founded. We thank Thee for the toil and tears of others and for qualities of character that have been woven into the fabric of this Nation. We pray with earnest hearts for the cause of justice and peace abroad, and for order and tranquillity at home. Give us all a due sense of integrity, and save us from violence, discord, and confusion. Endue with wisdom and compassion our leaders, and may the people be so endowed that they can discern between good and evil. So bind us together as a people that we may be one Nation.

O God, our Father, who canst not make a good world out of evil men and women, cleanse our hearts, forgive our sins, and amend our ways. Here in this place, may Thy transforming grace change our lives. May we be a more fit body of Thy people to strive for righteousness.

In Thy holy name, we pray. Amen.

EXECUTIVE MESSAGES RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of April 18, 1973, the Secretary of the Senate received the following messages in writing from the President of the United States:

On April 19, 1973: Sundry nominations.

On April 24, 1973: Sundry nominations.

On April 27, 1973: Sundry nominations.

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

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of April 18, 1973, the Secretary of the Senate received the following messages from the House of Representatives:

On April 18, 1973:

That the House had agreed to the amendment of the Senate to the amendment of the House to the bill (S. 50) to strengthen and improve the Older Americans Act of 1965, and for other purposes.

That the House had passed a bill (H.R. 6691) making appropriations for the legislative branch for the fiscal year ending June 30, 1974, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

That the Speaker had affixed his signature to the following enrolled bill and joint resolution:

H.R. 6883. An act to amend the Agricultural Adjustment Act of 1938 with respect to rice; and

H.J. Res. 496. Joint resolution making supplemental appropriations for the fiscal year ending June 30, 1973, for the Civil Aeronautics Board and the Veterans' Administration, and for other purposes.

The above bill and joint resolution were subsequently, on April 19, 1973, signed by the Acting President pro tempore (Mr. METCALF).

On April 19, 1973:

That the House had agreed to the following concurrent resolutions:

S. Con. Res. 2. Concurrent resolution authorizing the printing of additional copies of Senate hearings entitled "Runaway Youth";

S. Con. Res. 3. Concurrent resolution authorizing the printing of additional copies of Senate hearings entitled "Saturday Night Special Handguns, S. 2507";

S. Con. Res. 4. Concurrent resolution authorizing the printing of additional copies of Senate hearings entitled "Juvenile Confinement Institutions and Correctional Systems";

S. Con. Res. 13. Concurrent resolution authorizing the printing of additional copies of Senate hearings on the sudden infant death syndrome.

ENROLLED BILL SIGNED

That the Speaker had affixed his signature to the enrolled bill (S. 50) to strengthen and improve the Older Americans Act of 1965, and for other purposes.

The enrolled bill was subsequently, on April 23, 1973, signed by the Acting President pro tempore (Mr. METCALF).

On April 23, 1973:

That the House had passed the bill (S. 502) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, with an amendment, in which it requested the concurrence of the Senate; that the House insisted upon its amendment to the bill, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WRIGHT, Mr. BLATNIK, Mr. KLUCZYNSKI, Mr. JOHNSON of California, Mr. JAMES V. STANTON, Mr. HARSHA, Mr. CLEVELAND, Mr. DON H. CLAUSEN, and Mr. SNYDER were appointed managers on the part of the House at the conference.

That the House had disagreed to the amendment of the Senate to the joint resolution (H.J. Res. 393) to amend the Education Amendments of 1972 to extend the authorization of the National Commission on the Financing of Post-secondary Education and the period within which it must make its final report; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PERKINS, Mr. O'HARA, and Mr. QUIE were appointed managers on the part of the House at the conference.

That the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 109. Concurrent resolution providing for the printing of remarks of tribute to the late President of the United States, Lyndon Baines Johnson;

H. Con. Res. 126. Concurrent resolution to provide for the printing of 1,000 additional hearings entitled "Year-Round Schools"; and
H. Con. Res. 156. Concurrent resolution to provide for the printing of 1,000 additional hearings entitled "Corrections, Federal and State Parole Systems", parts VII-A, and VII-B, serial 15, 92d Congress.

REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of April 18, 1973, the following reports of a committee were submitted on April 27, 1973:

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with an amendment:

S. 14. A bill to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, health care resources, and the establishment of a Quality Health Care Commission, and for other purposes (Rept. No. 93-129); and

S. 607. A bill to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes (Rept. No. 93-130).

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with amendments:

S. 723. A bill to establish a National Institute of Health Care Delivery, and for other purposes (Rept. No. 93-131).

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, April 18, 1973, be dispensed with.

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

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

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

COMMITTEE MEETINGS DURING THE SENATE SESSION

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

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

AUTHORIZATION OF FURTHER APPROPRIATIONS FOR THE OFFICE OF ENVIRONMENTAL QUALITY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 118, S. 1379.

The President pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 1379, to authorize further appropriations for the Office of Environmental Quality, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Public Works with amendments, on page 1, line 3, after the word "Environmental", strike out "&"; in line 8, after the word "Quality", strike out "such sums as the President may request" and insert "\$1,500,000"; in line 9, after the word "for", insert "the"; in the same line, after the word "year", insert "ending June 30,"; and, in line 10, after the word "and", strike out "for each fiscal year thereafter." and insert "\$2,000,000 for the fiscal year ending June 30, 1975."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 205 of the Environmental Quality Improvement Act of 1970 (42 U.S.C. 4374) is amended to read as follows:

"Sec. 205. There are hereby authorized to be appropriated for the operations of the Office of Environmental Quality and the Council on Environmental Quality \$1,500,000 for the fiscal year ending June 30, 1974, and \$2,000,000 for the fiscal year ending June 30, 1975. This authorization is in addition to those contained in Public Law 91-190."

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc.

The amendments were considered and agreed to en bloc.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

THE CASE FOR REDUCING U.S. FORCES IN EUROPE

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a commentary written by Mr. James Goldsborough, published in the International edition of the Herald-Tribune under date of April 12, 1973, entitled "The Case for Reducing U.S. Forces in Europe."

The being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CASE FOR REDUCING U.S. FORCES IN EUROPE

(By James Goldsborough)

PARIS—The time has come to consider a unilateral reduction of U.S. forces in Europe on its political and military merits, not just on how much money it would save. The Nixon administration has bought time against any such move while the MBFR talks continue with the Soviet Union, but the indications are so far that very little can be achieved in Vienna.

Senate backers of the Mansfield proposals for cutting U.S. force levels in Europe from 300,000 to 150,000 and eventually reducing them even more have emphasized the savings that would result—estimated at anywhere from \$3.5 billion a year up. Given the U.S. balance-of-payments deficits and two recent dollar devaluations, this is not an argument without merit.

But because of this emphasis on savings, too little attention is paid to the political

and military consequences of a unilateral U.S. force reduction.

SHOCK TREATMENT

There is a growing body of people in Europe who believe that, politically, a U.S. reduction would have a therapeutic effect on the nations of Western Europe. These people believe that it will now take no less than shock treatment to put an end to the European's bickering and quarrels, and clear the path for greater political and military cooperation among them.

The Soviet Union understands the implications of a unilateral U.S. reduction, and that is one of the principal reasons Moscow agreed to enter into the mutual and balanced force reductions talks in Vienna and so helped defeat the Mansfield bill when it first came to a vote two years ago. The Russians understand that unilateral U.S. reductions would lead to new pressures and policies in Western Europe, and that is something they prefer to forestall.

The Soviet Union also hoped the MBFR talks would lead to national force reductions, especially among the national forces in the German-Polish-Czechoslovakian area. This would be an initial step toward the neutralization, or Finlandization, of West Germany, something the West could hardly accept.

But for the moment at least, things are not going well in Vienna. The Russians have complicated the situation by insisting that Hungary be left out of the conference. What's more, to believe the intelligence reports, the Soviet Union is now moving new forces into Central Europe to use as bargaining chips in any eventual reductions, which, if true, would make a mockery of the entire negotiation.

David Packard, former U.S. under secretary of defense, told the recent Europe-America conference in Amsterdam that at best only "token reductions" could be expected at Vienna.

TRADE DEFICIT AREA

U.S. policy has been to do everything short of considering the merits of a unilateral reduction. This has gone so far as to involve a complicated linking of defense and commercial issues, so that the general feeling among Europeans is, as Belgian Jean Rey put it recently, "that you expect us to run a constant trade deficit to help you pay for your overseas investments"—including foreign military commitments.

Raymond Aron, one of the few Frenchmen at the Amsterdam conference, said that while he found it "fair that Europeans, if they desire the presence of U.S. troops, pay the cost in cash," that he also found it "deplorable, for the continuity of our friendship, to mix, or give the impression of mixing, protection and trade, troops and tariffs."

Yet the U.S. administration is bent on winning trade advantages to offset these costs. And there even is a growing suspicion that the administration prefers a trade surplus, as a means of offsetting the costs, to outright payment from the Europeans, for the latter decidedly gives the U.S. soldiers the taint of mercenaries.

Mr. Aron made another telling point: That the continued U.S. defense of Europe "psychologically weakens and discourages the Europeans from taking charge of their own defense." It was clear that he thought a unilateral U.S. reduction would prod the Europeans, push them toward what Sir Edward Tomkins, the British Ambassador to Paris, called this month a common European "decision-making body, common diplomacy and foreign policy, and finally, a common European defense."

According to some military experts, the principal immediate military effect of a unilateral U.S. reduction in forces would be to lower the nuclear threshold, that is, to increase the chances that a conflict would be a nuclear one. Since the Warsaw Pact

forces already are stronger in manpower than NATO forces in Central and Northern Europe by the ratio of about five to three, and are markedly superior in tanks and aircraft, a sharp reduction in U.S. men and equipment would reduce the credibility that NATO could repulse an attack from the East with conventional forces.

Consequently, the chances that NATO would respond with tactical nuclear weapons to an attack would be increased, with the danger that the use of tactical nuclear weapons would quickly escalate into strategic nuclear warfare.

But this lowering of the nuclear threshold is a questionable argument, since it already is NATO strategy to use tactical nuclear weapons from the outset of a conflict if necessary, and that it is known that the Warsaw Pact nations, in all their recent maneuvers, were also simulating their early use in a conflict.

It is hardly likely that the difference of 150,000 or 200,000 men is going to alter this strategy. On the contrary, Mr. Packard, in his paper in Amsterdam, said that the West already knew that it could never match the Warsaw Pact's manpower, and that the only way to maintain parity was through better technology and equipment, both conventional and nuclear.

It can also be argued that though a U.S. forces reduction could conceivably affect NATO's options, by the same token it might reduce the risks of any foolhardy probes from the East, precisely because of the dissuasive effects of immediate nuclear retaliation.

One of the principal consequences of a U.S. reduction would be to expose more than ever the French military contradictions and stimulate France into realistic military cooperation with its European partners. The French certainly suspect some of this and it is one of the reasons France's voice has been loudest that present U.S. forces be maintained, even though France pays not a penny for them.

French military policy is at present completely out of line with NATO policy. The two French divisions in West Germany are well back from the East German border, and they would be more likely to retreat into France in a conflict rather than advance. French strategy is still based on immediate massive retaliation if France is endangered, but there would be no counting on the French if the attack was against Norway, or Yugoslavia, or even West Germany itself.

A U.S. reduction of forces is not going to bring France back into NATO, but it could perfectly well lead to a French re-evaluation of the possibilities for better cooperation with its allies, at least in the form of closer nuclear cooperation with Great Britain to give the European nuclear forces more credibility.

BELIEF IN DÉTENTE

The British favor such cooperation, and French opposition to it certainly will not be increased by the departure of Michel Debré from the Defense Ministry. The French believe perhaps more than anybody in the permanence of détente. But despite the deep-seated Gaulism of the high command, they have not yet gone so far as to base their defense policy on that belief.

As for the West Germans, they have had their contingency plans ready in the case of U.S. reductions for some time, and it is not for a few U.S. divisions that they are going to rush into the arms of the Soviet Union.

Almost 30 years after the end of the war, it is an anomaly to continue to quarter over 300,000 U.S. troops in Europe, especially since Europe now has the means to take up the slack. Neither as a symbolic force nor as a "tripwire" are such levels needed. Nor are they a significant deterrent, for the real

deterrent is in the missile silos and the submarines. An important expense for America, they have become an excuse for the Europeans. A significant drawdown would serve both sides of the Atlantic.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HATHAWAY). Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I yield the time remaining to me to the distinguished senior Senator from Mississippi, the President pro tempore of the Senate (Mr. EASTLAND).

DEATH OF THE HONORABLE FELTON M. "SKEETER" JOHNSTON, FORMER SECRETARY OF THE SENATE

Mr. EASTLAND. Mr. President, it is my sad duty to inform the Senate of the sudden passing of the Honorable Felton M. "Skeeter" Johnston, former Secretary of the Senate, on Friday, April 20.

Skeeter was a Mississippian and a Democrat.

Shortly following his graduation from the University of Mississippi in June of 1929, Skeeter began his service to the Senate as a stenographer in the office of the late Senator Pat Harrison. In 1933, he was appointed to the staff of the Finance Committee and served that committee as its clerk from 1934 through 1941.

On October 15, 1945, he was elected Secretary to the Democratic majority and served this side of the aisle as Secretary until his election as Secretary of the Senate on January 5, 1955. He voluntarily retired from this position on December 30, 1965.

His record of 33 years of outstanding and dedicated service to this institution epitomized the finest qualities of Government service. Those of us who were fortunate enough to be associated with Skeeter were enriched by this association and will cherish his memory. Senators from both sides of the aisle whose terms began during his tenure as Secretary of the Senate will particularly remember him for the efficient and businesslike manner in which he assisted them upon their arrival in Washington.

The family of Felton M. Johnston remembers him with deep affection and respect for the qualities of loyalty, honesty, thoughtfulness, generosity, and patriotism which distinguished his life and career. His loyalty and devotion to his friends and colleagues were amply rewarded by the deep and enduring friendships which were forged and maintained throughout his life and which sustained him after the death of his beloved wife, Wanda. His devotion to the U.S. Senate was rewarded by the opportunities he was

given to serve this great body for many years. He discharged his official responsibilities with scrupulous honesty and with honor; and, in his long experience in American politics, he did not succumb to cynicism. As a citizen, public servant, and enlisted man in the U.S. Army, he manifested his love for his country and his loyalty to it. This patriotism came to him naturally and from the heart—it sought no reward.

He loved people. He loved to be of service to them. He was a profoundly kind and decent man.

I know I can speak for the entire membership of this body when I tender the condolences of the Senate to his son and daughter on their loss. The country has lost a great American and a great public servant.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. MANSFIELD. Mr. President, I wish to be associated with the remarks just made by the distinguished President pro tempore of the Senate on the passing of Felton "Skeeter" Johnston. Everything that the Senator from Mississippi said about him is true. He was a good, faithful, loyal servant.

Coincidentally, it is my understanding that at approximately the same time his successor, Emery Frazier, passed away; and what has been said about Felton Johnston can equally be said about Emery Frazier. They were both outstanding public servants.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time allocated to the distinguished Senator from Maryland (Mr. MATHIAS) be allocated, instead, to the distinguished Senator from Oregon (Mr. HATFIELD).

The PRESIDING OFFICER. Without objection, it is so ordered.

Does the Senator from Pennsylvania desire recognition?

Mr. SCOTT of Pennsylvania. Yes, Mr. President.

A BAD DAY AT CREDIBILITY GAP

Mr. SCOTT of Pennsylvania. Mr. President, this is a bad day at credibility gap. The lack of grace in power has led to a fall from grace. The President will speak at 9 o'clock tonight. I commend him for his firmness, his determination, and his meeting head-on the most unpleasant kind of situation that can confront a Chief Executive.

I pass no judgment on the individuals concerned, because that judgment is for the investigative authorities.

I have only sadness at personal tragedies and at the grief which will result from them. But the action which has been taken is one which, so far as I know, every Senator will agree should be taken when those in whom a President places his trust have failed, in his judgment, to merit or justify that relationship.

I associate myself with a statement made by a very respected Pennsylvanian, Gen. Matthew B. Ridgway, general of

the U.S. Army, retired, who made this statement about the 18th of September 1972. I quote the following two paragraphs, and I associate myself with them:

Recognition of the primal principles which have evolved in every societal fabric throughout the ages—refusal to deal in lies, to cheat, or to steal—must become essential elements in the mores of our people, if we expect to raise the tone of our national life and to contribute to a better world.

The name of this game is leadership, the elevation to the seats of power in our land of men with wisdom, integrity, and moral courage of the highest standards. There are plenty such among us. They must be identified and utilized. Their role will be one of extreme difficulty. The masses will never perceive their worth nor willingly follow them initially. But a minority will, and with the leaders that minority will steadily grow, as will the strength of our nation, which in the final analysis rests on the character of its people.

Mr. President, I believe that all those who honor the profession of politics will feel that what has been done was correctly done by the Chief Executive. The disgraceful episode of the Watergate, which represented a nexus of crimes founded upon stupidity and lacking to this day clear motivation, was bad, in itself, but not as damaging to our confidence in others as the subsequent cover-up—a coverup not known to the President on the 20th of March, as I am certain in my own knowledge it was not known, since that is the day I talked to him at length, and confidentially; becoming known to him shortly thereafter; acted upon by him forcefully as soon as he felt he had the facts.

But this whole shabby, disgraceful episode is not the action of men schooled or grounded in the art of politics. It has been condemned by former national chairmen of the party, including myself as such; it has been condemned by every Republican who has spoken out and by every Democrat, so far as I am aware. It has tainted the fabric of our profession. What we have to do now is to gain restoration of the confidence of the American people in the profession of politics, an honorable profession. Indeed, I would trust a man of political faith as quickly—or more quickly—as any other person I know; because he has no tool of his trade except his given word, which is his bond.

So I hope it will become clear to the American people that the man in the White House, who is the President and is himself a practicing member of the political art, had no more to do with this than those of us here who also are professionals and are proud of it. He has done the right thing, and I am glad he has done it.

Mr. MANSFIELD. Mr. President, I wish to commend the President of the United States for the action he has taken this morning. I know too little about the realities of the situation, but I am sure that the President had full access to all the facts finally and that, on the basis of those facts, he acted accordingly.

The Watergate affair and all its ramifications—and they extend far and wide and go back a long time, on the basis of the newspaper reports—is not a Republic-

can tragedy but is, in essence, an American tragedy; because what it struck at were the roots of a democratic government, a constitutional government, a government based on a two-party system.

The President, in acting as he did, displayed a greater loyalty to the American people, as he should, than to those around him.

It is a sad episode. The matter, of course, is not completed, because we still have the grand jury in operation, we still have the court of Judge Sirica in operation, and we still have the Ervin special committee in operation. So this is a start which will help to clear the air. But all the facts will have to be laid out; and out of this let us hope that all of us will learn a lesson as to how Government should be operated—in the open—and all of us should become aware of the fact that the only loyalty we owe is to the people, because it is the people who are the government.

Mr. HATFIELD. Mr. President, I thank the minority leader, the Senator from Pennsylvania (Mr. SCOTT), for the very eloquent words that certainly bespeak the feelings of all of us, Democrats and Republicans. His remarks certainly are consistent with the great position of integrity and leadership Senator SCOTT has occupied over many years of service in our party, as party chairman, as a Representative, as a Senator, and now as our minority leader in the Senate.

I also commend the President of the United States for the action that has just been reported in the press, indicating that four of the President's major advisers—Mr. Kleindienst, Mr. Ehrlichman, Mr. Haldeman, and Mr. Dean—will be leaving the administration by resignation.

But, Mr. President, let me make clear that what the American people desire is the truth. I believe that appropriate persons may well have to leave the administration.

But the next and most important step for the President to take is to tell the American people the truth, the whole truth, and nothing but the truth, concerning this entire episode. I trust and believe that this will be done.

WATERGATE AND CAMBODIA

Mr. HATFIELD. Mr. President, while the Watergate case and U.S. bombing in Cambodia might appear at first to be separate and distinct, I submit that they are, in fact, interrelated.

Can the Constitution and the rule of law withstand assaults now directed at them from two flanks? The past week marked the 50th day of the unconstitutional U.S. bombing in Cambodia. Revelations in the Watergate case erode public confidence in Government adherence to the fundamental law of this country.

Bombing in Cambodia continues without explanation by the administration to Congress or to the public. Such an explanation was promised to the Foreign Operations Subcommittee of the Appropriations Committee at our classified hearing on April 11. The material was to be delivered by April 13. The hearing rec-

ord is going to print 2 weeks later, with no justification submitted by the administration for the constitutional basis of this bombing.

Such arrogance by the administration cannot be tolerated. For over 50 days, our B-52's have rained bombs upon the villages and hamlets of Cambodia, while the administration blithely ignores constitutional restraints and congressional laws.

I was advised a draft document attempting to give such a rationale was prepared by State Department legal advisers and sent to the White House, where it was being gathered dust. I am forced to assume that White House officials have neither the time nor the willingness to address this legal issue. Based on recent events, I also recognize that criticism will be leveled at any legal justification for any action now emanating from the White House.

Fundamental respect for rule by law in this country is jeopardized by assertions surrounding the Watergate case. At the same time, the Constitution is flaunted by military actions taken in Southeast Asia.

Such flagrant disrespect for the basic tenets by which this country has survived could create a legacy that must alarm all Americans. Such ruptures in our Constitution and the rule of law threaten the very political process by which this country functions. The integrity of the Republic is under siege.

Government's truth and credibility is strained by recent events in the domestic and foreign policy areas. Recovery from such attacks represent a major task for all public officials. In the foreign policy area, Congress must begin to repair this damage, and offer hope for restoration of truth and of trust. An immediate step will start this next week with Senate consideration of a specific legislative measure to mandate adherence to the Constitution, and to stop our intervention in the Cambodian civil war.

Congress cannot stand by and watch constitutional government and the people's right to know wither away.

Mr. President, I ask unanimous consent that following these remarks the following prior statements of mine appear in the RECORD: An April 12 statement on the Cambodian bombing; an April 17 statement on Laos bombing; and an April 26 statement on the Watergate case.

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

U.S. BOMBING IN CAMBODIA

The course of U.S. actions in Cambodia in recent days brings back memories of the early stages of this country's intervention in Vietnam. I fear the pattern of secret commitments and public denials is being repeated.

I am profoundly worried and concerned over the present trend of events in Indochina. My anxiety has intensified since questioning State Department and Defense Department officials yesterday (Wednesday) at a classified session of the Foreign Operations Subcommittee of the Appropriations Committee.

We are achieving neither peace nor honor in Indochina.

Developments in the past days heighten

the unpleasant but unavoidable truth that the U.S. is not out of Indochina and that we are on the verge of more, rather than less, involvement in the continuing Indochinese war.

The conflict in Cambodia is basically a civil war—this should be made clear to everyone. Cambodians are fighting Cambodians, and yet one side is being besieged by U.S. bombs dropped from U.S. planes flown by U.S. pilots. Innocent civilians are being killed by those bombs.

Our bombing, our military aid, our airlift and sealift of supplies, and even further steps, such as supporting another possible South Vietnamese invasion of Cambodia, all are seen as indispensable for the survival of the Lon Nol government. Yet, Congress and the American public repeatedly are told that the Administration has no "commitment" to that government. Such hypocrisy must halt.

No shred of constitutional authority nor any legal justification exists justifying our military actions in support of the Lon Nol government.

U.S. efforts to insure Lon Nol's survival fly in the face of clear Congressional directive spelling out that authorized military and economic aid shall not constitute a commitment to the defense of Cambodia.

Executive autocracy must not be allowed to trample the Constitution and the will of Congress. We are intervening in another civil war. We are killing innocent people. We are violating the Constitution of the United States. We are ignoring the law of the land.

In the words of the prophet Jeremiah, "they say 'peace, peace', when there is no peace."

Let this be clear: the Administration should expect no funds from Congress for continuing the war while boasting about peace.

LAOS BOMBING

Expansion of the air war into Laos and its intensification in Cambodia carries with it the fear that they are a possible prelude to renewed bombing of North Vietnam. Such actions only will repeat the tragic loss of American life and create new American POW's. The threat of more POW's and U.S. deaths even now permeates the deadly bombing missions over Cambodia and Laos.

The American people have been told again and again in that we have achieved peace in Indochina, and yet we continue to rain death on villages and hamlets in Cambodia and Laos. This further erodes confidence of the American people in their government. The people of this country know that the substitution of Indochinese deaths for American deaths is not peace.

The American people deserve a complete explanation by this administration of its definition of peace and its plans for Indochina. How long will this illegal bombing continue? Is the military "winding down" or "heating up" this war? Can the American people ever expect an end to this tragic war?

WATERGATE CASE

Sen. Mark Hatfield said Thursday that the burden in the Watergate case is on President Nixon to demonstrate that he is "as clean as a hound's tooth."

Recalling a similar statement about Nixon by Dwight Eisenhower prior to the so-called "Checkers speech," Hatfield said that "once again he must prove himself."

Hatfield said that "this is not just a crisis of a political party, but of the political process."

"The taint from this scandal threatens to engulf not only Mr. Nixon, but the institution of the Presidency as well.

"Already trust in all government is eroding and estrangement from the political process strains the very capacity to govern.

"While the statements of accusation, re-

crimination and vindication from the White House staff reflect the personal tragedy in those lives ensnared in this web, I trust that the results will expose the guilty parties and that they will be brought to justice."

Eisenhower made the "clean as a hound's tooth" statement in an off-the-record press conference Sept. 20, 1952 and the Nixon television appearance defending the "Nixon fund" followed on Sept. 23.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAMBODIA

Mr. MANSFIELD. Mr. President, I associate myself with the remarks just made by the distinguished Senator from Oregon (Mr. HATFIELD).

We are engaged anew in a civil war. We are, in effect, asking for, if not actually seeking, a reinvolvement in Cambodia based on the expanded bombing for which \$500 million recently has been requested by the Department of Defense. To further implement what is going on in Cambodia we have brought about a cessation of the minesweeping operations at Haiphong Harbor. The result, of course, is that we are not as close to peace in Indochina as we thought we were.

There are no constitutional grounds for our involvement in Cambodia. The problem there is diplomatic, not political. As far as bombers, river convoys, and the like are concerned, it only intensifies our involvement in a situation in an area in which we have no business. If it continues, the possibilities of a break of the fragile peace in Vietnam will become more and more apparent.

It is unfortunate that this country ever became immersed in Indochina. We never had any business in any of the three countries of that region in the first place; and we have none today.

The continued bombing of Cambodia casts doubt on our achievements by way of negotiations in Vietnam, and unfortunately it appears we are digging in deeper and deeper all the time. The only solution I can see is that the only symbol of Cambodia's nationalism who could be called upon to bring about a unification of that sad nation is Prince Norodom Sihanouk. I would state that if he were to return to Cambodia—and he will again shortly, I understand—he will be the symbol around which all Cambodians will rally. Through him, there will be the possibility of once again creating a united, neutral Cambodia.

Again, I commend the distinguished Senator from Oregon.

U.S. FOREST SERVICE REGIONAL STRUCTURE

Mr. MANSFIELD. Mr. President, during the recess of the U.S. Congress, the

Secretary of Agriculture announced that the U.S. Forest Service would adjust its regional organization to fit with the standard Federal regional structure. I wish to take this opportunity to let my colleagues here in the Senate know that I am unalterably opposed to this plan. The present structure is adequate and conforms to the major areas of U.S. forestry activity in the United States. As we all know, Forest Service activity is concentrated in several different areas of the continental United States and is not uniform throughout. Therefore, I think it is ridiculous that it be required to conform with the standard Federal regional structure. Timber is a renewable resource and requires on the ground management.

Region I is one of the most active forest areas in the Nation and to move a regional office at a time when there is a greater demand for increased timber sales and management activities is difficult to understand. The rationale behind this plan obviously does not include efficiency and effectiveness because of such large distances involved. The Federal officials who devised this plan apparently have never been outside of New York City or Washington, D.C., and are not aware of the vast distances in the West. If you will look at the map, you will find that Missoula, Mont., presently the headquarters for region I, is approximately 800 to 900 miles from Denver. The proposed regional setup announced by Secretary Butz places 10 States within region C and the two large forest areas at opposite ends. I do not see how any efficient administrative plan can handle such a situation. Transportation services between Missoula and Denver and Portland, Oreg., headquarters of region A, are very bad and there is no direct air service. What is to happen at the research facilities at Missoula—the smokejumpers school, the Forest Service Fire Research Laboratory, and associated facilities that are operating at Montana's two universities in Bozeman and Missoula.

Adding these additional Forest Service activities to the regional complex in Denver only compounds what is a serious and growing problem for this mid-continent city. This seems to be contrary to everything the administration is attempting to do in returning the governmental process to the local level. This action and others merely creates a larger bureaucratic monster in Denver.

Missoula, Mont., is a beautiful city with a moderate climate and home of one of Montana's two universities. There is absolutely no reason why personnel would not wish to maintain their present residencies in this community.

Mr. President, rumors have come to my attention that the Montana congressional delegation has agreed to this move of the regional headquarters because of a compromise reached between the delegation and the administration. Supposedly, Malmstrom Air Force Base, one of the most important Strategic Air Command bases in the continental United States is to be preserved and maintained if we agreed to the closing of the Forest Service Regional Office in Missoula. I wish to state here and now that I in no way participated in

any such discussion in conjunction with the administration's plan to reduce Federal activity. Both the regional headquarters of the U.S. Forest Service and its associated activities in Missoula and the Strategic Air Command Base at Malmstrom are necessary and vital parts of our Federal activity.

I am also greatly concerned about reports that the Secretary of Agriculture has placed a muzzle on Forest Service personnel who disagree with this plan.

The Forest Service has traditionally been one of the most active and semi-independent agencies in our Federal system. They have done an excellent job and, only in recent years, have they become burdened with excessive Office of Management and Budget controls which are limiting and curtailing their management of our forests. There are a great many demands for new timber sales and improved management of our national forests. This can only be done with adequate management at the ground level. This means maintaining regional headquarters as they are now structured. Also, I believe that the Forest Service should be granted additional funds for the proper management of their agency. At the present, the administration has impounded funds and further hampered this necessary work.

I wish to place myself on record—and I know I speak for my distinguished colleague the Senator from Montana (Mr. METCALF) and our two colleagues in the House, Representatives MELCHER and SHOUP—that we shall not stand by and watch this consolidation take place.

Mr. President, I ask unanimous consent to have printed at this point in my remarks, the joint statement released by my colleague, Senator LEE METCALF, at the time of the announcement, and also the news release issued by the U.S. Department of Agriculture announcing that there would be a reduction—a phasing out—of the regional offices at Missoula, Mont., Albuquerque, N. Mex., and Ogden, Utah, and the experiment station headquarters at Ogden, Utah, and Asheville, N.C.

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

STATEMENT BY SENATORS MANSFIELD AND METCALF

Senators Mansfield and Metcalf said the announcement by the Nixon Administration that the Regional Forest Service Office at Missoula will be transferred to Denver "is another example of this Administration's distorted view of our natural resource priorities."

"This is not an economy move, but rather a stupid, shortsighted, ill-advised decision which will hinder the proper management of forest resources which are basic to the economy of Montana and the nation," the Montana Senators said in a statement from their Washington offices.

"President Nixon's budget ax has now fallen on an effective facility for the management of important timber resources."

"The personnel most familiar with forest management problems and programs and who have first-hand knowledge and experience will now be required to make decisions in an urban area far from the forest resource they must manage."

"The transfer of management from the immediate vicinity of programs and from the center of the resource will only result in mis-

understanding and additional bureaucratic red-tape."

Another important factor, according to the Montana Senators, is that the citizens living in the Forest Service area will not be able to present their views effectively to the officials who will make the decisions.

"Instead, they will have to travel some 800 miles to Denver to present their views, which in our opinion is not in line with the Nixon Administration's policy directive that the government should be close to the people," the Senators said.

"Previous Administrations have considered the Forest Service facilities at Missoula as an outstanding example of how a Federal agency can work with the local citizens in the effort to establish sound management policies and practices.

"But this Administration doesn't want citizen participation in the decision-making process on managing the resources of our national forests.

"The Regional Office in Missoula, along with the fire control center, the forestry research center and the School of Forestry, University of Montana, are important groups attempting to solve many of the problems of forest management.

"This effective team must not be dismantled," the Senators said. "Instead, it would be economically sound to continue the various forest service and university facilities in the same community, and near the center of the resource that they must protect and manage for our benefit and for future generations.

"We will fight this move. We will not stand by and approve a closure decision made by a so-called management expert who doesn't know the difference between chip wood and a tree."

[News from U.S. Department of Agriculture]
FOREST SERVICE TO ADJUST REGIONAL
STRUCTURE

WASHINGTON, April 24.—The Forest Service, U.S. Department of Agriculture, will adjust its regional organization to fit within the standard federal regional structure, Secretary of Agriculture Earl L. Butz announced today.

Secretary Butz said the change in organization will require phasing out of regional offices at Missoula, Mont.; Albuquerque, N.M.; and Ogden, Utah; and experiment station headquarters at Ogden, Utah, and Asheville, N.C. Although these five headquarters offices will be discontinued, other Forest Service offices presently at these locations will remain in operation.

Some 1,000 employees will be affected by phasing out of the five offices. Every effort will be made to provide employment opportunities for these people elsewhere in the Forest Service organization. Secretary Butz said. The schedule for making the organizational adjustments will be developed by the Forest Service, he reported.

Secretary Butz said these actions will enable the Forest Service to improve its efficiency and effectiveness in carrying out its resource management, research and state and private forestry programs. One result, he said, would be to make more funds and manpower available for on-the-ground activities in the 155 national forests which contain 187 million acres.

In addition, he said, greater efforts can be diverted directly to research by reduction of the two experiment station headquarters, and the Forest Service's ability to work with state and local governments will be improved through closer coordination with the federal regional councils.

The present Forest Service organization includes nine national forest system regional offices, eight experiment station headquarters offices and two state and private area offices.

With the change, the system will be realigned into six regions, six experiment stations and two state and private forestry areas.

Full regional office status will continue at Atlanta, Ga.; Milwaukee, Wis.; Denver, Colo.; San Francisco, Calif.; Portland, Ore.; and Juneau, Alaska. Experiment station headquarters will be continued at Upper Darby, Pa.; St. Paul, Minn.; New Orleans, La.; Ft. Collins, Colo.; Berkeley, Calif.; and Portland, Ore. The Forest Products Laboratory at Madison, Wis., and the Institute of Tropical Forestry in Puerto Rico will be maintained. The state and private area offices will remain at Upper Darby and Atlanta.

Secretary Butz said most other regional structures in the federal government now conform to the standard federal region concept, as a result of the government-wide effort directed by the Office of Management and Budget. He said the effort is geared to simplify and improve the ability of the federal government to provide service through conformance to the standard region concept.

Another factor considered in the decision, he said, is the review being made by all federal agencies to determine where expenditures can be reduced. In addition to regional changes, he said, the Forest Service's review will lead to national forest and ranger district headquarters consolidations, as well as changes in the agency's headquarters office in Washington, D.C.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF EDUCATION
AMENDMENTS OF 1972

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Joint Resolution 393.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the joint resolution (H.J. Res. 393) to amend the Education Amendments of 1972 to extend the authorization of the National Commission on the Financing of Postsecondary Education and the period within which it must make its final report, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MANSFIELD. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. PELL, Mr. RANDOLPH, Mr. WILLIAMS, Mr. KENNEDY, Mr. MONDALE, Mr. EAGLETON, Mr. CRANSTON, Mr. HATHAWAY, Mr. DOMINICK, Mr. JAVITS, Mr. SCHWEIKER, Mr. BEALL, and Mr. STAFFORD conferees on the part of the Senate.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, how much time remains under the preceding orders?

The PRESIDING OFFICER. Seven minutes remain to the Senator from Oregon.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all time not consumed under the orders be utilized for a period for the transaction of routine morning business later today, to follow the various orders, with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from Michigan (Mr. GRIFFIN) was to be recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Illinois (Mr. PERCY) be substituted for the name of Mr. GRIFFIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. I thank the distinguished assistant majority leader.

THE NECESSITY FOR AN IMPARTIAL
INVESTIGATION OF THE WATER-
GATE MATTER

Mr. PERCY. Mr. President, the events of the last few weeks have shaken the confidence of the people of this country in the integrity of their Government. Charges of crimes, coverups, suitcases full of moneys, and corruption have been the daily fare day after day in our newspapers.

Mr. President, I have just returned from a brief visit to London and Paris, and I can certify that this matter has been one of the gravest concern to every American traveling abroad. I was approached by people who would recognize me on the street. One woman just grabbed my arm and said, "Is not this awful?" She did not even have to say what she was talking about. Someone else indicated to me that he had been a member of the Republican National Committee for many years and that everything he believed in and had worked for and hoped for with respect to our country had simply fallen apart in front of his very eyes.

The ability of this administration to govern is in jeopardy because the people, from whom we derive our powers, are beginning to believe that they no longer trust their representatives or the system itself. In the the truest sense of the word, this is a crisis.

In times like these, not only is it necessary to discover all of the facts, and see to it that justice is done, but it is also vital that there be an appearance of justice.

At the present, the investigation into the whole sordid series of events loosely referred to as the Watergate affair is being conducted by the Justice Department under the direction of Assistant Attorney General Henry E. Petersen. I am in no way impugning the integrity of this man. However, charges have been made concerning his stewardship in this matter,

and as a result, there are already doubts in many people's minds whether even this investigation will bring out all the facts, even if Secretary Richardson takes over overall supervision. Whether or not this investigation does uncover all the facts, there will still be those who will remain skeptical.

I do not think that we can afford such a reaction, and yet we must anticipate it. The investigation of the entire Water-gate scandal must be conducted by someone who is a person of great integrity and who is completely apolitical. There should be no possibility that this person could be influenced by political considerations either because of his personal or professional relations with anyone involved in Government or implicated in this matter.

For these reasons, I had intended to introduce today a Senate resolution saying that it is the sense of the Senate that the President should appoint a special prosecutor to conduct the investigation and prosecution of those who have perverted our electoral and judicial processes in the 1972 Presidential election campaign and the months thereafter. The resolution would have called upon the President to submit the name of his choice for this position to the Senate for approval. If the person that the President would select for the role of special prosecutor was the type of person who was envisioned by this resolution, I am certain that the Senate would have concurred in the President's choice without delay.

The American Bar Association's president, Robert Meserve, has indicated his support for a special prosecutor. The prestigious New York Bar Association has also gone on record as supporting such an appointment. There is precedent for such action. On February 1 and 2 of 1924, the Senate and House passed a joint resolution calling on President Coolidge to appoint a special counsel independent of the Department of Justice to investigate the scandals in the Harding administration, known generally under the heading of Teapot Dome. President Coolidge took the advice of the Congress and did appoint two men to handle the investigation. By June, all concerned in the oil lease scandals were under indictment. Mr. President, that type of quick action is what we now need.

The need for a special prosecutor has been recognized by the Christian Science Monitor, The New York Times, the Washington Post, and a host of other major newspapers which have led the way in bringing this matter to the attention of the American public.

I submit that with the latest developments of this morning, with major resignations of Attorney General Kleindienst, John Ehrlichman, H. R. Haldeman, and John Dean, the process of restoring public faith in the Government has begun. The President could continue this process by appointing a special prosecutor.

Secretary Rogers, in an appearance before the Foreign Relations Committee this morning, in a helpful and candid statement on this subject, indicated that delay as the thing he would be particularly concerned about in this matter.

I am not submitting the resolution today because of the dramatic announcements that have been made now by the White House. I applaud the President's decision appointing Mr. Elliot Richardson as Attorney General. I have been privileged to know Mr. Richardson for many years. I look upon him as a man of impeccable judgment and integrity, great courage, and deep conviction, and with considerable experience in government, both in his own State of Massachusetts as well as in the U.S. Government.

I think it unfortunate that we must borrow men who are already deeply involved in heavy and responsible work, such as Mr. Ruckelshaus in the EPA, and take him into the FBI, and to take Mr. Elliot Richardson, who has just assumed enormous responsibilities in the Department of Defense, into the Justice Department; but I think it shows the sense of urgency the President has placed on the matter. He is taking a man who without any question has the competency to do this job and who is highly regarded, I feel, on both sides of the aisle, by those who know him.

The question, however, is whether or not, in principle, we can just deal in personalities or whether or not we should deal in the principle of the matter as to whether or not the executive branch of the Government, certain officers of whom are being investigated now, should then be the same arm that carries on the prosecution. Obviously, if Mr. Peterson stays on as the Assistant Attorney General, he would be in overall charge of this case.

The President has made it very clear this morning that he is charging Mr. Elliot Richardson with full personal responsibility of carrying on an exhaustive investigation, but I still raise the question as to whether or not—so there can be no possible appearance of a conflict of interest or any appearance of any political influences—as to whether a man of impeccable integrity and judgment, apolitical, and not engaged in party politics in any real sense of the word or held public office, should not be the special prosecutor appointed in this case, as was done in 1924.

The Teapot Dome scandal, I think, is smaller in relative importance than this matter with which we are now confronted. With the dimensions of the events which have unfolded, I would anticipate that the whole story is not yet out and that the matter will become worse rather than better.

The prosecution of this case should be beyond any reproach. I am not in any way imputing that Mr. Richardson would not be one of the most qualified persons that I could think of to fill this post. He would be an excellent choice. However, in this case I still hold the conviction and, after checking with some of my highly respected colleagues in the Senate since the President's dramatic decisions to make personnel changes, I feel in principle that this matter could best be handled by a special prosecutor. However, I reserved judgment on this matter until after I have heard the President this evening.

I do not know what the President will say. However, I have the strong conviction that the President is taking this matter into his own hands at this time and has decided that a complete and honest disclosure is the only way to meet this crisis.

I would hope and, as I explained yesterday, pray that in every action the President takes the initiative. As I have stated, I really want to see the credibility of the President and the White House and the executive branch of the Government restored. We have an obligation and a responsibility to make such suggestions as we can. I have tried to do so in the last 6 or 7 months now. However, at this stage I feel it best to wait until after we have heard from the President. I look forward with great interest to the speech of the President and I commend the action that has been taken this morning. That action does not presume that criminal activity is involved. However, there must be action of this kind so that the processes of the Government can continue and so that we can restore credibility in Government as rapidly as possible.

It is perfectly apparent to all of us that there is a sense of urgency involved in the matter and that we must deal with this matter with the greatest dispatch and comprehensiveness.

I, therefore, will take no further action with respect to my resolution.

I appreciate the sponsorship that has been indicated from both sides of the aisle. However, I will not take any action until after the President has addressed the Nation tonight at 9 p.m.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. HATHAWAY). Under the previous order, the Senator from West Virginia (Mr. ROBERT C. BYRD) is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I yield back the time allotted to me under the previous order.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, there will now be a period for the transaction of routine morning business with statements limited therein to 3 minutes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MASSIVE 1973 FLOODS

Mr. ROBERT C. BYRD. Mr. President, at the request of the distinguished Senator from Mississippi (Mr. STENNIS), I ask unanimous consent that there be printed at this point in the RECORD a

statement by the Senator from Mississippi (Mr. STENNIS) with respect to the recent floods in Mississippi.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR JOHN C. STENNIS

Last Friday, I accompanied the President on an inspection from the air of the flooded areas of the State of Mississippi. The damage is awesome, and my heart is heavy for those many thousands of our people who have suffered such extreme hardships and disastrous economic losses.

As the rains continue and the waters reach high on our levees it is increasingly clear that flood protection for our Lower Mississippi River Valley must receive a higher national priority for work in the field of water resources.

This is the third great flood in fifty years. The flood of 1927 inundated 26,000 square miles in the Lower Mississippi Valley, displaced over 600,000 people, did damage which in terms of today's values would be over a billion dollars, and 214 people lost their lives. Since then some \$1.7 billion dollars have been expended to help protect the area from such floods. Much has been done, but there is much left to be done.

Over the years, I have made a joint effort with the late Senator Ellender and Senator McClellan, as fellow members of the Senate Appropriations Committee, to increase the funds appropriated for necessary flood control work. From year to year we were frequently able to increase the amount of money provided by the budget. All too often, however, the additional amounts were frozen in budgetary reserve and not expended. It has taken much effort and many frustrations to get the project up to a consistent budget level of \$110 million. This is not enough.

In the Yazoo Basin—our Mississippi Delta region—a total of \$307 million worth of flood control work has been authorized by Congress in the Yazoo Basin. Funds totalling \$165 million have been appropriated through the current fiscal year to carry out the work. This is not enough.

In the eastern part of our State, channel improvements for flood control along 22 miles of tributary streams of the Tombigbee River were authorized by the Congress. The total cost of the work is estimated to be \$52 million. To date, \$5.7 million have been made available for the work. This is not enough.

Today Damage Survey Teams from the Federal Office of Emergency Preparedness and State employees are in the field estimating the damage caused by the floods. In many cases the water will have to recede before meaningful estimates can be made. However, preliminary estimates of the Corps of Engineers indicate that at present 3,180,000 acres of land have been flooded in Mississippi, and damages to date are \$92,800,000 in our State alone. Thousands of people have been driven from their homes. Prime croplands are saturated or completely under water, 37 of our counties have been declared a part of the flood disaster area.

I want to make the point very strongly that the levees, flood control dams on the tributary rivers, flood walls, and other completed works have all paid off. The projects of the Corps of Engineers have prevented \$3.9 billion in damages in this one flood. The forethought shown in the planning of these projects over the years has been so effective that the Engineers are entitled to be commended very highly. The overall project for the Mississippi River and Tributaries is only about half completed, but its effectiveness has prevented what otherwise would have been an infinitely greater disaster throughout the central region of our nation.

I also want to compliment the Army Engineers for their work during the flood. They have led the emergency flood fight, and they

have labored tirelessly. The people of the Valley are greatly indebted to the personnel of the Corps of Engineers, military and civilian, who have done such a fine job.

While the protection afforded by the flood control projects that have been completed to date has so far spared us the devastating losses and suffering of 1927 and 1937, still the damage is tremendous and we must do more to protect our people.

When the present flood has passed, we must look to the future. The existing flood control project authorizations in the Yazoo Basin must be reviewed to see what additional authorizations are appropriate, based on the new flood data. The review study of the Tombigbee River and its tributaries, which is now in progress, must be completed as soon as possible. The Administration must be convinced of the absolute necessity for increased appropriations for flood control.

The people of the Lower Mississippi Valley have learned again the power of a flood on the great Mississippi River pushing against the levees that line its banks and backing into the tributary streams to wreak havoc. We must press forward with determination for the completion of the flood control projects that can spare us from the great misfortune that so many of our citizens are undergoing today.

EXTENSION OF TIME LIMITATION ON STATEMENTS DURING MORNING BUSINESS TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time limitation on statements during morning business today be limited to 5 minutes instead of the usual 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AN ILLEGAL USE OF FUNDS: THE NIXON ADMINISTRATION'S BATTLE OF THE BUDGET PROPAGANDA KIT

Mr. HUMPHREY. Mr. President, on April 17, I brought the attention of the Senate to a massive propaganda attempt by the White House to discredit the Congress. The White House has issued orders to the public information officers in the various agencies to prepare speeches, statements, and radio messages with slanted, half-truth anti-Congress material on Federal spending for the use of political appointees in a systematic attempt to undermine respect for the Congress as a political institution.

Mr. President, I consider this "Selling of the Budget 1973" to be an illegal use of the taxpayers' money. It is my judgment that it violates numerous Federal statutes, including section 1913 of title 18 of the United States Code, and title VI, section 608(a) of the Treasury, Postal Service, and General Government Appropriations Act, 1973.

Since my first statement on this matter, other developments have come to light.

Washington Post Reporter Mike Causey, on April 25, 1973, published an article in which he noted that the National Institutes of Health public information officers have been issued orders to write "speeches blasting the big spenders in Congress." Causey notes that:

Writers at NIH report that several editorial offerings have been rejected by HEW officials who gave them a tongue lashing because

the material contained "too much information" and not enough pro-Administration or anti-Congressional material.

These are quotations from the article to which I have referred.

Mr. President, I am appalled at this conscious effort to feed the public half-truths, insinuations, and innuendo. I demand that it cease immediately, and I further demand that those responsible be required to account for these illegal activities.

In addition, Mr. President, Public Citizen, Inc., a public interest law group, has filed a civil suit in the U.S. district court seeking to stop the administration's usage of this battle of the budget propaganda kit.

The suit specifically asks that the court enjoin the responsible administration officials from "continuing to engage in actions designed to influence the passage of legislation pending before Congress," and direct the responsible officials to "revoke any and all suggestions, guidelines, and instructions issued by them in that attempt to influence the passage of legislation."

Finally, Mr. President, on April 17, I asked the American Law Division of the Library of Congress to prepare a memorandum for me concerning the lobbying efforts financed by Federal appropriated funds. The memorandum notes that:

Since the (battle of budget kit) enumerates or mentions specific pieces of legislation and urges certain Government employees to give speeches to the general public incorporating phrases of the speeches suggests in the (kit) to urge taxpayers to "write their Congressmen to tell them where you stand," then by statute, this matter would be intended or designed to influence Members of Congress to favor or oppose legislation.

Clearly illegal under terms of section 1913 and section 608(a) of the relevant law.

Mr. President, here is another illegal action: the misuse of appropriated funds in open violation of Federal statutes. The time to stop this nonsense is now, and those responsible should be held accountable.

I have asked the Comptroller General to report to the Congress on the source of the funds used to prepare this battle of the budget book and whether or not the preparation of this kit is in his opinion, a violation of law. I would hope that the administration would cooperate fully with the Comptroller General.

Mr. President, I ask unanimous consent that the article written by Mike Causey, "NIH Peddling Anti-Congress Editorials," a copy of the suit papers filed by Public Citizen, Inc., and the memorandum prepared for me by the American Law Division of the Library of Congress and further articles written by Mike Causey be printed at this point in the RECORD.

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

[From the Washington Post, Apr. 25, 1973]

NIH PEDDLING ANTI-CONGRESS EDITORIALS
(By Mike Causey)

In a new move in the White House's battle against congressional budget-busters, the Administration has ordered federal workers

to crank out weekly "canned" editorials which it hopes to peddle to newspapers and magazines.

Federal workers have already been ordered to write—and officials to give—speeches blasting big spenders in Congress. Now, the National Institutes of Health, a major unit of HEW, has told publicists to supply 800-word editorials explaining the Administration's controversial health spending priorities. It hopes the articles will be picked up by publications such as the Reader's Digest, and small-town newspapers hungry for news "features."

Public information officers at NIH got their production quotas several weeks ago from Storm Whaley, a political appointee who is associate director for communications. At the session, Whaley told dozens of NIH writers and aides to come up with an editorial a week on selected health subjects.

Employees were told that the editorials were to be used, in some cases, as feature stories which would carry the byline of HEW Secretary Caspar W. Weinberger, or other top officials. They were told to write the editorials in such a way as to make them usable for speeches, magazine features or editorials for small town newspapers which frequently use so-called canned or mass-produced editorials.

Several workers—fearing they might be caught up in a fight between the White House and Congress—asked that the editorial directive be put in writing. They were told that verbal authorization is all that was necessary. NIH earlier warned employees to pre-clear talks with Congressmen, reminding workers they could be disciplined for violating the anti-lobbying law.

Whaley told this column that the editorials are not intended to be political but rather "to describe some of the activities we are interested in." He said they are to be "sort of a modified press release of about 800 words." Topics assigned so far include glaucoma, arthritis, the atomic heart pacemaker, and venereal disease. Despite the rather grim titles, employees say they've been told to include digs against the Congress for "wasteful" spending plans that would duplicate and confuse present government research.

Writers at NIH report that several editorial offerings have been rejected by HEW officials, who gave them a tongue-lashing because the material contained "too much information" and not enough pro-Administration, or anti-Congressional material.

Some employees feel the editorial quota is part of the White House-program called "Battle of The Budget—1973." Details of that push were first outlined here April 4.

The battle of the budget document, in looseleaf notebook form, went to information chiefs at all federal agencies. It directs them to enter the crowd war against the "Far Out Fifteen," legislative programs which Mr. Nixon opposes. The document tells speech and press release writers how to attack "big spenders" in Congress, and advises them to lace speeches with "one liner" anti-Congress jokes, and to warn the taxpayers of a 15 per cent income tax boost, if Congressional big-spenders have their way. As also reported here, a number of agencies have been assigned speech making quotas, under which officials are to seek out, and speak before, influential groups on the Battle of the Budget.

While the canned editorials do qualify as legitimate public information, they also could be viewed as lobbying in view of the battle between Congress and the White House over health fund priorities. Using the government's information facilities to write distribute and locate major media markets for the editorials would give the Administration a public relations head start the Congress couldn't match.

THE LIBRARY OF CONGRESS,
Washington, D.C., April 19, 1973.

To: Hon. HUBERT H. HUMPHREY.

Attention: Mr. Healy.

From: American Law Division.

Subject: Lobbying Efforts Financed by Federally Appropriated Funds.

This is in response to your inquiry of April 17, 1973, concerning lobbying efforts financed by funds appropriated by Congress.

Title 18 of the United States Code, Section 1913, prohibits lobbying with funds appropriated by any enactment of Congress. The original act was Title 18 U.S.C. 201, enacted July 11, 1919. The present wording of the statute was enacted on June 25, 1948. The wording of the statute is as follows:

"§ 1913. Lobbying with appropriated moneys.

"No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

"Whoever, being an officer or employee of the United States or of any department or agency thereof, violates or attempts to violate this section, shall be fined not more than \$500 or imprisoned not more than one year, or both; and after notice and hearing by the superior officer vested with the power of removing him, shall be removed from office or employment. (June 25, 1948, ch. 645, 62 Stat. 792.)"

The terms "department" and "agency" used in § 1913 are defined in Section 6 of Title 18:

"§ 6. Department and agency defined.

"As used in this title:

"The term 'department' means one of the executive departments enumerated in section 1 of Title 5, unless the context shows that such term was intended to describe the executive, legislative, or judicial branches of the government.

"The term 'agency' includes any department, independent establishment, commission, administration, authority, board or bureau of the United States or any corporation in which the United States has a proprietary interest, unless the context shows that such term was intended to be used in a more limited sense. (June 25, 1948, ch. 645, 62 Stat. 685.)"

A survey of Federal cases which cite either Section 1913 of Title 18, U.S.C., or Section 201 of Title 18, U.S.C. prior to 1948, reveals that this statute has been used very little. In 1952, in the United States District Court for the Southern District of New York, Section 1913 was cited on a matter not particularly germane to the issue at hand. (*Angilly v. United States*, 105 F. Supp. 257, cited § 1913 in support of the constitutionality, with respect to due process of law, of the dismissal of a government employee for conduct which constitutes a crime.) In addition to the case mentioned above, it was recently reported in Law Week of April 10, 1973, 41 LW 1155, that in a case in the United States District Court for the District of Columbia, certain organizations "dust off an obscure federal criminal statute to challenge . . ." the use of federally appropriated funds to finance a lobbying effort. In that case, *National Ass'n*

for Community Development v. Hodgson, (USDC Dist. Col., 3-30-73), the court held that plaintiffs, a public interest organization, have standing and could instigate a civil suit based on the criminal statute in Title 18 U.S.C. 1913, and that the jurisdictional amount has been met. The court's explanation of the apparent legislative intent of § 1913 was reported to be:

" . . . to prevent corruption of the legislative processes by government financial support of a lobbying organization. Prohibiting federal funds to be used for lobbying precludes any possibility of a privately financed 'voice of the people' being drowned out by a publicly funded special interest group (41 LW 2537)."

Although the alleged expenditure and use of appropriated funds for the lobbying effort involved in relation to the "kit" in question was not directed from, or to, a "lobbying organization" or a "publicly funded special interest group" as such, it could be argued that the legislative intent of § 1913 was in fact intended to cover such a situation as presented here. This may be inferred from the language of the statute itself which provides for the penalty of fines, imprisonment, and removal from office or employment of "an officer or employee of the United States or any department or agency thereof" who violates or attempts to violate this section. From this, it may be argued that the statute applies not only to lobbying by an "organization" or "special interest group," but even more specifically, it applies to an individual or a group of government employees who use appropriated funds to lobby or assist in lobbying for or against legislation.

The initial consideration which should be raised in applying § 1913 to this particular situation would be a determination of what funds were used to finance the production of these kits. The statute prohibits the use of any "money appropriated by any enactment of Congress," and so the funds used must fit within this framework to encounter the statutory prohibition.

Secondly, it must be determined whether this "printed or written matter" was "intended or designed to influence in any manner a Member of Congress, to favor or oppose . . . any legislation or appropriation." It may be argued in this sense that since the memorandum in question enumerates or mentions specific pieces of legislation and urges certain government employees to give speeches to the general public incorporating phrases or speeches suggested in the memorandum to urge taxpayers "to write their Congressmen to tell them where you stand," (*N.Y. Times*, Monday, April 4, 1973, p. 30), then by the statute, this matter would be intended or designed to influence Members of Congress to favor or oppose any legislation. It may further be argued that the "message" communicated to Congress by means of this "kit" is neither "on the request of any Member of Congress" nor "through the proper official channels."

In addition to the criminal statute of Title 18 of the U.S.C., a further prohibition on the use of appropriated money for publicity or propaganda purposes is provided in Title VI, Section 608(a) of Public Law 92-351, known as the "Treasury, Postal Service, and General Government Appropriation Act, 1973." This section provides:

"Sec. 608(a) No part of any appropriation contained in this or any other Act, or of the funds available for expenditure by any corporation or agency, shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before Congress."

The practical considerations raised in reference to the criminal statute of Title 18 U.S.C. § 1913, must again be raised to apply this present situation to the prohibition ex-

pressed in P.L. 92-351. The source of the funds used to publish, compile or produce the "kit" in question must be established to determine whether they are "part of any appropriation contained in this or any other Act." It may be argued, as in the case of the criminal statute, that by the instructions and suggestions on the face of the memorandum or "kit" in question, and from any additional instructions that accompanies such kit, that the purpose of the kit was to generate "publicity or propaganda . . . designed to support or defeat legislation pending before Congress." This section may have a more narrow application than the criminal statute of Title 18, as section 608(a) discusses the support or defeat of "legislation pending before Congress," while 18 U.S.C. § 1913 discusses "any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation." Further, the criminal statute prohibits the use of such appropriated funds directly or indirectly to pay for matters which would influence Congressmen, while Sec. 608(a) of the the appropriation act does not mention indirect use of appropriated funds. In either case, however, the argument could be advanced that the salaries of the government employees who compiled such a kit were from appropriations made by Congress and thus such funds were expended for publicity or propaganda, evidenced by the material contained in the "kit."

JACK MASKELL,
Legislative Attorney.

[U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA]

PUBLIC CITIZEN, INC., PLAINTIFF, v. KEN W. CLAWSON, DEPUTY DIRECTOR OF COMMUNICATIONS FOR THE EXECUTIVE BRANCH, DEFENDANT

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. This is an action which seeks to enjoin defendant, who is the Deputy Director of Communications for the Executive Branch, from continuing to carry out at public expense a massive publicity campaign designed to influence the passage of certain legislation pending before the Congress, which campaign significantly exceeds in scope and purpose customary and lawful communications by members of the Executive Branch to the Congress and the public concerning pending legislation.

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1361.

3. The value of the amount in controversy exceeds \$10,000.

4. The plaintiff Public Citizen, Inc. is a taxpaying non-profit organization whose activities include efforts to insure that government officials carry out their duties according to law and that the laws, as written by the Congress, are enforced when government officials are unwilling or unable to do so. In the slightly more than eighteen months since it began to seek public contributions, Public Citizen has received contributions from approximately 100,000 individuals who support its objectives. Most of such persons are taxpayers, and among them are many persons who will be benefited by certain legislation pending before the Congress which defendant is illegally lobbying to defeat. In addition to its own organizational interests, Public Citizen sues on behalf of all of the aforementioned persons in this action.

5. Article 1, Section 9, Clause 7 of the United States Constitution provides in pertinent part that "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by law; * * *"

6. Section 628 of Title 31, United States Code provides: "Except as otherwise provided by law, sums appropriated for the various

branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others."

7. Section 1913 of Title 18, United States Code provides, in pertinent part, that "[n]o part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any matter a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation * * *"

8. Section 608(a) of the Treasury, Postal Service, and General Government Appropriation Act, 1973, P.L. 92-351, 1972 U.S.C. Cong. & Adm. News 556, 570 which includes an appropriation of funds for the White House Office, provides that "[n]o part of any appropriation contained in this or any other Act, or of the funds available for expenditure by any corporation or agency shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before Congress."

9. Beginning at a time unknown to plaintiff and continuing until the present time, defendant and persons under his supervision and control have orchestrated a massive publicity and propaganda campaign designed to effect the defeat of approximately fifteen bills pending before the Congress which the President opposes for budgetary reasons, and to support various proposals for legislation contained in the President's budget for fiscal year 1974. In connection with this campaign, defendant and said persons have:

(a) prepared and disseminated to various officers and employees of the Executive Branch a document entitled "The Battle of the Budget, 1973," a copy of which is filed herewith, and other written and oral communications contained suggestions, guidelines, and instructions regarding the distribution by said officers and employees of speeches, editorials, articles, and other materials designed to influence the passage of said legislation;

(b) distributed to the media for publication written and oral communications designed to influence the passage of said legislation;

(c) prepared and disseminated to various officers and employees of the Executive Branch suggestions, guidelines, and instructions regarding the scheduling by said officers and employees of speaking appearances throughout the country to present addresses designed to influence the passage of said legislation;

(d) engaged in other activities presently unknown to plaintiffs, designed to influence the passage of said legislation.

10. As a result of the foregoing actions of defendant, various officers and employees of the Executive Branch have delivered speeches containing passages which were taken directly from the materials supplied by defendant and which were designed to influence the passage of said legislation.

11. Congress has made no appropriation of funds for the purposes of financing the actions complained of in paragraphs 9 and 10.

12. The actions of defendant and others complained of in paragraphs 9 and 10 are unlawful, in that:

(a) the expenditure of public monies for purposes for which no appropriations has been made violates Article 1, Section 9, Clause 7 of the United States Constitution and Section 628 of Title 31 of the United States Code;

(b) expenditures of other appropriated

monies for such purposes constitutes the use, without express authorization by Congress, of appropriated funds to pay directly or indirectly for personal services, printed or written matter, or other devices intended or designed to influence in some manner Members of Congress to favor or oppose, by vote or otherwise, legislation before them, thus violating the specific prohibition of Section 1913 of Title 18 of the United States Code; and

(c) the expenditure of other appropriated monies for such purposes constitutes the use of appropriated funds for publicity or propaganda purposes designed to support or defeat legislation pending before Congress, thus violating Section 608(a) of the Treasury, Postal Service, and General Government Appropriation Act, 1973, P.L. 92-351, 1972 Cong. & Adm. News 556, 570.

13. As taxpayers, plaintiff and the persons on whose behalf it brings this action have been and will continue to be harmed by defendant's actions in unlawfully diverting tax monies.

14. As potential beneficiaries of some of the approximately fifteen bills against which the actions complained of in paragraphs 9 and 10 are directed, plaintiff and the persons on whose behalf it is bringing this action have been and will continue to be harmed by said actions, which make passage of said bills less likely.

15. As citizens, plaintiff and the persons on whose behalf it is bringing this action have been and will be harmed by the continued abuse of the legislative process that occurs when public monies are used to lobby for or against the passage of legislation pending before Congress in the manner described in paragraphs 9 and 10 hereof.

16. The harms to plaintiff and the persons in whose behalf it is bringing this action, which harms are described in paragraphs 13, 14, and 15 hereof, are irreparable since it is extremely difficult to determine the cost to the taxpayers of the expenses resulting from defendant's actions, since it is virtually impossible to counteract the effects of publicity and propaganda once it has been disseminated, and since the abuse of the legislative process can never be adequately corrected by remedial action.

17. Defendant will continue to engage in the unlawful actions complained of in paragraphs 9 and 10 unless this Court enjoins him from doing so.

WHEREFORE plaintiff prays for:

(1) an order preliminarily enjoining defendant and persons under his supervision and control and others acting in concert with them from continuing to engage in the actions complained of in paragraph 9 or any other actions designed to influence the passage of legislation pending before the Congress, and requiring defendant, pending the final outcome of this action, to recall and refrain from distributing or disclosing all existing copies of the document entitled "The Battle of the Budget, 1973;" and

(2) a final order:

(a) declaring unlawful the actions of defendant and persons under his supervision and control complained of in paragraphs 9 and 10;

(b) permanently enjoining defendant and said persons and others acting in concert with them from engaging in the actions complained of in paragraphs 9 and 10 or any other actions designed to influence the passage of legislation pending before Congress.

(c) directing defendant and said persons to revoke any and all suggestions, guidelines, and instructions, written or oral, issued by them and designed to cause officers and employees of the Executive Branch to engage in activities designed to bring about the passage or defeat of legislation pending before the Congress;

(d) directing defendant to notify such of-

ficers and employees in writing that such suggestions, guidelines, and instructions have been revoked pursuant to order of the Court, and to advise such officers and employees in said notification that the continued adherence to suggestions, guidelines, or instructions involving the expenditure of public monies to attempt to bring about the passage or defeat of legislation pending before Congress is unlawful;

(e) awarding plaintiff its costs and disbursements in this action; and

(f) granting such other and further relief as the Court may deem necessary or appropriate.

Dated Washington, D.C., April 20, 1973.

W. THOMAS JACKS.
ALAN B. MORRISON.

U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

PUBLIC CITIZEN, INC., PLAINTIFF, v. KEN W. CLAWSON, DEPUTY DIRECTOR OF COMMUNICATIONS FOR THE EXECUTIVE BRANCH, DEFENDANT

AFFIDAVIT OF ALAN B. MORRISON, ESQUIRE

Washington, District of Columbia, ss.

Alan B. Morrison, being duly sworn, deposes and says:

1. I am Director of Litigation for plaintiff Public Citizen, Inc., and an attorney for plaintiff in this case. I am familiar with the background of the suit and the facts on which plaintiff's claim is based.

2. Upon reading the newspaper reports which are attached as Exhibits A, B, and C hereto, my associate, W. Thomas Jacks and I undertook to investigate the facts reported therein.

3. In connection with that investigation, I spoke to David Broder and Mike Causey, who are writers for The Washington Post and who are the authors of the newspaper articles mentioned in paragraph 2 above, about the possibility of their executing affidavits attesting to the truth of the matters reported by them. Both declined to do so because they feared that their involvement in this action to that extent would subject them to questions concerning the identity of their sources of information which they would feel obligated not to answer, thus exposing them to the possibility of fine or imprisonment. Neither suggested any reason for declining to execute an affidavit other than the one just mentioned.

4. Other news stories have been published concerning the subject matter of this dispute; they are attached as Exhibits D and E hereto.

5. To the best of my knowledge information, and belief, there have been no denials of the substance of these articles or that defendant was responsible for the publicity campaign described in them and in the complaint.

6. On the basis of the investigation conducted by Mr. Jacks and me, it is my belief that the matters alleged in the complaint are true.

7. Plaintiff desires to move for a preliminary injunction at the earliest practicable date in order to bring the unlawful acts alleged in the complaint to a halt. It is my opinion that the evidence which plaintiff now possesses, which consist of the accompanying Exhibits A-E, the absence of any denials thereto, and the collection of documents entitled "The Battle of the Budget, 1973," which was filed with the complaint, may not be sufficient to support the factual findings which a court is required to make under Rule 52(a) of the Federal Rules of Civil Procedure in order to grant a preliminary injunction. The factual information to support such findings is in the possession of the defendant, and our investigation has determined that defendant will not make such information available except under compulsory process, such as is available under Rules 30

and 36. It is for this reason that plaintiff is moving for an order permitting defendant's deposition to be taken on May 2, 1973 or in the alternative, shortening the time for defendant to reply to plaintiff's requests for admission.

ALAN B. MORRISON.

[EXHIBIT A]

[From the Washington Post, Wednesday, Apr. 4, 1973]

PR MEN GIRD FOR "BATTLE OF BUDGET"

(By Mike Causey)

The Nixon administration is mobilizing the bureaucracy's extensive, and expensive, public relations apparatus for an attack on the "spendthrift" Democratic-controlled Congress.

To make sure voters get the same message, federal writers have been given a detailed set of guidelines by the White House, telling them where, when and how to warn taxpayers of the dangers to their pocketbooks if Congress tampers with the President's budget.

The guidelines, obtained by this column, tell government specialists how to write speeches warning of tax increases, and give lists of 15 federal programs to be hit, anti-Congressional "one liners" to be used by officials on the banquet circuit, and examples of "horror stories" to be used in spotlighting federal programs Mr. Nixon wants to end.

The idea is to rally public pressure against Congress not to tamper with the budget. The approach is not new. It was used by the Kennedy administration to push antipoverty programs and civil rights, and by the Johnson administration to build support for our presence in Vietnam. But the scope of the latest operation, and its tight control from the White House, may be unprecedented, and is definitely attack-oriented.

Kits, called "The Battle of the Budget, 1973," were distributed yesterday morning to top agency officials and public relations aides. The kit includes detailed instructions as to how future government press releases, and speeches, are to be written, listing:

"Major Themes."

"Key Facts."

"Sample Speech Material, One-Liners, Sample Speech," and "Anecdotes" that lampoon unsuccessful federal programs, members of Congress and anti-administration newspapers.

Examples of how "Horror Stories Might Be Used" in speech material and "canned" editorials written for newspapers and television stations include the following:

"Each day the Congress persists in its efforts to foist on the American public a gaggle of runaway spending schemes . . . and boondoggling programs which fuel inflation and threaten higher taxes.

"The pat response by the President's critics is that the President is hurting the poor, not responding to the people and has his priorities mixed up."

It then lists the programs Mr. Nixon has "targeted for cutbacks," and the "horror stories" to be used to illustrate they have been a waste of time and taxpayers' money. They include the Concentrated Employment Program in East Harlem that had "the commendable goal of 1,400 enrollees in a job training, placement system.

"Only 616 persons were actually enrolled," the guideline sheet says, "while 170 of those dropped out. Instead of the hoped-for job placements of 920, the magic figure for the number of persons placed in jobs was 6. That is to say, thousands of dollars were spent for a program whose final results were a one out of 100 ratio of job placement."

In a section called "Support for the President's Stand," speech-writers are told to draw on Mr. Nixon's earlier antispending statements—which are attached—and to use this followup:

"As President Nixon has said, 'The way to hold the line on taxes is to hold the line on federal spending.'" The suggested followup in a speech is "It is as simple as that."

The speech-writers are then given this suggestion for phrases their bosses must use in upcoming speech-making tours. They should tell taxpayer groups:

"But holding that line means doing away with some of the favorite sacred cows that the Congress has funded and refunded again and again for decades." The sample speech continues:

"As far as the public is concerned, these sacred cows stopped giving milk years ago. But each special program has a small but determined band of special beneficiaries—people who have been receiving something for nothing; people who have been getting a free ride at the taxpayers' expense. These free loaders are not going to be evicted without a fight."

[EXHIBIT B]

[From the Washington Post, Apr. 6, 1973]

ADMINISTRATION SUPPLIES ONE-LINERS

(By Mike Causey)

The White House has ordered government officials making the rubber chicken banquet circuit to spice their talks to citizens groups with bright but deadly quips lampooning congressmen who disagree with Mr. Nixon's spending priorities. The idea is to scare them off or send them into enforced retirement next November.

The how-to-make-speeches kit, first revealed here April 4, is a detailed guide as to which spending programs the administration opposes, and ways to hit "spendthrift" congressmen and make them look silly and fiscal dangerous to the voters.

One section of the closely held guidebook, called "The Battle of the Budget, 1973," includes "one-liners, sample speeches and anecdotes" with specific directions as to how to employ "Epithets for Congress." Examples of items to be used in speeches include:

"The buck-passing Congress . . . the 15 per cent Congress (forcing a tax increase of that much) . . . the credit-card Congress . . . the maverick Congress (ignoring the will of the people)."

Officials looking for an ice-breaker in speech material are told to say: "This may look like a Santa Claus Congress—but it's got a bagful of bad news for the taxpayer."

When defending Mr. Nixon for refusing to spend program funds voted by Congress, officials are to say: "Just because the Congress passes the buck doesn't mean the President has to spend it." Other one-liners:

"When Congress can't add, Senator Scott (the Republican leader) has said the President must subtract. Otherwise the budget will keep on multiplying and the taxpayer's dollar will keep on dividing."

Mandatory use of White House-approved phrases in talks and press releases indicates the administration has declared all-out war on congressmen who back programs the President doesn't, and that the bureaucracy's unmatched communications resources will be used to beat Congress over the head. Caught in the middle will be career federal workers who must one day poke fun at a congressman before his constituents, then go up to Capitol Hill and ask the same congressman for money.

"When one man helps himself to another man's bank account," the speechwriters guide says, "that's called embezzlement. But when a big-spending congressman helps himself to the taxpayer's income with higher prices and taxes, then it's called 'compassion.'"

With an eye to the 1974 congressional elections, federal officials are told to remind voters—and worried congressmen—of Mr. Nixon's huge victory at the polls. They will

do this using item No. 9 in the "budget one-liners" section. It goes:

"The issue of 'no taxation without representation' was settled in this country two hundred years ago—and it still holds today. No member of Congress who read the election results last fall and the opinion polls this winter can claim he is representing the people if he forces a tax increase down their throats this spring."

Homings in on spending opposed by the administration, the government spokesman is to ask audiences: "Does the Congress really want programs of compassion for the poor, or does it just want to indulge its passion for poor programs?"

The speech-guidelines kit lists "The Far-Out Fifteen," which it describes as a "\$9 billion herd of Trojan horses that are thundering our way from out of the Congress, brightly painted and outfitted with very attractive accessories . . ." These are bills, it is explained, that are being touted by Democrats as save-the-people legislation which, the Republicans say, would do little but raise taxes by 15 per cent. Examples of the "Far Out Fifteen" include airport building, anti-hijacking legislation, the Economic Development Administration, the older Americans legislation and flood control bills.

On flood control, for example, the guidebook explains what it would mean, and how federal officials by word and press release, are to kill it in this "speech insert."

"If anything warms congressional hearts more than fund-raising dinners, it is dams. Big dams, little dams, earth dams, concrete dams—they all mean flood control, recreation, conservation reclamation. And more than that, they mean vote-getting pork from the federal barrel."

[EXHIBIT C]

[From the Washington Post, Apr. 8, 1973]
WHITE HOUSE GIRLS FOR BUDGET BATTLE
 (By David S. Broder)

Last Wednesday afternoon, the weekly meeting of the departmental information officers of the Nixon administration was shifted from its regular location in the Executive Office Building to the Theodore Roosevelt Room of the White House.

The occasion was something of a celebration. Ken W. Clawson, the deputy director of communications for the executive branch and organizer of the session, passed out cufflinks with the presidential seal to everyone present.

Such mementoes have been traditional at the White House for years, celebrating the end of wars, the resolution of missile crises, or the passage of major pieces of legislation.

As far as anyone could remember, however, this was the first time that the agency publicity men, the top echelon of the army of government flacks, were so well rewarded for their part in sustaining a presidential veto.

"One down," said Clawson, referring to the previous day's Senate vote upholding Mr. Nixon's veto of the vocational rehabilitation act. "One down and 14 to go."

Facing at least 15 possible veto showdowns with Congress, the White House has mobilized all the resources of the executive branch for the 1973 battle of the budget. In this struggle, mobilizing public opinion on the President's side of the debate is regarded as one of the most vital battlegrounds.

Mr. Nixon's men are organizing it with the same thoroughness—and many of the same techniques—they used in the last election campaign. In time, the "selling of the budget" may make as striking a chapter in the public relations textbooks as "the selling of the President."

Clawson, a former Washington Post reporter who is expected to succeed the departing Herbert G. Klein as the administration's

information director, is the coordinator of the budget campaign.

As in the last campaign, Mr. Nixon himself is being used sparingly for crucial roles in the publicity drive. The President provides the basic themes and the overall message and delivers—in occasional radio and television talks to the public and in messages to Congress—the key statements in the budget battle.

But the day-to-day work of keeping the message before the public is being done by Cabinet officers and agency heads, just as those men or their predecessors served as "surrogate candidates" for the President last fall.

Clawson, who coordinated the "surrogates" in the 1972 campaign, is marshaling them with similar efficiency and an eye for detail in this new campaign.

In an interview last week, he insisted that each Cabinet member is setting his own speech schedule and picking his own topics, with the White House merely offering background material on budget issues and providing suggestions on ways to reach as wide an audience as possible in the city he chooses to visit.

But participants in Clawson's weekly meetings depict the White House role as central in the whole publicity drive.

Weeks ago, they say, Clawson announced to the agency information chiefs that the President wanted his hold-the-line budget drive given top priority in every possible forum. Applying this doctrine, Clawson ordered a quota of one "economy" speech per week for every presidential appointee in the department or agency.

Last week, the quota was tripled, with the flacks told they would be responsible for producing three appearances a week by each political appointee.

Target areas were identified—mainly small to medium-sized cities with conservative Democratic or liberal Republican congressmen. Agency public relations men were told to coordinate their principals' speaking plans with John Guthrie, an aide to presidential assistant H. R. (Bob) Haldeman, in order to avoid overlapping appearances and to assure maximum coverage.

In recent weeks, Clawson has added other assignments to the expanding drive:

Each department or agency was told to deliver two signed editorial page-style commentaries on the budget battle by its officials, which Clawson is attempting to place in newspapers around the country.

Each agency publicity man was directed to produce several ideas on budget stories for trade and business publications.

Each department with a radio facility was told to produce recorded budget messages for radio stations to tape for their own use.

A list of radio talk shows across the country was distributed and the publicity men were urged to line up interviews for their bosses—via long-distance.

The White House is also playing a leading role in shaping the contents of the message. In addition to distributing the President's own economy statements and legislative veto messages to a list of some 1,500 editors, editorial writers and broadcasting executives, Clawson's office prepared a bulky "battle of the budget" kit as a guide to agency speechwriters.

A copy of the document, obtained by (Washington Post reporter Mike Causey, lists "horror stories" and "program failures" that can be used to justify presidential budget cuts; letters to the White House; editorials and polls supporting Mr. Nixon's stand; and "one-liners" and anecdotes directed against the congressional "budget-busters."

Material from the White House speech kit has been turning up regularly in the texts of Secretary of Commerce Frederick B. Dent, Secretary of Housing and Urban Develop-

ment James T. Lynn and others. For example, when presidential counselor Anne Armstrong told a San Antonio audience that "holding the line means putting some sacred cows out to pasture," she was quoting a Clawson one-liner.

When Dent told the Wholesale Grocers Association about the anti-poverty agency's employment program in East Harlem, he was citing one of the Clawson-certified "horror stories."

When Lynn told audiences in Washington, Indianapolis, Charleston, W. Va., Richmond, and Anderson, S.C., that the alternative to budget-cutting would be a 15 per cent tax raise, he was parroting one of Clawson's recommended "major themes."

The White House has also encouraged the advertising of similar themes by private-citizen allies of the President. Last Tuesday, The Washington Post carried the first full-page ad in a planned national campaign by a newly formed group called Citizens for Control of Federal Spending.

The chairman of the organization is David Packard, former deputy Secretary of Defense and head of the 1972 Nixon campaign in California. Its "legislative consultant" is Bryce N. Harlow, counselor to the President in the first Nixon administration and formerly top White House lobbyist. The list of other officers and members is studded with social friends of the President and former members of his administration.

The new organization has rented space on the same floor of a Washington office building with the local office of J. Walter Thompson, the advertising agency that contributed Haldeman and so many others to the White House staff, but its own agency is Wagner and Barody, a firm whose principals have worked for Mr. Nixon and the Republican National Committee.

When H. Lee Choate, the retired Air Force officer who is listed as executive director of the Citizens for Control of Federal Spending, was asked if the group had any ties to the White House, he said, "No."

"They're aware of our existence, "because our three leaders (Packard and ex-Reps. John W. Byrnes of Wisconsin and James Roosevelt of California) visited the President and told him what they were prepared to do. He was very grateful and encouraged them to go on."

Clawson, denying any more role in the creation of the citizens committee than he acknowledged in the orchestration of the administration's own publicity campaign, expressed optimism about the way the battle of the budget is going.

"I think we're winning it in the country," he said, citing a series of public opinion surveys, including the latest Gallup Poll. That poll reports that by majorities ranging from 54 per cent to 65 per cent, voters believe that federal taxes are too high, that it is very important to balance the budget and that it is more important to hold down spending and taxes than to increase spending for social programs.

"We know the country is with us," Clawson said, "but the people who are hit by the budget cuts are the organized special interest groups—like the professional poverty workers—who are just lobbying the hell out of Capitol Hill."

"The question is whether congressmen will respond to their constituency back home or to the organized pressure groups," he said.

So far, the President is winning the battle both in the country and on Capitol Hill, where his first veto was sustained and the Senate has passed a spending ceiling even lower than the one Mr. Nixon recommended.

The way things are going, Clawson may have to request a supplemental appropriation for more presidential jewelry for his flacks.

[EXHIBIT D]

[From the Washington Post, Apr. 19, 1973]
 "FAR-OUT 15" SKIRMISH NOW A BATTLE
 (By Mike Causey)

While the administration steps up attacks on congressional budget-busters using the bureaucracy as the battering ram—key Democrats are studying a little-used federal law that provides fines and jail terms for civil servants who get caught in the lobbying business.

Under orders from the White House, federal agencies have been told to whip up public opposition to the so-called Far Out Fifteen. They are legislative proposals Mr. Nixon says would ruin his budget and force unwanted tax increases. Many of the programs under attack are pet projects of powerful Senate and House Democrats eyeing the 1974 congressional elections.

The result of the executive vs. legislative branch brawl, now being fought with press releases and speeches, could be that some career civil servants will find themselves caught in a legal meat grinder that could cost them their jobs. It could also bottle up agency money packages in a revenue-seeking Congress.

The law in question, one of the most frequently bent on the books, is the anti-lobbying statute, known in the trade as U.S.C. 18, 645, 62 Stat. 792. It reads:

"No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any matter a member of Congress to favor, or oppose, by vote or otherwise, any legislation or appropriation by Congress . . . but this shall not prevent officers or employees of the U.S. . . . on the request of any member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business."

Like most laws, the above can, and probably does, mean lots of things.

One reading would indicate that civil servants who get involved—as speech writers, secretaries or liaisons—in lobbying against a congressional project would be in violation of the law. If that is true, the law has been violated frequently by other administrations.

If, however, you take the approach that federal workers report directly to the President, it could be argued that they should do what he says, even if it means butting heads with Congress.

Some congressmen are considering a test of the law. The outcome could be a clear mandate for the President, any President, to use the bureaucracy as he sees fit, or to put it more directly under control of the Congress. Unfortunately for the "test case" federal workers caught in the middle, it could mean loss of a job, a \$500 fine and a year's room and board at some federal penitentiary.

RIGHT TO STRIKE HEARINGS

The first ever on the controversial proposal to give postal employees the right-to-strike open today before Rep. Charles H. Wilson's (D-Calif.) Postal Facilities subcommittee. Postmaster General E. T. Klassen is leadoff witness.

In addition to the right to strike, postal unions are seeking the right to negotiate the union shop, which would require rank-and-file employees to join organizations, or at least pay dues to them.

Klassen has said before that he would not oppose the right to strike, provided postal unions stop asking Congress to legislate on their working conditions and instead stick to the bargaining table.

National Right to Work Committee, which opposes compulsory unionism, will also testify this week as will heads of major postal unions.

Music Soothes The Savage Scientists: Department of Transportation has installed piped-in music at its research facility next door to the CIA in McLean. Reaction to the music from workers is mixed. But in these times of belt-tightening at DOT, some wonder about the cost of the sound of music.

Job Hunters: The White House Fellows group is looking for a secretary, up to Grade 7. Call 382-4661 . . . National Capital Housing Authority wants an attorney (D.C. bar) with landlord-tenant experience. Call 382-8025.

Agency for International Development's Rosslyn office has openings for GS 7-9 and 11 contract specialists. Call 557-0187.

[EXHIBIT E]

[From the Washington Post, Apr. 11, 1973]
 SPEECHES ATTACKING CONGRESS PROBED
 (By Mike Causey)

Sen. Edmund Muskie (D-Maine) has asked the General Accounting Office to investigate the background and legality of speech writer guidelines sent federal agencies from the White House, telling when, where and how often to attack "spendthrift" members of Congress.

Muskie says the 200-plus page guidelines—first outlined here April 4—constitute a "major propaganda campaign" against the Congress. He wants GAO to find out who wrote the guidelines, if they were prepared on government time and with federal facilities, and if they violate the 1913 law which bars civil servants from lobbying for or against programs before the Congress.

The Maine senator said the speech kits have been circulated to top press officials in every agency and tell government specialists "how to write speeches warning to tax increases and give lists of 15 federal programs to be attacked."

The speechwriters' guide also includes "horror stories" to be used in ridiculing the "far out 15" programs, contains a section of "epithets for Congressmen" who support the programs, and has a list of "one-liner" jokes to be used in speeches.

In his letter to Comptroller General Elmer B. Staats, Muskie included a copy of additional instructions being used by the Commerce Department. They order top officials to "immediately identify" two or more "major forums" between now and April 23 at which the anticongressional speeches may be made. The Commerce directive also tells district officials to "make arrangements to deliver such a speech yourself before a minimum of four additional groups during the same period as well as handling on your own any of the major forums for which a departmental spokesman is not available.

Democrats are especially upset by the speechwriters' guide. Majority Whip Thomas P. O'Neill Jr., has called it a federally financed "administration attempt to malign Congress" and to use federal workers as "tin soldiers" to discredit Congress and "to push President Nixon's scheme for one-man rule.

Muskie has asked the GAO to find out, and give him a preliminary report by April 30 as to:

Who authorized production of the kits?
 Who paid for them?
 What is their distribution in federal agencies?

What instructions accompanied the kits?
 Were federal funds used to finance "this propaganda campaign"?

Do speeches written and prepared according to guidelines in the kits violate the 1913 law which prohibits federal workers from legislative lobbying?

Last Sunday, Washington Post Staff Writer David S. Broder identified Ken W. Clawson,

deputy director of communications for the executive branch as the White House official coordinating the campaign to defeat the "far out 15" legislative proposals.

The speech kits identify the next targets as flood-control legislation, the older Americans measure, an antihijacking bill, emergency farm loans, airport grant extension, among others. These programs, the speech kit fact sheet says, are expensive pie-in-the-sky political ploys of the Democrats whose only sure-fire guarantee is a 13 per cent tax hike for the American public.

Speechwriters and speechgivers have been told to use quotes from the President and his top aides, referring to the programs in such terms as ". . . a \$9 billion herd of Trojan horses" thundering out of Congress and as "daggers" pointed at the taxpayer's pocketbook.

Federal employees drafted into the fight against Congress are warned that the programs have strong special interest backing, and have political sex appeal to individuals and communities.

Democrats who control Congress and are the main backers of the "far out 15" are furious over the attack plan which, while not unique to this administration, appears much more professional and hard-hitting than past attempts by the Kennedy and Johnson administrations to utilize the resources of the bureaucracy to win public backing for plans and programs.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CLARK). Without objection, it is so ordered.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States, received during the adjournment of the Senate, submitting sundry nominations, which were referred to the appropriate committees.

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

HOUSE BILL REFERRED

The bill (H.R. 6691) making appropriations for the legislative branch for the fiscal year ending June 30, 1974, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were referred to the Committee on Rules and Administration:

H. Con. Res. 109. Concurrent resolution providing for the printing of remarks of tribute to the late President of the United States, Lyndon Baines Johnson;

H. Con. Res. 126. Concurrent resolution to provide for the printing of 1,000 additional hearings entitled "Year-Round Schools"; and

H. Con. Res. 156. Concurrent resolution to provide for the printing of 1,000 additional hearings entitled "Corrections, Federal and

State Parole Systems," parts VII-A and VII-B, serial 15, 92d Congress.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that he had presented to the President of the United States the following enrolled bills:

On April 19, 1973:

S. 1493. An act to amend title 37, United States Code, relating to promotion of members of the uniformed services who are in a missing status.

On April 23, 1973:

S. 50. An act to strengthen and improve the Older Americans Act of 1965, and for other purposes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON LOAN TO CORN POWER COOPERATIVE, HUMBOLDT, IOWA

A letter from the Administrator, Rural Electrification Administration, Rural Electrification Administration, reporting, pursuant to law, on the approval of a loan to Corn Belt Power Cooperative of Humboldt, Iowa (with an accompanying paper). Referred to the Committee on Appropriations.

REPORT ON CONSTRUCTION PROJECTS PROPOSED TO BE UNDERTAKEN BY THE ARMY NATIONAL GUARD

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report on construction projects proposed to be undertaken by the Army National Guard (with an accompanying report). Referred to the Committee on Armed Services.

REPORT ON CONSTRUCTION PROJECTS PROPOSED TO BE UNDERTAKEN FOR THE AIR NATIONAL GUARD

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report on construction projects proposed to be undertaken for the Air National Guard (with an accompanying report). Referred to the Committee on Armed Services.

REPORT OF ACTUAL PROCUREMENT RECEIPTS FOR MEDICAL STOCKPILE OF CIVIL DEFENSE EMERGENCY SUPPLIES AND EQUIPMENT PURPOSES

A letter from the Secretary of Health, Education, and Welfare, reporting, pursuant to law, on actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment purposes, for the quarter ended March 31, 1973. Referred to the Committee on Armed Services.

PROPOSED DONATION OF SURPLUS PROPERTY TO CORONADO, CALIF.

A letter from the Chief of Legislative Affairs, Department of the Navy, reporting, pursuant to law, on the proposed donation of certain surplus property to the city of Coronado, Calif. Referred to the Committee on Armed Services.

PROPOSED LEGISLATION FROM DEPARTMENT OF THE NAVY

A letter from the Acting Secretary of the Navy, transmitting a draft of proposed legislation authorizing the Secretary of the Navy to receive for instruction at the U.S. Naval Academy two citizens and subject of the Empire of Iran (with and accompanying paper). Referred to the Committee on Armed Services.

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PROPOSED LEGISLATION FROM THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT

A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to provide Federal revenues to State and local governments and afford them broad discretion in carrying out community development activities (with accompanying papers). Referred to the Committee on Banking, Housing and Urban Affairs.

REPORT OF CIVIL AERONAUTICS BOARD

A letter from the Chairman, Civil Aeronautics Board, transmitting, pursuant to law, a report of that Board, for the fiscal year 1972 (with an accompanying report). Referred to the Committee on Commerce.

REPORT OF NATIONAL RAILROAD PASSENGER CORPORATION

A letter from the Vice President of Public and Government Affairs, National Railroad Passenger Corporation (Amtrak), transmitting, pursuant to law, a report of that Corporation, for the month of March, 1973 (with an accompanying report). Referred to the Committee on Commerce.

PROPOSED LEGISLATION FROM THE SECRETARY OF TRANSPORTATION

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations, and for other purposes (with accompanying papers). Referred to the Committee on Commerce.

PROPOSED LEGISLATION FROM THE DISTRICT OF COLUMBIA GOVERNMENT

A letter from the Commissioner, the District of Columbia, transmitting a draft of proposed legislation to authorize certain programs and activities of the government of the District of Columbia, and for other purposes (with an accompanying paper). Referred to the Committee on the District of Columbia.

PROPOSED LEGISLATION FROM THE SECRETARY OF THE TREASURY

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to be cited as the "Retirement Benefits Tax Act" (with accompanying papers). Referred to the Committee on Finance.

PROPOSED LEGISLATION FROM THE DEPARTMENT OF DEFENSE

A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 with respect to the deduction for moving expenses (with an accompanying paper). Referred to the Committee on Finance.

PROPOSED LEGISLATION FROM DEPARTMENT OF STATE

A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to amend title VIII of the Foreign Service Act of 1946, as amended, relating to the Foreign Service retirement and disability system, and for other purposes (with accompanying papers). Referred to the Committee on Foreign Relations.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report entitled "U.S. Agreements With and Assistance to Free World Forces in Southeast Asia Show Need for Improved Reporting to the Congress" (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to

law, a secret report entitled "Readiness of the Air Force in Europe" (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Enlisted Aide Program of the Military Services," Department of Defense, dated April 18, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Audit of Federal Deposit Insurance Corporation for the Year Ended June 30, 1972 Limited By Agency Restriction On Access to Bank Examination Records," dated April 23, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "For Safer Motor Vehicles—More Effective Efforts Needed to Insure Compliance With Federal Safety Standards," National Highway Traffic Safety Administration, Department of Transportation, dated April 24, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

REPORTS OF SEVEN RIVER BASIN COMMISSIONS UNDER WATER RESOURCES PLANNING ACT OF 1965

A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, reports on the seven River Basin Commissions established under the Water Resources Planning Act of 1965 (with accompanying reports). Referred to the Committee on Interior and Insular Affairs.

PROPOSED CONTRACT FOR A RESEARCH PROJECT ENTITLED "ADVANCED TECHNIQUES FOR RADON GAS REMOVAL"

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed contract with Arthur D. Little, Inc., Cambridge, Mass., for a research project entitled "Advanced Techniques for Radon Gas Removal" (with accompanying papers). Referred to the Committee on Interior and Insular Affairs.

REPORT ON ACTIVITIES OF THE CHARLES R. ROBERTSON LIGNITE RESEARCH LABORATORY

A letter from the Acting Secretary of the Interior, reporting, pursuant to law, on the activities of, expenditures by, and donations to the Charles R. Robertson Lignite Research Laboratory of the Bureau of Mines at Grand Forks, N. Dak., for the calendar year 1972. Referred to the Committee on Interior and Insular Affairs.

BANKRUPTCY RULES AND OFFICIAL FORMS COVERING GENERAL BANKRUPTCY CASES

A letter from the Chief Justice of the United States, transmitting, pursuant to law, bankruptcy rules and official forms covering general bankruptcy cases (with accompanying papers). Referred to the Committee on the Judiciary.

PROPOSED LEGISLATION FROM THE U.S. COURTS

A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to authorize the position of crier-clerk within the judicial branch of the Government of the United States, and for other purposes (with an accompanying paper). Referred to the Committee on the Judiciary.

PROPOSED LEGISLATION FROM THE SECRETARY OF COMMERCE

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation

to amend the Trademark Act of 1946 and title 35 of the United States Code to change the name of the Patent Office to the "Patent and Trademark Office" (with an accompanying paper). Referred to the Committee on the Judiciary.

PROPOSED LEGISLATION FROM THE ATTORNEY GENERAL

A letter from the Attorney General, transmitting a draft of proposed legislation to amend section 4082(c) of title 18, United States Code, to extend the limits of confinement of Federal prisoners (with an accompanying paper). Referred to the Committee on the Judiciary.

REPORTS OF NATIONAL LABOR RELATIONS BOARD

A letter from the Chairman, National Labor Relations Board, transmitting, pursuant to law, reports of that Board, for the fiscal year ended June 30, 1972 (with accompanying reports). Referred to the Committee on Labor and Public Welfare.

REPORT ON PUBLIC EMPLOYMENT PROGRAM

A letter from the Secretary of Labor, transmitting, pursuant to law, a report on the public employment program, dated February 1, 1973 (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

PROPOSED LEGISLATION FROM DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Acting Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to extend the authorization of appropriations for the Bilingual Education Act, for the dropout prevention program, and for section 309 of the Adult Education Act (with an accompanying paper). Referred to the Committee on Labor and Public Welfare.

DELEGATE LISTS—CORRECTION OF FINAL REPORT OF THE 1971 WHITE HOUSE CONFERENCE ON AGING

A letter from the White House Conference on Aging, transmitting, for the information of the Senate, a corrected printing to be inserted in volume I, appendix E, of the final report of that Conference (with an accompanying paper). Referred to the Committee on Labor and Public Welfare.

REPORT OF THE INTERIM COMPLIANCE PANEL, DEPARTMENT OF THE INTERIOR

A letter from the Acting Secretary of the Interior, transmitting, pursuant to law, the annual report of the Interim Compliance Panel, for the calendar year 1972 (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

PROPOSED LEGISLATION FROM THE SECRETARY OF COMMERCE

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend section 142 of title 13, United States Code, entitled "Census" (with accompanying papers). Referred to the Committee on Post Office and Civil Service.

REPORT ENTITLED "THE EFFECT OF POLLUTION ABATEMENT ON INTERNATIONAL TRADE"

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report entitled "The Effect of Pollution Abatement on International Trade" (with an accompanying report). Referred to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the City Council of Elizabeth, N. J., praying for the enactment of legislation to allow tax credits for income tax purposes. Referred to the Committee on Finance.

REPORTS OF COMMITTEES

By Mr. CRANSTON, from the Committee on Banking, Housing and Urban Affairs:

S. 1672. An original bill to amend the Small Business Act. Ordered placed on the calendar. (Rept. No. 93-132).

EXTENSION OF TIME FOR FILING REPORT OF SPECIAL COMMITTEE ON AGING

Mr. CHURCH. Mr. President, I ask unanimous consent to move from April 30 to May 15 the date by which the report of the Senate Special Committee on Aging, "Developments in Aging, 1972, January-March, 1973," shall be submitted. I am making this request in order to give additional time for completion of minority views.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. ALLEN:

S. 1656. A bill for the relief of Hernan Beteta. Referred to the Committee on the Judiciary.

By Mr. TALMADGE (by request):

S. 1657. A bill to amend the Food Stamp Act of 1964, as amended, for the purpose of authorizing appropriations for fiscal years subsequent to the fiscal year ending June 30, 1973. Referred to the Committee on Agriculture and Forestry.

By Mr. BAYH:

S. 1658. A bill for the relief of Marguerita Ponce. Referred to the Committee on the Judiciary.

By Mr. MONDALE:

S. 1659. A bill to exclude certain lands from the boundaries of the Voyageurs National Park. Referred to the Committee on Interior and Insular Affairs.

By Mr. PROXMIRE:

S. 1660. A bill for the relief of the estate of James J. Caldwell. Referred to the Committee on the Judiciary.

By Mr. CASE:

S. 1661. A bill for the relief of Barry R. Scharaga. Referred to the Committee on the Judiciary.

By Mr. PACKWOOD (for himself, Mr. BELLMON, Mr. BROOKE, Mr. BURDICK, Mr. CASE, Mr. DOLE, Mr. DOMENICI, Mr. DOMINICK, Mr. GURNEY, Mr. GRAVEL, Mr. HANSEN, Mr. HART, Mr. HASKELL, Mr. HATHAWAY, Mr. HUMPHREY, Mr. JAVITS, Mr. MCGOVERN, Mr. MATHIAS, Mr. MONDALE, Mr. RANDOLPH, Mr. ROTH, Mr. SAXBE, Mr. TAFT, Mr. THURMOND, and Mr. TUNNEY):

S. 1662. A bill to provide for a daily index of the Congressional Record. Referred to the Committee on Rules and Administration.

By Mr. YOUNG:

S. 1663. A bill for the relief of Arthur O. Bilden. Referred to the Committee on Veterans' Affairs.

By Mr. CHURCH (for himself, Mr. CLARK, Mr. BIELE, Mr. CHILES, Mr. HUGHES, Mr. KENNEDY, Mr. PELL, Mr. WILLIAMS, Mr. RANDOLPH, Mr. RIBICOFF, Mr. HUMPHREY, Mr. MCINTYRE, Mr. STEVENSON, Mr. MCGOVERN, Mr. NELSON, Mr. BIDEN, Mr. ABOUREZK, Mr. TUNNEY, Mr. MCGEE, Mr. HASKELL, Mr. BAYH, Mr. HART,

Mr. METCALF, Mr. PASTORE and Mr. CRANSTON):

S. 1664. A bill to prohibit any material to be enclosed with any social security check which contains the name, signature, or title of any Federal officer other than the Commissioner of the Social Security Administration, and for other purposes. Referred to the Committee on Finance.

By Mr. GRAVEL:

S. 1665. A bill to terminate the Airlines Mutual Aid Agreement. Referred to the Committee on Commerce.

By Mr. GRAVEL (for himself, Mr. BAYH, Mr. MCGOVERN and Mr. RIBICOFF):

S. 1666. A bill to amend title 39, United States Code, to establish improved standards to achieve efficient mail service, to provide an effective method of reimbursing the U.S. Postal Service for public service costs while maintaining a reasonable postal rate structure, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. PROXMIRE:

S. 1667. A bill to limit the amount that may be paid in advance under certain Federal contracts, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. WEICKER:

S. 1668. A bill to amend the National Environmental Policy Act of 1969 in order to insure the balancing of environmental considerations with economic and social considerations in complying with the provisions of such act. Referred to the Committee on Interior and Insular Affairs.

By Mr. MCGOVERN (for himself, Mr. CRANSTON, Mr. KENNEDY, Mr. MONDALE, Mr. CASE, Mr. HUMPHREY, Mr. NELSON, Mr. HART, Mr. CLARK, and Mr. ABOUREZK):

S. 1669. A bill to amend the Food Stamp Act of 1964, as amended. Referred to the Committee on Agriculture and Forestry.

By Mr. MCGOVERN:

S. 1670. A bill to provide for the establishment of the George Washington Institute for the Social Sciences. Referred to the Committee on Labor and Public Welfare.

By Mr. MCGOVERN (for himself and Mr. ABOUREZK):

S. 1671. A bill to provide for the establishment of a national cemetery near the Fort Randall Dam, S. Dak. Referred to the Committee on Veterans' Affairs.

By Mr. CRANSTON, from the Committee on Banking, Housing and Urban Affairs:

S. 1672. An original bill to amend the Small Business Act. Ordered placed on the calendar.

By Mr. CRANSTON:

S. 1673. A bill for the relief of Mrs. Zosima Telebanco Van Zanten. Referred to the Committee on the Judiciary.

By Mr. PERCY (for himself, Mr. COOK, Mr. MCGOVERN, and Mr. SCHWEIKER):

S.J. Res. 99. A joint resolution to authorize the President to designate the period from March 3, 1974, through March 9, 1974, as "National Nutrition Week." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TALMADGE (by request):

S. 1657. A bill to amend the Food Stamp Act of 1964, as amended, for the purpose of authorizing appropriations for fiscal years subsequent to the fiscal year ending June 30, 1973. Referred to the Committee on Agriculture and Forestry.

Mr. TALMADGE. Mr. President, by request I introduce a bill to amend the

Food Stamp Act of 1964, as amended, and I ask unanimous consent that a copy of the bill together with a letter from the Department of Agriculture requesting the bill be printed at this point in the RECORD.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of subsection (a) of Section 16 of the Food Stamp Act of 1964, as amended (7 U.S.C. 2025(a)), is amended by striking out "June 30, 1972 and June 30, 1973" and substituting "June 30, 1972 through June 30, 1977".

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., April 13, 1973.

HON. SPIRO T. AGNEW,
President of the Senate,
U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for the consideration of the Congress is a draft of a proposed bill to amend Section 16 of the Food Stamp Act of 1964, as amended.

The proposed amendment to Section 16 would provide appropriation authority through fiscal year 1977. Public Law 91-671, approved by the President on January 11, 1971, provides appropriation authority only through fiscal year 1973. Extension of the appropriation authority is requested in order to continue to provide food assistance to those in need by supplementing their food purchasing power and to continue the policy of orderly and progressive expansion. Also, extension of the appropriation authority will permit State welfare agencies and this Department to build the administrative organization needed to adequately supervise already operating programs. In February of this year the Food Stamp Program was operating in 2,209 areas in 47 States and the District of Columbia, with 12.4 million persons participating.

The actual level of the annual appropriation for each fiscal year beyond 1973 would be determined by the Congress under the annual appropriation process.

Because the proposed amendment of Section 16 is concerned only with the continuation of appropriation authority, it would not affect program costs or employment requirements for the program.

The Office of Management and Budget advises that there is no objection to the presentation of this proposed legislation and that the enactment of this proposed amendment would be consistent with the objectives of the Administration.

A similar letter is being sent to the Speaker of the House.

Sincerely,

CLAYTON YEUTTER,
Acting Secretary.

By Mr. MONDALE:

S. 1659. A bill to exclude certain lands from the boundaries of the Voyageurs National Park. Referred to the Committee on Interior and Insular Affairs.

Mr. MONDALE. Mr. President, I am today introducing a bill to exclude an 85-acre plot of land from the boundaries of Voyageurs National Park.

Under ordinary circumstances I would be inclined to refrain from any boundary adjustments until the park had been formally established. However, I feel there are especially compelling reasons for this exception.

The land in question is owned by Mr. Robert Gawboy, Jr. and his relatives. Mr. Gawboy is a Chippewa, and the land was given to his grandfather by the Federal Government shortly after the turn of the century.

In spite of repeated attempts to obtain the exclusion of his property prior to final passage of the Voyageurs National Park Act, Mr. Gawboy's land was not exempted. In my view, this exemption would be fully compatible with the intent of Congress in authorizing the park's creation. The affected lands would be preserved in their natural condition, but would remain under the ownership of Mr. Gawboy, his relatives and their heirs.

This bill provides a way to permit Mr. Gawboy to keep his property rather than needlessly forcing Federal purchase of this small plot of Indian-owned land.

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

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

S. 1659

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of the Act entitled "An Act to authorize the establishment of the Voyageurs National Park in the State of Minnesota, and for other purposes", approved January 8, 1971, the land described as Outside Nett Lake Allotment No. 396, lots 6 and 7, section 28, township 70 north, range 18 west, 4th principal meridian, Minnesota; shall not be considered, on and after the date of the enactment of this Act, a part of, or within the exterior boundaries of, the Voyageurs National Park.

SEC. 2. The Secretary of the Interior shall take such action as may be necessary to carry out the purpose of this Act.

By Mr. PACKWOOD (for himself, Mr. BELLMON, Mr. BROOKE, Mr. BURDICK, Mr. CASE, Mr. DOLE, Mr. DOMENICI, Mr. DOMINICK, Mr. GURNEY, Mr. GRAVEL, Mr. HANSEN, Mr. HART, Mr. HASKELL, Mr. HATHAWAY, Mr. HUMPHREY, Mr. JAVITS, Mr. MCGOVERN, Mr. MATHIAS, Mr. MONDALE, Mr. RANDOLPH, Mr. ROTH, Mr. SAXBE, Mr. TAFT, Mr. THURMOND, and Mr. TUNNEY):

S. 1662. A bill to provide for a daily index of the CONGRESSIONAL RECORD. Referred to the Committee on Rules and Administration.

Mr. PACKWOOD. Mr. President, I introduce today—for myself and 24 other Senators—a bill which would require that an index be printed in every daily issue of the CONGRESSIONAL RECORD.

For the past century, the proceedings and debates of Congress have been printed in the CONGRESSIONAL RECORD. But, because of its staggering number of pages, though it is one of the most valuable Government publications, it is also one of the least used—because it is not indexed.

Today it is impossible for a Senator or Congressman or a member of their staff to pinpoint a bill or speech—or get an overview of everything that was printed

in the RECORD, without wasting time and the taxpayer's money. And, as a result, most congressional offices either totally discard the CONGRESSIONAL RECORD—making no use of it whatever—or waste the taxpayer's money by pouring over, page-by-page, every day of the week, a document the size of "Gone With the Wind."

Mr. President, just because Senators and their staffs chose to squint and pore over finely printed pages 100 years ago and waste the taxpayer's time and money in the process is no reason for us to do the same.

Accordingly, I am introducing this bill to require that every daily issue of the CONGRESSIONAL RECORD be accompanied by an index—so that those who need to use the RECORD, can do so expeditiously.

Mr. President, I ask that a copy of this bill be printed at this point in the RECORD, together with four articles from Oregon newspapers endorsing this bill.

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

S. 1662

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the second sentence of section 901 of title 44, United States Code, is amended by inserting immediately after "Congressional Record" the following: "daily (whenever either House of Congress is in session) and".

(b) Section 902 of such title is amended by striking out "semimonthly" and inserting in lieu thereof "daily, semimonthly".

(c) The first sentence of section 905 of such title is amended by inserting after "daily Record" the following: "the daily index".

(d) The second full paragraph of section 906 of such title, relating to copies of the daily Record to be reserved in unstitched form, is amended by inserting immediately after "daily Record" the following: "(excluding the daily index)".

[From the Pendleton (Oreg.) East Oregonian
Mar. 24, 1973]

BY ALL MEANS

Only those who are required to read the Congressional Record. It's a bulky collection of dullsville, including junk that congressmen insert to please their constituents, edited speeches that either delete some of what a congressman actually said or pretty it up, and a lot of other trivia.

Sen. Bob Packwood wants to make plodding through the Record easier for those who must do it daily. He proposes that it be indexed. Anything to make it easier for the long suffering readers of the thing should be done without regard for the expense.

[From the Salem (Oreg.) Capital Journal,
Mar. 22, 1973]

AN INDEX FOR THE PUFFERY?

Sen. Bob Packwood of Oregon is one of 21 lawmakers pushing for daily indexing of the Congressional Record.

This huge document of all testimony and supportive material results each day in a document larger than a Salem phone book.

There is an indexing crew already, but they publish the index only twice a month, meaning that when the material is fresh (and presumably most often needed) you have to grope.

With today's methods and computers this should be fairly simple to do.

We'll reluctantly agree. We get the Congressional Record (free) and sometimes try

to paw through it. It's difficult to find anything. We'd prefer that it be scrapped for most of it is junk and puffery—congressmen lauding each other, extolling a fine citizen from back home, or even reprinting a Capital Journal editorial at the request of one of those discerning readers who agrees with its message. But there probably is enough vital testimony sandwiched into the pages to make it what Packwood calls a "priceless document."

If we must print it, and index it, the least that could be done is to offset the additional cost of indexing, by reducing the daily press run to far less than the present 49,000 copies. All of these are distributed free, often unrequested.

[From the Cottage Grove (Oreg.) Sentinel, Mar. 22, 1973]

SENATOR SEEKS DAILY CONGRESSIONAL RECORD INDEX

Every day that Congress is in session, 49,000 persons wade through a document the size of "Gone With The Wind"—and "it's a waste of time" claims Senator Bob Packwood, (R) Oregon, who is planning a small revolution in Senate tradition.

He is proposing legislation to index the "Congressional Record"—the verbatim transcript of everything that's said and done in congress. Since its inception 100 years ago, there has never been a daily index.

The record is printed in fine print, smaller than that of some newspapers, and is so bulky and unwieldy it's impossible to pinpoint a bill or speech without wasting time, Packwood says.

His proposal, which already has 21 co-sponsors, would require the publication of an index with each daily issue of the Record.

The proposal would not involve any great expense or difficulty Sen. Packwood says. There already is Congressional Record Index Office of the Government Printing Office which indexes the Congressional Record. But, the office does its indexing the day after the Record is published—then holds the index cards in a cumulative, semi-monthly index. Sen. Packwood's bill would require that the day's publication be indexed the same day.

"The Congressional Record can be a priceless tool of government, and I think it is time we made it easier to use" he says. "Just because Senators and their staffs chose to squint and pour over finely printed pages—100 years ago—and waste the taxpayer's time and money in the process, is no reason for us to do the same thing."

MIXED CAR

(By A. M. Tewksbury)

Sen. Bob Packwood has proposed that a daily index be published in each issue of the *Congressional Record*. We don't want to discourage the Senator, but we suggested the same thing way back in 1939. It was one of a long list of improvements we proposed in a special report to the Librarian of Congress after a detailed study of the functioning of the Library's Legislative Reference Service. As far as we know, none of our suggested reforms have been adopted, but they made good sense then and more sense now.

By Mr. CHURCH (for himself, Mr. CLARK, Mr. BIBLE, Mr. CHILES, Mr. HUGHES, Mr. KENNEDY, Mr. PELL, Mr. WILLIAMS, Mr. RANDOLPH, Mr. RIBICOFF, Mr. HUMPHREY, Mr. MCINTYRE, Mr. STEVENSON, Mr. MCGOVERN, Mr. NELSON, Mr. BIDEN, Mr. ABOUREZK, Mr. TUNNEY, Mr. MCGEE, Mr. HASKELL, Mr. BAYH, Mr. HART, Mr. METCALF, Mr. PASTORE, and Mr. CRANSTON):

S. 1664. A bill to prohibit any material to be enclosed with any social security

check which contains the name, signature, or title of any Federal officer other than the Commissioner of the Social Security Administration, and for other purposes. Referred to the Committee on Finance.

Mr. CHURCH. Mr. President, I introduce for appropriate reference, a bill to prohibit any material to be enclosed with any social security check which contains the name, signature, or title of any Federal officer other than the Commissioner of the Social Security Administration.

The social security system is one of the landmark legislative achievements of our Nation—protecting workers and their families from loss of earnings, because of retirement, death or disability.

Today approximately 28 million Americans receive social security benefits, including more than 18 million persons age 65 or older.

Equally important, social security keeps 10 million Americans out of poverty. Without these benefits, millions of individuals would be forced onto the welfare rolls. Others would be required to depend upon relatives, many of whom would be financially hardpressed to provide economic assistance. And without these payments, 19 out of 20 social security beneficiaries would not even achieve a moderate standard of living.

These basic facts of life underscore the need to maintain the integrity of social security and to insure that it is never used for partisan purposes.

However, it has become the custom for both Republican and Democratic administrations to include announcements with social security increases which generally suggest that a boost in benefits is the result of action taken by the President.

The most recent example occurred this past October when 28 million social security beneficiaries received an announcement 1 month before the Presidential election. That notice said:

Your social security payment has been increased by 20 percent, starting with this month's check, by a new statute enacted by the Congress and signed into law by President Richard Nixon on July 1, 1972.

The President also signed into law a provision which will allow your social security benefits to increase automatically if the cost of living goes up. Automatic benefit increases will be added to your check in future years according to the conditions set out in that law.

This practice, I strongly believe, is subject to serious potential mischief for several reasons. First, it may undermine the social security program by using the system for political advantage. Second, using the social security mailing process for this purpose may create a misleading, erroneous or partisan impression in the minds of millions of potential voters.

Such notices, in my opinion, serve no useful purpose. Consequently, I introduce legislation today to prohibit social security announcements from making reference to the name or title of any individual who holds a Federal elective office or is a candidate for such office.

No one benefits—least of all the elderly—when the social security mailing process is used for narrow, partisan purposes. Social security is too vital to be demeaned in this fashion.

Today the vast majority of older Americans depend upon social security for their principal means of support. Approximately 65 percent of retired workers and 49 percent of aged couples rely upon social security for over half of their income.

For these older Americans, the social security system is simply too important to be exploited.

Mr. President, I urge early and favorable consideration of this measure.

Additionally, I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

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

S. 1664

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Section 205 of the Social Security Act is amended by adding after subsection (q) thereof the following:

"(r) The Secretary shall not permit material to be enclosed with any social security check which—

(1) is not related to the provisions of Title II and Title XVIII of the Social Security Act; or

(2) contains the name, signature, or title of any officer of the Government of the United States other than the Commissioner of the Social Security Administration.

By Mr. GRAVEL:

S. 1665. A bill to terminate the Airlines Mutual Aid Agreement. Referred to the Committee on Commerce.

Mr. GRAVEL. Mr. President, I rise to introduce a bill that would terminate the airline industry's 14-year-old mutual aid agreement on the grounds that the agreement is seriously detrimental to the interests of commerce, labor, and the consumer.

The agreement was originally reached in 1958 by six airlines—American, Capital, Eastern, Pan American, TWA, and United. This occurred shortly after Capital Airlines—struck by the International Association of Machinists—requested assistance from its fellow airlines.

The agreement provided mutual assistance in the event that the flight operations of any of the carriers were shut down by reason of: First, a strike called to enforce union demands in excess of or opposed to the recommendations of a Presidential Emergency Board appointed under section 10 of the Railway Labor Act; or two, a strike called before exhaustion of the procedures of the Railway Labor Act in disputes between carriers and employees; or three, a strike which is otherwise unlawful. Such assistance was in the form of an agreement by the air carrier parties to pay to the strike-bound carrier the increased revenues of the other carrier parties attributable to the strike, less applicable added direct expenses. These were the so-called windfall payments.

The agreement, for 1 year's duration, was filed with the Civil Aeronautics Board for approval under section 412 of the Federal Aviation Act. The CAB approved the agreement on May 20, 1959.

The following year the CAB approved an extension of the agreement—an

agreement, moreover, which had since been broadened in both membership and scope. It now included four additional airlines and contained an amendment providing payments to struck carriers in situations where the strike had been carried in the absence of the establishment of a Presidential Emergency Board and the struck carrier had in all respects acted in compliance with the Railway Labor Act. Thus, with CAB approval of this new looser interpretation, virtually all strikes became legitimate grounds for mutual assistance among the airlines. And the original contention—that the agreement had been executed to protect the carriers primarily against strikes founded on rejection of Emergency Board recommendations—was clearly exposed for what it was: a shameful gimmick to obtain CAB approval of the agreement.

In subsequent years, the mutual aid agreement has been regularly extended by CAB, and further amended to the benefit of the airlines so that now payments are so liberal that a strike-bound airline has little incentive to end the strike—to seriously engage in collective bargaining, speedily reach agreement, and return to full operations.

And why should it, if a strike hardly puts a crimp in its earnings? Consider the case of Northwest Airlines. Thanks to the mutual aid agreement that airline has survived four strikes provoked by its own adamant demands—a 45-day walkout by the machinists in 1966, a 5-hour work stoppage by the pilots in 1969, a 160-day tie-up by the Brotherhood of Railway and Airline Clerks in 1970, and a 95-day strike by the pilots in 1972—and even managed to parlay those strikes into profits. During the most recent strike, the airline received mutual aid payments of \$43.1 million. Using that amount—and a little of its own funds—to operate only its most profitable routes with available personnel, Northwest showed earnings for that quarter of \$2.8 million.

Labor, for its part, suffers considerably at the hands of the mutual aid agreement. Its bargaining representatives are at an unfair disadvantage at the bargaining table. The striking employees live on subsistence-level strike funds for considerably longer than they would otherwise have to. And many workers from other unions who are idled by a strike are denied Government assistance due to existing State laws.

Most importantly, the general public also suffers great hardships as a result of the agreement's existence and frequent use. Especially hard-hit by protracted agreement-abetted strikes are small communities which depend on a single line for commercial and passenger service. Fargo, N. Dak.—virtually paralyzed by the 1972 pilots' strike—became so desperate that it petitioned CAB to cancel Northwest's operating certificate and provide the city with a new carrier's service.

Moreover, what started out as a limited group insurance system has—with increased CAB subsidies to several local carriers—evolved into a generous corporate welfare plan partially supported by the Government. I view this as a partic-

ularly ironic situation in view of the Government's increasingly dim view of welfare for needy individuals.

Perhaps the most convincing evidence against continuation of the mutual aid agreement is contained in a simple statistical comparison: During the 8 years preceding execution of the agreement, there were 38 strikes averaging 15.1 days each. During the first 12 years following execution of the agreement—thus omitting the 95-day pilots' strike—there were 62 walkouts averaging 35.5 days each.

The well documented disruptive effects of the mutual aid agreement have prompted many concerned individuals—inside and outside the Government—to call for its modification, especially in the area of payment levels. It is now time, however, for more decisive action. With my introduction of this legislation—and my support of identical legislation which has been introduced in the House by Congressmen KARTH and FRASER of Minnesota—I earnestly request that the mutual aid agreement not be modified but terminated because it is incompatible with the public policy of the United States as provided in its existing labor relations laws. The agreement is a threat to equitable collective bargaining and a danger to the commerce of our Nation. Overall, it is a one-sided pact that has been sanctioned by the Federal Government for 14 years and which I now sincerely believe should be brought to a speedy and conclusive end.

By Mr. GRAVEL (for himself, Mr. BAYH, Mr. McGOVERN, and Mr. RUBICOFF):

S. 1666. A bill to amend title 39, United States Code, to establish improved standards to achieve efficient mail service, to provide an effective method of reimbursing the U.S. Postal Service for public service costs while maintaining a reasonable postal rate structure, and for other purposes. Referred to the Committee on Post Office and Civil Service.

Mr. GRAVEL. Mr. President, there are several universal standards by which a nation is judged by its peers. These standards include such things as:

Is the Government honest and even-handed?

Is transportation swift and reliable?

Is the civil service trustworthy and effective?

And: Is the mail service efficient and dependable?

Certainly if we were to be judged by the last of these standards alone, we would be considered third or fourth rate. The postal service of the United States—the greatest, strongest, and wealthiest country in the world—is a national scandal. The postal service being provided to the American people would not be acceptable in many nations that are considered to be less advanced than the United States.

Two years ago, when the U.S. Postal Service was coming into being, we were told that the new quasi-corporation would solve all the ills that were besetting the mails.

Two years have passed. The postal service today—judged by the USPS's own figures—is worse than it was in the dying days of the old Post Office Department.

Mr. President, we cannot afford to permit this steady erosion of our principal system of communications to continue.

As long ago as 1829, Andrew Jackson said:

The Post Office is to the body politic what veins and arteries are to the natural—carrying rapidly and regularly to the remotest parts of the system correct information of the operations of government and bringing back to it the wishes and feelings of the people.

The Postal Service should be—must be—this and much more besides. It should be, as Woodrow Wilson once wrote:

The Messenger of Sympathy and Love; the Servant of Parted Friends; the Consoler of the Lonely; the Bond of the Scattered Family; the Enlarger of the Common Life; the Carrier of News and Knowledge; the Instrument of Trade and Industry; the Promoter of Mutual Acquaintance, Of Peace and Good Will Among Men and Nations.

No one could honestly say that the Postal Service today is fulfilling this mission. The mails are slow and uncertain. Service has been sacrificed on a false altar of petty economies.

Even the Postmaster General, Elmer T. Klassen, has admitted to the Senate Post Office Committee that the U.S. Postal Service was so hellbent on reducing costs that we perhaps lost track of service.

We must make certain, Mr. President, that no one in authority ever again loses track of service.

The mail service to, from, and within the State of Alaska, has deteriorated to such an alarming degree during the past 2 years that I asked the General Accounting Office to conduct a Postal Service survey. This survey began just after the first of the year and is near completion. Alaskans are accustomed to getting the short end of the stick as far as services go, and we recognize that we do have unique problems of distance and weather not normally encountered in the Lower 48 States. However, the report of one Alaskan, that it took 30 days to get a letter delivered 60 miles away, had nothing to do with weather—just poor service. Once it became known that a GAO investigation was underway, my office was flooded with letters citing a wide range of incredible experiences from mail delivered opened to packages marked air-mail and fragile being delivered by second-class mail and in damaged condition. Cases were cited of food being delivered spoiled when postage had been paid for expedited service, or left dumped from the airfields and exposed to weather.

This is not intended to reflect adversely upon the overworked and dedicated Postal employees who perform their duties against great odds. As a matter of fact, were it not for their dedication, we would probably have no service at all. The main problem stems from administrative practices and serious understaffing.

I have today introduced legislation, S. 1666, which would establish specific standards of service, and which would require Congress to make whatever appropriations are necessary to insure that these standards are met.

The standards are really quite modest. They are practically minimal. They are:

First. Guaranteed next-day delivery of first-class mail within a 500-mile radius.

Second. Guaranteed third-day delivery of first-class mail any place within the United States beyond the 500-mile radius.

Third. Six-days-a-week delivery service, including parcel post.

Fourth. Six-day window service in post offices.

Fifth. Second attempt at delivery of parcel post.

The standards, in short, would bring the postal service up to the place it was 15 years ago. Is that too much to ask?

On reflection, Mr. President, we must all realize that Congress went entirely too far when it washed its hands of the postal service. The sad and dreary story of postal service failure ever since should cause us collectively and individually to examine our consciences. Congress must, at the very least, conduct oversight over this essential public service which touches almost every citizen of this Nation every working day of the year.

My bill, Mr. President, mandates the Post Office and Civil Service Committees of both Houses of Congress to conduct each year a thorough investigation of the performance of the United States Postal Service in order to make certain that the modest standards I have mentioned earlier are indeed being met.

My bill further provides that any managerial or administrative official who deliberately and knowingly violates or circumvents the standards of service shall be promptly discharged from the U.S. Postal Service.

The conduct of the mails is public business. It affects the economic, social, and political welfare of every one of our citizens. It is our manifest duty to oversee the operation of this essential system of communications and to make certain that decent standards of service are maintained.

By Mr. PROXMIRE:

S. 1667. A bill to limit the amount that may be paid in advance under certain Federal contracts, and for other purposes. Referred to the Committee on the Judiciary.

Mr. PROXMIRE. Mr. President, I introduce a bill that would reestablish congressional control over back-door financing of defense contractors. In light of the Lockheed bailout, the C5A and Cheyenne problems, the purchase of stock in floundering companies, unusual loans to Grumman, and a host of other relatively unknown examples, it is clear that Congress has no real control over bailouts and back-door financing.

BYRD-PROXMIRE AMENDMENT OF 1970

Once before we addressed this problem with regard to loans made under the Defense Production Act. A Byrd-Proxmire amendment subsequently was accepted by the Senate in a 75 to 0 vote and was passed by the House to become law on August 13, 1970. The Byrd-Proxmire amendment provided that any loan or guarantee made under the De-

fense Production Act section 2091 shall not exceed \$20 million without the approval of Congress. It was necessary due to the rather open ended language of that act and was designed to curtail unlimited loans to contractors.

UNUSUAL ADVANCE PAYMENTS

That did not shut off the back-door financing, however. Instead of invoking section 2091, the Defense Department turned to title 10, United States Code, section 2307. Under this provision, emergency advance and other payments can be made to a distressed contractor up to the total dollar amount of his contracts without any proof of work completed. In effect, they are loans whereby the contractor can keep his cash position solvent. This is the law being used to provide Grumman with "loans" for the F-14 program.

DEFENSE PRODUCTION ACT, SECTION 2092 APP.

There is another way to get around the congressionally imposed \$20 million level. The Defense Department can make use of the loan and loan guarantee authority in a companion section to 2091 of the Defense Production Act. Since the \$20 million level only applies to one section—2091—it leaves section 2092 open for exploitation. By its terms, section 2092 applies directly to the President and to those who are delegated his authority. It essentially contains the same powers as in section 2091. According to the General Counsel of the Department of Defense, section 2092 has not been used since it was enacted in 1950. Nonetheless, the authority is there ready to be invoked.

VAST EXECUTIVE POWERS IN PUBLIC LAW 85-804

By far the most extensive powers given to the President and the Department of Defense reside in Public Law 85-804—title 50, section 1431, U.S.C. This law allows the President or any department he authorizes to enter into contracts or modify contracts without regard to other laws if it would "facilitate the national defense." It also allows for advance payments.

The authority is delegated to the Secretaries of Defense, Army, Navy, and Air Force, and can be further delegated. Above \$50,000 in obligation, the action must be approved by a Deputy Assistant Secretary or higher or by a departmental Contract Adjustment Board. The Department of Defense must report to Congress by March 15 of each year with an accounting of the actions under this law of the previous year.

A review of these annual reports indicates that Public Law 85-804 has been used to obligate \$700 million from 1959 to 1972. This is a staggering amount of money to be obligated by a back-door technique. It has been used to purchase stock as collateral in the Gap Instruments Corp., of Long Island. It has been used to provide financing for the ill-fated C5-A airplane and Cheyenne helicopter programs. It is the broadest and most flexible contract modification law on the books. The Department of Defense can virtually take any action it desires simply by stating that it would "facilitate the national defense."

EVEN THE SELECTIVE SERVICE ACT HAS EMERGENCY PROVISIONS

My review of existing emergency legislation also has uncovered a little known provision of the Selective Service Act, title 50, section 468 App. which remains in force due to the national emergency of 1950. It does not appear that the extensive authority given the President under the Selective Service Act has been used, but it could be. In fact there have been strong hints that use of this act was under consideration as a technique to compel Grumman to produce F-14's.

The Selective Service Act permits the President, after receiving advice from the National Security Resources Board, to place orders for military goods and compel production by seizing the plant if necessary. In fact the President can take over a defense plant and run it as he sees fit simply by declaring it is in the interests of national security.

"Fair and just compensation" is required for any products furnished but there is no definition of what is fair and just.

NEEDED CONGRESSIONAL APPROVAL FOR BACKDOOR FINANCING

My bill would take the concept so readily accepted by Congress in 1970—the idea of a \$20 million limit without congressional approval—and apply it to these other laws that permit back-door financing. In no way does it cut off emergency authority of the Department of Defense of the President. It simply requires that any action involving obligations of Federal resources over \$20 million must first be approved by Congress. If Congress says OK, then they go through. But Congress can also say no and that is the authority it does not now have. Each individual case would be debated on its merits. There would be less chance of back-door bailouts.

For those who would be concerned about the limitation of Presidential authority in an emergency, there are two sound points to consider. First, Congress can always give its approval as I am sure it would in an emergency.

Second, and even more important, the President has extensive emergency authority to meet any circumstances without the laws in question. Under title 10, the President has two sections—4501 and 9501—which give him vast authority to place orders for defense goods, transfer production, insure production, and seize facilities if necessary. The qualifying time phrase is "in time of war or when war is imminent." Similar provisions exist in title 50, United States Code, section 82.

It is obvious, therefore that loopholes must be plugged while still allowing broad leeway in time of national emergencies. My bill would do just that.

A SUMMARY OF RELEVANT LAWS

Mr. President, the following is a short summary of the current legislation that enables the Department of Defense to take such extraordinary actions without prior congressional approval:

First, 50 U.S.C. 1431: National defense contracts, authorization and official approval. Public Law 85-804:

This section empowers the President to authorize Government agencies to

amend or modify contracts, and to make advance payments on contracts, when the President believes such action would facilitate the national defense. This section applies only during a national emergency.

As implemented by Executive Order 10789—1958—agencies may take the actions specifically enumerated in the section, as well as “modify or amend or settle claims” and “enter into agreements—modifying or releasing accrued obligations.”

Other parts of the Executive order make the following provisions, among others:

First. Proper records must be kept and made available for public inspection unless disclosure would harm the national security.

Second. A report to the Congress of all actions taken during the previous year under the section must be made by March 15.

Third. Advance payments may be made only after obtaining adequate security.

Fourth. The Comptroller General has access to “directly pertinent” corporate records, subject to certain limitations in section 1433.

Fifth. A contract amendment may not increase the price to an amount higher than the lowest rejected bid of a responsible bidder.

Second, 50 United State Code App. 2092: Loans to private business enterprises. Defense Production Act:

This section allows the President to provide for direct loans to private business enterprises to expedite the national defense. Loans may be extended only to the extent that they are “not otherwise available on reasonable terms.” Statutory termination date is June 30, 1974, as extended. The previous section 2091, which provides for loan guarantees, was amended in 1970 to include a \$20 million limit on guarantees unless approved by Congress.

Third, 10 United States Code 2307: Advance payments:

This section allows heads of agencies to make advance, partial, progress or other payments, not to exceed the unpaid contract price, and only if the contractor provides adequate security.

Fourth, 50 United States Code App. 468: Utilization of industry. Selective Service Act:

This section authorizes the President to compel producers to fulfill defense contract obligations. Nonfulfillment includes failure to fill an order “within the period of time prescribed by the President” and failure to furnish articles at the contract price, among others. In the event of noncompliance, the President is authorized to take immediate possession of any facility and to operate it to produce the contract material. This section applies only during a national emergency.

Mr. President, I ask unanimous consent that my exchange of correspondence with the General Counsel of the Department of Defense be placed in the RECORD at this point, except for his lengthy appendices.

There being no objection, the corre-

spondence was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, D.C., February 15, 1973.

Mr. J. FRED BUZHARDT,
General Counsel, Department of Defense,
Washington, D.C.

DEAR MR. BUZHARDT: I am undertaking a review of the emergency legislation now on the statue books which might be used by the President or the Department of Defense as authority for providing emergency relief to defense contractors in various kinds of financial difficulty.

I have read your testimony of January 15th on this subject before Senator Byrd's Armed Services Subcommittee on General Legislation, and I would much appreciate it if you would answer the following questions which that testimony brings to my mind.

(1) In your testimony you cited three statutory provisions which might be used by the Department as authority for emergency relief:

Title 50, Section 1431 U.S.C. (P.L. 85-804).
Title 50, Section 2091 U.S.C. App. (Defense Production Act).

Title 10, Section 2307 U.S.C. (Advance and Other Payments).

Would you please provide me with a detailed record of the use made by the Department of these provisions during the past three years—the dates of each action taken, the names of the corporations or other beneficiaries involved, and the dollar extent of each obligation or commitment? (My interest in Title 10, Section 2307 U.S.C. is limited to advance payments and other payments of an emergency nature which may have been made, not to customary progress payments provided for in contracts when entered into). Would you also provide me with a separate record of those occasions on which these provisions have been used, at any time since they became effective, to provide a corporation or other beneficiary with relief in excess of \$20 million?

(2) You did not refer in your testimony to Title 50, Section 2092 App. (which applies by its terms to the President alone). Title 50, Section 2092 App. authorizes the President to loan (or guarantee loans) to private business enterprises under specified circumstances beneficial to the national defense. Would you please provide me with a detailed record of the use made of this provision during the past three years?

Would you also provide me with a separate record of those occasions when it has been used, at any time since it became effective, to provide a private business enterprise with aid in excess of \$20 million?

(3) You did not refer in your testimony either to Title 50, Section 468 App. U.S.C. or to Title 50, Section 1152 App. U.S.C., which provisions were referred to as the “Selected Service Act” and the “War Powers Act” by the Navy last year in testimony to the Tactical Air Power Subcommittee of the Senate Armed Services Committee. The Navy suggested in that testimony (at page 3812 of Volume 6 of the Committee's FY 1973 authorization hearings) that these provisions could be invoked to compel defense contractors on the F-14 to continue production of the planes. Is it your opinion, also, that either or both of these provisions would be legally applicable to compel continued production of the F-14 by those F-14 contractors unwilling to continue production without a restructured contract? If you believe that Title 50, Section 468 App. U.S.C. would be applicable, how would the “fair and just compensation” called for by subsection (d) of that section be determined (would it be the costs of continued production, the existing contract price, or something else instead)? If you believe that Title 50, Section 1152 App. U.S.C. would be applicable, how would the price to the government of continued pro-

duction be determined under that section? Would you please provide me with a detailed record of the last five times each of these Sections has been used to compel production of a major weapon system program—the dates of each action, the names of the contractors involved, the dollar magnitude of the production work in question, and a precise explanation as to how the price of that work to the government was determined?

I would deeply appreciate it if you could provide me with answers to the above questions by March 5, 1973. Should you be reluctant, in light of present negotiations regarding the F-14, to answer now those questions which refer directly to that program, I would accept immediate answers to all other questions (including those regarding the historical use of Title 50, Sections 468 App. and 1152 App.) and a later reply to the F-14 related questions. Mr. Ron Tammen of my staff (Ext. 55653) would be happy to assist you in responding to this request.

Sincerely,

WILLIAM PROXMIRE,
Subcommittee on Priorities and Economy
in Government.

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, D.C. March 7, 1973.

HON. WILLIAM PROXMIRE,
Chairman, Subcommittee on Priorities and
Economy in Government, Joint Economic
Committee, U.S. Senate, Wash-
ington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your letter of February 15, 1973 in which you asked for certain information in connection with your review of legislation which provides for financial assistance to contractors.

Pursuant to section 4 of Public Law 85-804 (50 U.S.C. 1434), the Department of Defense annually provides a report to the Congress of actions taken under that authority. I am providing as Enclosure 1 a copy of each year's report with the exception of the report for calendar year 1972 which is in the process of preparation. A copy of the 1972 report will be sent to you when it is transmitted to the Congress within the next few weeks.

Enclosure 2 represents information compiled by the military departments in response to your inquiry concerning actions taken under section 301 of the Defense Production Act (50 U.S.C. App. 2091) and 10 U.S.C. 2307.

Authority to take loan action under section 302 of the Defense Production Act (50 U.S.C. App. 2092) was delegated to the Secretary of Treasury and to Director of the Office of Emergency Preparedness by section 310 of Executive Order 10480, as amended. We understand that no loan action by those agencies has been taken under this authority for many years, and we have been unable to find any record in the Department of Defense which would indicate the extent Defense contractors were ever involved in such loans since enactment of that provision in 1950. You may wish to make further inquiry of those agencies.

We find no record of the use by the Department of Defense of section 18 of the Selective Service Act (50 U.S.C. App. 468) since its enactment in 1968. In the light of present negotiations concerning the continuance of the production of the F-14, we would prefer not to give an opinion as to the provision's applicability to the situation at this time.

The provisions of 50 U.S.C. App. 1152 are no longer in effect. As indicated in 50 U.S.C. App. 645, the provisions of section 1152(a) were to remain in force until June 30, 1949, or until June 30, 1950 in the case of contracts or orders for tin and tin products. (The only extension beyond these dates was

in connection with import controls on fats, oils, rice, and rice products, in which case the final expiration date was August 1, 1951. See note following 50 U.S.C. App. 1152.) Additionally, it should be noted that the national emergency declared on September 8, 1939 and referenced in section 1152(a)(1) was terminated on April 29, 1952 by Presidential Proclamation No. 2974. We have found no record which indicates the extent this authority was used prior to its expiration.

I trust the foregoing information will meet your needs.

Sincerely,

J. FRED BUZHARDT.

By Mr. WEICKER:

S. 1668. A bill to amend the National Environmental Policy Act of 1969 in order to insure the balancing of environmental considerations with economic and social considerations in complying with the provisions of such act. Referred to the Committee on Interior and Insular Affairs.

Mr. WEICKER. Mr. President, today I am introducing a bill that will strengthen and improve the National Environmental Policy Act.

The National Environmental Policy Act has been law for over 3 years. During this time it has had far-reaching effects on Federal agency decisionmaking. As a result of NEPA, the environmental implications of proposed Federal actions are more likely to be recognized and weighed now than they were in the past. Because of NEPA, citizens and communities who believe that environmental consequences have not been adequately considered by an agency now have recourse through the legal system to insure that environmental values have been given fair consideration. An examination of the record of litigation brought under NEPA shows that the law has proved to be an effective tool for concerned citizens attempting to protect the quality of their local environment.

But these past 3 years have also shown that NEPA, like any human creation, could still be improved. The amendment I propose is an attempt to improve NEPA, not cripple it. The purpose of this amendment is to clarify the original intent of Congress when drafting NEPA so that citizens and communities may be assured that all predictable effects to their human, as well as natural, environment have been weighed before a Federal project is undertaken.

The courts across the country have not uniformly interpreted the meaning of the term "environmental impact" contained in NEPA. They have questioned whether "environmental" is to be construed narrowly, to refer only to physical, chemical, and biological effects, or more broadly to include the social, economic, and cultural aspects of man's environment. Fortunately, many courts have adopted the broad interpretation which Congress clearly had in mind.

In Goose Hollow Foothills League against Romney, U.S. District Court Judge Alfred Goodwin held that factors such as changing the character of a neighborhood, increasing population concentration, increasing traffic and destroying visual amenities did constitute significant environmental effect which

HUD should have included in an environmental statement. Similarly, in Hanly against Mitchell, U.S. Circuit Court Judges Waterman, Hays, and Feinberg found that:

The National Environmental Policy Act contains no list of so-called "environmental considerations", but without question its aims extend beyond sewage and garbage and even beyond water and air pollution . . . The Act must be construed to include protection of the quality of life for city residents. Noise, traffic, over-burdened mass transportation systems, crime, congestion and even availability of drugs all affect the urban "environment" and are surely results of the "profound influences of . . . high-density urbanization (and) industrial expansion."

These are encouraging signs. However, it is time for Congress to spell out in no uncertain terms its intent that economic and social factors be considered as a component of the human environment. Chief Judge Friendly was unfortunately in the minority in a second appeal of *Hanly v. Kleindienst* (sub. nom. *Hanly v. Mitchell*). His dissenting opinion reads in part:

I see no ground for the majority's doubt "whether psychological and sociological effects upon neighbors constitute the type of factors that may be considered in making such determination (of significant environmental effect) since they do not lend themselves to measurement.

It is clear that the intent of Congress as expressed in section 102(2)(B) of NEPA was that just such effects be considered whether "presently unquantifiable" or not and should be weighed and balanced against considerations more amenable to computation. The Council on Environmental Quality has recognized this to be congressional intent in their third annual report. To quote from that document:

The legislative history suggests that the Congress did expect the 102 statement to record the agency's tradeoffs of competing values. In explaining the bill on the Senate floor, Senator Jackson said: "Subsection 102 (c) (now 102(2)(c)) establishes a procedure designed to insure that in instances where a proposed major Federal action would have a significant impact on the environment that the impact has in fact been considered that any adverse effects which cannot be avoided are justified by some other stated consideration of national policy that short-term uses are consistent with long-term productivity, and that any irreversible and irretrievable commitments of resources are warranted.

Other court cases such as the Calvert Cliffs case and the Natural Resources Defense Council against Morton have upheld this interpretation of NEPA. However, there is a danger that these decisions will be interpreted to require that only negative effects to the natural environment and beneficial effects to the human environment be discussed in environmental statements. Essentially, this has been the response of the Atomic Energy Commission to the Calvert Cliffs decision. AEC's subsequent guidelines broadened the content of the commission's impact statements to include discussion of project benefits of all kinds compared with narrow definitions of environmental costs.

This bill seeks to insure that all costs to the human environment be set forth

in the environmental statement. Clearly this was the intent of Congress and it is most important that we make this clear, particularly if environmental statements are now used as vehicles for discussion of project benefits of all kinds while adverse economic and cultural impacts are treated summarily or ignored. The public has a right to know about the social costs and social benefits as well as the economic costs and economics benefits which a given project will produce.

Mr. President, I ask unanimous consent that the bill be inserted at this point in the RECORD, followed by a section-by-section analysis and a bibliography of relevant materials.

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

S. 1668

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Environmental Policy Act of 1969 is amended—

(1) in section 102(2)(C)(i), by inserting after "action," the following: "together with the impact of the proposed action on the economic, social and cultural dimensions which contribute to the quality of the human environment,";

(2) in section 102(2)(C)(ii), by inserting after "implemented," the following: "along with any opposing considerations of national policy as set forth in Sec. 102(2)(B) which are used to justify implementation of such proposal,";

(3) in section 102(2)(C)(iii), by inserting after "action," the following: "including the reasons, environmental, social or economic, for rejection of such alternatives,"; and

(4) in section 102(2)(C)(v), by inserting after "implemented" the following: "and that any such commitments are warranted in terms of balancing policy considerations as set forth in Sec. 102(2)(B)."

SECTION-BY-SECTION ANALYSIS

Section 1: This Section amends the existing subsection 102(2) of NEPA to clarify that the balancing performed under Section 102(2)(B) is required, under Section 102(2)(C), to be made explicit in the environmental statement.

Subparagraph (1) clarifies the meaning of environmental impact, defining it to include human environmental dimensions.

Subparagraph (2) deals with any unavoidable adverse environmental effects. Environmental here is meant to include human environmental factors as well as natural factors. This section requires that agencies document the balancing required in Section 102(2)(B) in the environmental statement.

Subparagraph (3) relates to alternatives to the proposed action. Full descriptions of rejected alternatives, as well as the proposed action, in terms of environmental, social and economic effects must be included in environmental statements.

Subparagraph (4) requires that any irreversible and irretrievable commitments of resources must be shown to be warranted in terms of the balancing of Section 102(2)(B). It will be noted that a superficial rationalization for proceeding with a proposed action despite such irreversible commitments will not constitute such a demonstration.

BIBLIOGRAPHY OF RELEVANT MATERIALS COURT CASES

1. *Calvert Cliffs Coordinating Committee v. AEC*, 1 ELR 20346 (D.C. Cir. 1971)
2. *Environmental Defense Fund v. Corps of Engineers of the United States Army*, no. LR—

70-C-203. (E.D. Ark. Nov. 16, Dec. 22, 1970. Jan. 21, Feb. 19, 1971) 1 ELR 20130.

3. *Goose Hollows Foothills League v. Romney*, 334 F Supp 877 (1971).

4. *Hanly v. Mitchell*, 460 F.2d 640 (1972).

5. *Hanly v. Kleindienst*, No. 357 (2d Cir. 1972) 2 ELR 20717.

6. *Natural Resources Defense Council v. Morton*, No. 71-2031 (D.C. Cir. 1972) 2 ELR 20029.

OTHER MATERIALS

1. Council on Environmental Quality. *Third Annual Report, Environmental Quality*. Washington, D.C.: U.S. Government Printing Office, 1972, p. 244.

2. General Accounting Office. *Adequacy of Selected Environmental Impact Statements Prepared Under the National Environmental Policy Act of 1969*. Report to the Subcommittee on Fisheries and Wildlife Conservation, Committee on Merchant Marine and Fisheries, House of Representatives. Washington, D.C.: Comptroller General of the United States, 1972.

3. ——. *Improvements Needed in Federal Efforts to Implement the National Environmental Policy Act of 1969*. Report to the Subcommittee on Fisheries and Wildlife Conservation, Committee on Merchant Marine and Fisheries, House of Representatives. Washington, D.C.: Comptroller General of the United States, 1972.

4. Administration of the National Environmental Policy Act—1972. Hearings before the Subcommittee on Fisheries and Wildlife Conservation of the Committee on Merchant Marine and Fisheries, House of Representatives. February 17, February 25, and May 24, 1972. Serial No. 92-24, pp. 379-389.

5. Calvert Cliffs Court Decision, Hearing before the Committee on Interior and Insular Affairs, United States Senate, Pursuant to S. Res. 45, November 3, 1971, Part 1. Serial No. 92-14, pp. 20-25.

By Mr. MCGOVERN (for himself, Mr. CRANSTON, Mr. KENNEDY, Mr. MONDALE, Mr. CASE, Mr. HUMPHREY, Mr. NELSON, Mr. HART, Mr. CLARK, and Mr. ABUOREZK):

S. 1669. A bill to amend the Food Stamp Act of 1964, as amended. Referred to the Committee on Agriculture and Forestry.

THE FAMILY NUTRITION ACT OF 1973

Mr. MCGOVERN. Mr. President, today I am introducing on behalf of myself and my colleagues the Family Nutrition Act of 1973. I consider this to be one of the most important pieces of legislation that Congress will be required to pass judgment on this year.

We are all aware, Mr. President, of the widespread concern throughout the Nation now regarding the problem of nutrition, especially the problem of obtaining an adequate diet during a time of rising prices.

This concern is nowhere felt more deeply than among the Nation's 26 million poor—women, children, and elderly living on fixed incomes or pensions.

Over the past 4 years, the Federal Government, in cooperation with State and local officials, has attempted to alleviate that concern by launching a truly magnificent effort to provide nutritional assistance to those either suffering or in danger of suffering from malnutrition.

This effort has been based on humanitarian feelings and commonsense. It is simply unacceptable in a nation as rich as ours that anybody in need should go

hungry. And it is commonsense that adequate nutrition is the fundamental base for good health and full participation in our national life.

To that end, old programs have been improved and new programs—for the very young and the very old—have been launched.

One of the old programs that has been vastly improved is the food stamp program. Four years ago, the benefits of this program were inadequate and only 3 million of the Nation's needy were participating in the program.

Through congressional and Executive leadership the benefits have been improved and participation now hovers around the 12 million mark.

There are few efforts that this Government has ever launched to deal with the problems of its disadvantaged citizens that can match this record. It should be noted that a food program of this size has provided a most valuable cash market for the American farmer.

But the job we set out to do is not yet done. There are still the hungry and still the sick in America who need help and now is the time to make the further improvements in the food stamp program to make sure that help is given.

It is in that spirit that the Family Nutrition Act of 1973 has been drafted. This bill, Mr. President, does not represent a sweeping revision of the food stamp program. It seeks to make limited and specific remedies in the manner in which the present program operates to insure the participation of those in need and to insure that the need is adequately met.

And, while these specific remedies will require expenditures above what the administration has requested, we do not expect those expenditures to exceed, perhaps not even equal, the funds appropriated this year for the program.

Let us take a look at what this bill seeks to accomplish.

Last year, Congress, seeking to simplify assistance programs, increased the cash benefits available to many of our older citizens through the new supplemental security income program. This is a needed and commendable step forward in the way our assistance programs operate. But, at the same time, Congress made all elderly receiving cash benefits through SSI ineligible for the food stamp program. Since that time, Mr. President, the Senate Nutrition Committee and individual Members of Congress have been told repeatedly by representatives of the Nation's older citizens, that many of the Nation's elderly will simply not be able to survive, pay the rent, medical bills and buy the food as well, on the cash they are going to receive. They have asked for a very simple thing. If we are still eligible, by virtue of income regardless of how received, for the benefits of the food stamp program, then let us continue to receive stamps. The stamps do not give us all that much—maybe \$10 or \$20 a month—but that \$10 or \$20 is the difference between existing on bread, soup, and starch, and being able to buy a little protein and vegetables as well.

We believe that is a reasonable re-

quest. The administration estimated that 1.5 million elderly citizens now in the food stamp program would be rendered ineligible because of SSI payments. If half of those are still eligible by virtue of income, then we are simply saying they should continue to receive food benefits because they so obviously need them. Let us not sacrifice the nutritional sufficiency of these elderly in the name of administrative efficiency. In time, we all hope that their cash income support will be high enough so that they will not need additional food assistance but that time has not yet arrived.

There are several other provisions in the Family Nutrition Act that also benefit the elderly. One provides for the use of food stamps to purchase meals at senior citizen eating centers. This provision is an important step toward fulfilling this country's obligation to provide the opportunity for adequate nutrition to every aged resident. Just as importantly, it provides the elderly with the opportunity to combine a well-balanced diet with the companionship and society which—all too often—they would otherwise be denied. Until now, the elderly poor who participate in the food stamp program have been restricted to taking their meals in what is often the unwanted loneliness of their own residences. This provision will open up a new vista for companionship to them: the opportunity to obtain low-cost food in the more companionable atmosphere of senior citizens centers or restaurants. By providing this chance for new social contacts, we are adding a vital element of human warmth and dignity to the later years of those who have given so much to this Nation. Another raises the allowable resource requirement for the elderly from \$3,000 per household to \$3,000 per individual. We have a dual purpose here. The first is to permit the elderly to live together and reduce their overhead expenses without losing their food stamp benefits. The second is to permit a \$1,500 set-aside to allow for burial expenses. The Nutrition Committee has been informed that many elderly would rather starve than "go into their burial money." An additional provision for the elderly provides for supplemental benefits to meet special dietary needs as determined and prescribed by competent medical authorities and approved by the Secretary of Agriculture. It is difficult enough today to achieve an adequate diet. But when you have the special health problems of age—diabetes, high blood pressure, heart disease—it is almost impossible, especially on a limited income.

Another group with special nutrition problems today, like the elderly, are pregnant women, infants, and large families. We have several provisions in the Family Nutrition Act of 1973 to assist them. As with the old, we provide for an additional personal allotment for pregnant women and for children under 1 year of age, \$12 per month more. If there is one fact that has been brought home time and again to the Nutrition Committee, it is that malnutrition in pregnancy or infancy is paid for throughout life in retarded physical and mental ability. If that little extra for mothers and young

children prevents that result, it will have paid for itself millions of times over in money that will not have to be spent taking care of people who are truly not able to care for themselves. As for the larger families, and the average food stamp family is now five persons, we provide for a slight reduction in how much they must pay for their food stamp allotment. Under present law, the maximum cost may be 30 percent of a families income. In actuality, the average throughout the program is around 28 percent but for the larger families in the higher income States, it is nearly 30 percent. According to the Bureau of Labor Statistics Consumer Price Index, the average expenditure for food by families in the Nation is around 25 percent. For that reason, we have recommended a reduction in the maximum purchase price from 30 to 25 percent.

For everyone in the program, we have attempted to deal with the current problem of rapidly rising food prices. Inflation hurts everyone but it hurts the poor most of all. The current food stamp program provides for an annual cost-of-food adjustment in the program's allotment. In practice, this means that the Department of Agriculture updates the allotment every June based on the increase in the cost of food as of the previous December. Anyone who has been following this year's price rises since December, never mind before, knows that this is simply no longer adequate. Senator Case, an original cosponsor of the Family Nutrition Act of 1973, is especially concerned about this injustice and, at his specific suggestion, we are recommending that the updating as of this July 1 be required to incorporate the rise in the cost of food through March 31 of this year, and that henceforth the updating take place every 6 months instead of annually. When and if this price situation comes under control, the Congress may want to return to an annual adjustment which, in a time of relative price stability, is clearly adequate.

The Family Nutrition Act of 1973 also contains a number of administrative improvements designed to make this program more accessible to needy persons. The administration has said that this program is available to all who are in need. The Nutrition Committee has received sufficient information regarding the actual administration of the program to bring that assertion into some doubt. It is true the program is out there and waiting. If a person is actually aware that it exists, and many are not. If a person can manage to take time out from work to wait for hours in line to file an application, and many cannot. If a person can wait the month or months for his application to be investigated and approved. That is a long time to go hungry. We have, therefore, recommended several provisions to alleviate each of these administrative problems. First, we have mandated both outreach and certification workers to make sure that the isolated hungry poor, especially the isolated and the elderly, are informed that the program exists and then to make sure that there are adequate personnel to accept and process their appli-

cations. Our formula is one outreach worker for every 500 eligible nonparticipating households—households, not individuals, mind you—which actually works out to two outreach workers per county now in the program, and one certification worker per 1,000 participating households, or about one per county. Second, we provide for a simplification of the certification procedure itself, requiring that an application be acted upon within 15 days of its submission, or that temporary certification be provided at that point. Experience has shown, Mr. President, that the vast majority of applications are eventually approved, though it make take months for the wheels to grind. While some may argue that this automatic temporary certification is an incentive to cheat, we believe that the current financial and criminal penalties for defrauding the Government in this program, are adequate to deter potential cheats.

Our concern must be with meeting the real hunger of the poor as quickly and adequately as possible. Finally, to assist the States in the administration of the program, we are recommending an increase in the Federal Government's share of the administrative expenses from 62 to 80 percent. That, of course, sounds like a significant increase but in actual dollars and cents it amounts to around 7 million additional over this year's expenditures.

Last year, Mr. President, the Congress appropriated almost \$2.5 billion for the food stamp program. The administration estimates that the cost of the program at the end of this fiscal year will run about \$2.2 billion. The administration also estimates that next year—given the elimination of 1.5 million elderly participants, plus further reductions in participating due to improved economic conditions and administrative procedures designed to catch ineligible—that the program will again cost \$2.2 billion.

We have attempted, as best we can, to estimate the additional cost above the administration's budget estimate for the coming fiscal year of the recommendations in the Family Nutrition Act of 1973. It is our judgment that those recommendations will cost, at least, \$200 million additional, and, at most, given increased participation because of improved outreach, an additional \$300 million. If the additional cost works out to be the lower figure, then the program in the next fiscal year will cost \$100 million less than Congress appropriated for the current year. If it approaches the higher figure, then the cost of the program next year will approximate the amount appropriated for this year.

Mr. President, we all realize that great care must be given to budgetary responsibility. All agree that programs must be carefully scrutinized as to their effectiveness. It is in this context that the Family Nutrition Act is being set forth today. No effort in the past decade has been more successful than this antihunger effort. It works because it is the essence of simplicity and good sense, and good health is essential to participation in our society. We believe that the Family Nutrition Act of 1973 continues

in a responsible and considered way this country's commitment to providing good nutrition for all of the American people, be they rich or be they poor.

Mr. President, I ask unanimous consent that an explanation of the Family Nutrition Act of 1973 be printed at this point in the RECORD.

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

EXPLANATION OF THE FAMILY NUTRITION ACT OF 1973

Definition of "Household". Eligibility for and participation in the program is made on a household basis. Based on this provision, the DOA issued regulations and instructions which provide that persons who share common living quarters shall be considered a "household" for Food Stamp Program purposes. These provisions are inconsistent with the current Food Stamp Act (as determined by the United States District Court for the Northern District of California in the case of Knowles v. Butz) and the bill provides for this codification. There is no attempt to amend the "related individuals" provision which has been ruled invalid but is currently on appeal.

The definition is further modified by striking the last sentence, which was added by P.L. 92-603 (H.R. 1): "No person who is eligible (or upon application should be eligible) to receive supplemental security benefits under Title XVI of such Act shall be considered to be a member of a household or an elderly person for the purposes of this Act" and was to become effective January 1, 1974. (The effect of this amendment is dealt with further below.)

Eligible Households. The Secretary shall continue, in consultation with the Secretary of HEW, to establish the uniform national standards of eligibility but the Bill provides for certain specific requirements as follows:

1. In no event shall the income eligibility requirement be less than the poverty line.
2. In determining which receipts are to be included in the computation of "income", only receipts that are actually received and available for general expenditures by the household are to be considered. This provision is specifically meant to exclude school loans for tuition, school fees, and books even though repayment is deferred until completion of the recipient's education.
3. All income which is excluded under Section 119 of the Internal Revenue Code is to be excluded under the provisions of this Bill. This provision is specifically meant to exclude from the computation of income the cost of lodging furnished to farm workers by their employers.
4. The maximum allowable resources are established at \$3,000 per person over 60 in the household.
5. Concomitant with the amendment to the definition of "household" (above) relating to the eligibility of persons who are old, blind, or disabled, the Bill specifically states that such persons who receive Supplemental Security Income pursuant to Title XVI of the Social Security Act shall be allowed to participate under those conditions that apply to those who receive their income from any other source.
6. The provision that eliminated the eligibility of an individual who had reached his eighteenth birthday for one year after such person is claimed as a dependent by a taxpayer who is not a member of an eligible household is eliminated. Such person would still not be eligible during the taxable year he or she is so claimed.
7. The provision providing for temporary emergency standards of eligibility is modified to include mechanical failure as well as natural disasters.
8. The Secretary is also required to formu-

late uniform national standards for the distribution of federally donated foods.

Work Requirement. A work requirement exists in the current law which cuts off entire families from food stamp benefits if any single member of the family should be found able but unwilling to work. This bill is designed to protect the children and others in a family who may be unable to work. Essentially, it would require a reduction in food stamp allotments commensurate with the number of individuals who are required to register for employment, but who refuse to do so. In other words, if in a family of six there were one adult who was required by the law to register for work, and that individual refused to do so, the family would receive henceforth $\frac{5}{6}$ of the food stamp allotment that they would normally be entitled to.

Use of Coupons. Under the Bill the Secretary is granted the power to investigate complaints made by participating households into the pricing policies of retail food stores where it is claimed that the pricing policy of the retail outlet discriminates against participating households in such a way as to lessen the purchasing power of the food stamp allotment. This is not meant as a carte blanche to investigate and control the general price level of consumer foods.

Value of Coupon Allotment. The bill provides that the face value of the coupon allotment be updated twice a year instead of annually and that the updating that is scheduled to occur July 1st, incorporate the rise in the cost of food through March 31st of this year. As the law currently reads, January increases in the cost of food would not be reflected in the allowable coupon allotments until July of the Next year. The Bill also provides an extra allotment for a pregnant woman, a \$12 bonus per month for each child under one year of age, and an allotment bonus to persons medically certified as requiring a special diet of such an amount as the Secretary determines is necessary to provide that person with a nutritionally adequate diet.

Cost of Food Stamp Allotment. The maximum charge that can be made for the coupon allotment of each household is reduced from 30 percentum to 25 percentum of the household's income.

Certification of Households. Certification of applicant households would be made on the basis of a simplified application containing the necessary information and each application would be required to be acted upon within 15 days from the date that the initial request is made. Any household whose application was not acted upon within the 15 days would be granted a provisional certification until such time that a decision on the merits could be reached. Households which are receiving assistance pursuant to Title IV of the Social Security Act would qualify automatically since their need is already proven.

The income of households whose income is earned on a seasonal basis will be averaged on a 3, 6, or 12 month basis, as the applicant chooses, and certification would be for a like period of time.

Certification of any household would not lapse or be otherwise adversely affected except pursuant to a fair hearing, except that each participating household would have the obligation to report to the appropriate State agency any change in income or family size within 30 days of such change. In the event that any household so required fails to report such household's eligibility would terminate, until such time as compliance is met.

State Plan of Operation. As is currently the law, each state would be required to submit a plan of operation that provides for the incorporation of eligibility standards promulgated by the Secretary and for the certification of applicant households in accord-

ance with federal guidelines. In addition, however, new provisions provide for:

1. employment by the State of one worker per every 1000 participating households for the purpose of undertaking the certification and re-certification of applicant households.

2. employment by the State of one worker per every 500 households in that subdivision whose incomes are under the income poverty guidelines but who are not currently participating.

3. granting authority to the hearing board to allow them in appropriate cases to grant retroactive relief.

4. issuance of coupon allotments no less than two times per month.

5. the reinstatement of the provision which was repealed by P. L. 92-603 (H.R. 1) providing any household that is participating in the food stamp program by reason of its participation in a program pursuant to Title IV of the Social Security Act (AFDC) with the option to have its coupon allotment deducted from such grant and distributed to it with such grant.

State failure to comply. If a State agency fails substantially to comply with the provisions of this Act the Secretary would no longer be allowed to totally discontinue the further issuance of coupons in the political subdivisions involved. In lieu thereof the Secretary would pursue one or more of the following sanctions:

1. request the Attorney General to petition any district court of the United States having jurisdiction over the State agency to enjoin such State to comply with this Act, the regulations, or the State plan of operation.

2. disallow for cost sharing purposes under this Act administrative funds expended by the State agency not in compliance with this Act, the regulations, or the State plan of operations;

3. require the State agency to reimburse any households affected by the agency's failure to comply with this Act, the regulations, or the State plan of operations for the benefits under the program that such households have been denied thereby; or

4. directly administer such program throughout the State or in such political subdivisions as the Secretary deems appropriate.

Use of Food Stamps by Senior Citizens. Members of an eligible household who are sixty or over or such persons and their spouses would be allowed to use food stamps to purchase meals prepared by senior citizens' centers and various other eating establishments which prepares meals especially for elderly persons.

Cooperation with State Agencies. The Secretary is currently authorized to pay to each State agency an amount equal to 62½ percentum of the cost of salaries and other administrative expenses involved in carrying the provisions of the Food Stamp Act. This per centum would be raised to 80% and would include the cost of the added personnel required for certification and outreach services.

Authorization. The bill provides for an open ended authorization for the FY 1974, 75 and 76 as was the case for FY 1972 and 1973.

By Mr. McGOVERN:

S. 1670. A bill to provide for the establishment of the George Washington Institute for the Social Sciences. Referred to the Committee on Labor and Public Welfare.

GEORGE WASHINGTON INSTITUTE OF THE SOCIAL SCIENCES

Mr. McGOVERN. Mr. President, there has recently been much discussion in the Congress and in the media about the programs to which priority should be given

in order to resume the forward pace of progress of this Nation.

The administration has amply demonstrated its ideas of how it should be done. Many of us disagree, seeing a backward trend, and have proposed other programs more pertinent to the results desired.

Those programs we will continue to encourage in order to place above all else the welfare of all our people, their health care, education, and job training and opportunities.

Within these general categories there are innumerable goals to be pursued. All of them, if they are to be explicitly and rationally formulated, need detailed study in terms of budget data and economic analyses in order that the best courses of action can be selected.

The recognition of this need is not new. I have stated before the importance of a source of ready, reliable information on social issues. But that information must be accompanied by responsible, sophisticated analysis. Senator MONDALE, in discussing the more than \$400 million worth of statistics produced in this Government, said they are worth almost nothing because no one looks at them. Senator JAVITS has observed that there is a need for some sort of coordinating mechanism which would consider all of the alternatives and options open to us. Others in and out of Congress state that this body must be more than a brake or a rubber stamp on legislative initiatives from the White House.

For these purposes and in order to establish a framework within which consistent decisions can be made in a considered manner, and to stimulate informed awareness and discussion of national priorities, I propose the establishment within Congress of an institute to be known as the "George Washington Memorial Institute for the Social Sciences." It will conduct analyses of national goals and priorities and provide the Congress with the information and data needed for enlightened decisions.

I ask unanimous consent that this bill will be printed in the RECORD.

There being on objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1670

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Institute for the Social Sciences Act."

TITLE I—FULL OPPORTUNITY

DECLARATION OF POLICY

In order to promote the general welfare, the Congress declares that it is the continuing policy and responsibility of the Federal Government, consistent with the primary responsibilities of State and local governments and the private sector, to promote and encourage such conditions as will give every American the opportunity to live in decency and dignity, and to provide a clear and precise picture of whether such conditions are promoted and encouraged in such areas as health, education and training, rehabilitation, housing, vocational opportunities, the arts and humanities, and special assistance for the mentally ill and retarded, the deprived, the abandoned, and the criminal, and by measuring progress in meeting such needs.

The Congress finds and declares that there

is a need for a more explicit and rational formulation of national goals and priorities, and that the Congress needs more detailed and current budget data and economic analysis in order to make informed priority decisions among alternative programs and courses of action. In order to meet these needs and establish a framework of national priorities within which individual decisions can be made in a consistent and considered manner, and to stimulate an informed awareness and discussion of national priorities, it is hereby declared to be the intent of Congress to establish an Institute within the Congress which will conduct a continuing analysis of national goals and priorities and will provide the Congress with the information, data, and analysis necessary for enlightened priority decisions.

DECLARATIONS

The Congress declares that our first President George Washington—

- (1) left a bequest to endow a national university in his last will and testament;
- (2) repeatedly urged upon the Congress the importance of establishing a national university; and
- (3) surveyed a site for such a university with the cooperation and assistance of the Commissioners of the District of Columbia.

ESTABLISHMENT OF INSTITUTE

(A) There is hereby established in Washington, District of Columbia, an institute to be known as the "George Washington Memorial Institute for the Social Sciences" (Hereinafter referred to as the "Institute"), to promote through such Institute the social welfare of the United States by—

- (a) providing research relating to the social need of citizens and to policies which will give every American the long-range opportunity for "the pursuit of happiness" as provided in the fundamental policy contained in the Declaration of Independence;
 - (b) gathering, for study and evaluation, various reports, studies, documents, and data prepared by the Federal Government, and other public and private organizations, relevant to social conditions in the United States; and
 - (c) organizing conferences and seminars with persons of outstanding achievement and capacity from the professions, industry, agriculture, labor, commerce, institutions of higher education and other appropriate areas.
- (B) The Institute shall be housed in such public buildings as may be made available for this purpose in Washington, District of Columbia. In order to carry out the provisions of this subsection the Administrator of General Services is authorized to provide such buildings, facilities, and equipment to the Institute as may be necessary.

BOARD OF TRUSTEES

- (a) The Institute shall be under the direction and control of a Board of Trustees (Hereinafter referred to as the "Board") which shall be composed of—
- (1) the Secretary of Health, Education and Welfare;
 - (2) the Librarian of Congress;
 - (3) the Chairman of the National Endowment of the Humanities;
 - (4) the Secretary of the Smithsonian Institution;
 - (5) the Director of the National Science Foundation;
 - (6) the Director of the Institute; and
 - (7) seven members to be appointed by the majority leader of the Senate, and the Speaker of the House of Representatives and confirmed by a majority of each House. Two of said appointed members shall be members of a university or college faculty and five shall be drawn from state and local government and the cultural, industrial, agricultural commercial and other walks of life.
- (b) The majority leader of the Senate and

the Speaker of the House of Representatives shall designate a Chairman and a Vice Chairman from among the members appointed and with concurrence of both Houses. A majority of the members of the Board shall constitute a quorum.

(c) The seven appointed members under (a) (7) shall serve terms of six years, except that (1) of those members initially taking office, two shall serve terms of two years, two shall serve terms of four years, and three shall serve terms of six years, and (2) a vacancy shall be filled only for the unexpired portion of any term.

(d) Members of the Board shall receive no compensation, but shall be reimbursed for their travel expenses, including a per diem allowance, in accordance with section 5703 (c) of title 5, United States Code, when engaged in the performance of their duties as such members.

There shall be a Director and an Assistant Director each of whom shall be appointed by the Board of Trustees. The Institute shall be under the control and supervision of the Director, and shall have a seal adopted by him. The Assistant Director shall perform such duties as may be assigned to him by the Director, and, during the absence or incapacity of the Director, or during a vacancy in that office, shall act as the Director.

(a) The annual compensation of the Director shall be equal to the annual compensation of the Comptroller General of the United States. The annual compensation of the Assistant Director shall be equal to that of the Assistant Comptroller General of the United States.

(b) The terms of office of the Director and the Assistant Director first appointed shall expire on January 31, 1978. The terms of office of Directors and Assistant Directors subsequently appointed shall expire on January 31 every four years thereafter. Except in the case of his removal under the provisions of subsection (c), a Director or Assistant Director may serve until his successor is appointed.

(c) The Director or Assistant Director may be removed at any time by a resolution of the Senate or the House of Representatives. A vacancy occurring during the term of the Director or Assistant Director shall be filled by appointment, as provided in this section.

(d) The professional staff members, including the Director and Assistant Director, shall be persons selected without regard to political affiliations who, as a result of training, experience, and attainments, are exceptionally qualified to analyze and interpret publicly policies and programs.

FUNCTIONS OF THE INSTITUTE

(a) The Institute shall make such studies as it deems necessary to carry out the purposes herein designated. Primary emphasis shall be given to supplying such analysis as will be most useful to the Congress in voting on the measures and appropriations which come before it, and on providing the framework and overview of priority considerations within which a meaningful consideration of individual measures can be undertaken.

(b) The Institute shall submit to the Congress on March 1 of each year a national goals and priorities report and copies of such report shall be furnished to the Committee on Appropriations of the Senate and of the House of Representatives, the Joint Economic Committee, and other interested committees. The report shall include, but not be limited to—

- (1) An analysis, in terms of national goals and priorities, of the programs in the annual budget submitted by the President, the Economic Report of the President, and the Social Report of the President;
- (2) an examination of resources available to the Nation, the foreseeable costs and expected benefits of existing and proposed Fed-

eral programs, and the resource and cost implications of alternative sets of national priorities; and

(3) recommendations concerning spending priorities among Federal programs and courses of action, including the identification of those programs and courses of action which should be given greatest priority and those which could more properly be deferred.

(c) In addition to the national goals and priorities report and other reports and studies which the Institute submits to the Congress, the Institute shall provide upon request to any Member of the Congress further information, data, or analysis relevant to an informed determination of national goals and priorities.

POWER OF THE INSTITUTE

(a) In the performance of its functions under this title, the Institute is authorized—

- (1) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of the operations of the Institute.
- (2) to employ and fix the compensation of such employees, and purchase or otherwise acquire such furniture, office equipment, books, stationery, and other supplies, as may be necessary for the proper performance of the duties of the Institute and as may be appropriated for by the Congress;
- (3) to obtain the services of experts and consultants, in accordance with the provisions of section 3109 of title 5, United States Code; and
- (4) to use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(b) (1) Each department, agency, and instrumentality of the executive branch of Government, including independent agencies, is authorized and directed, to the extent permitted by law, to furnish to the Institute, upon request made by the Director, such information as the Director considers necessary to carry out the functions of the Institute.

(2) The Comptroller General of the United States shall furnish to the Director copies of analyses of expenditures prepared by the General Accounting Office with respect to any department or agency in the executive branch.

(3) The Office of Management and Budget shall furnish to the Director copies of special analytic studies, program and financial plans, and such other reports of a similar nature as may be required under the planning-programming-budgeting system, or any other law.

JOINT ECONOMIC COMMITTEE HEARINGS

The Joint Economic Committee of the Congress shall hold hearings on the national goals and priorities report and on such other reports and duties of the Institute as it deems advisable.

PAYMENT OF EXPENSES

All expenses and salaries of the Institute shall be paid by the Secretary of the Senate from funds appropriated for the Institute upon vouchers signed by the Director, or in the event of a vacancy in that office, the Acting Director.

FELLOWS

In keeping with the spirit of President George Washington's unsatisfied bequest calling for the creation of a national institution of higher learning—

(a) There shall be within the Institute, George Washington Memorial Fellows (hereinafter referred to as "Fellows"), who shall assist in carrying out the functions of the Institute pursuant to services they can render by virtue of their expertise.

(b) The Board shall select Fellows on the basis of outstanding achievement and capacity in the requirements of their special fields from among the social scientists and

others of the United States (and, where appropriate, of other Nations) without regard to their current place of employment. In selecting Fellows, the Board shall maintain, to the extent practicable, a representative distribution among scholars in the various disciplines of sociology, political science, psychology, anthropology, economics, social work, urban affairs, law, and such other disciplines as the Board may consider to be engaged in social research.

(c) (1) Fellows shall be appointed for terms not to exceed twenty-seven months, except when the Board deems a longer period appropriate.

(2) Fellows shall be compensated at rates established by the Board sufficient to provide a stipend and expenses incidental to service at the Institute, including travel expenses and a living allowance.

SATISFACTION OF BEQUEST

Enactment of this Act shall serve to discharge any and all obligations on the part of the Federal Government under the bequest of President George Washington.

AUTHORIZATION OF APPROPRIATIONS

In order to carry out the provisions of this Act there is authorized to be appropriated a sum not to exceed \$10,000,000 for the fiscal year ending June 30, 1974, and not to exceed \$5,500,000 for each succeeding fiscal year. Any sum appropriated pursuant to this section shall remain available until expended.

By Mr. McGOVERN (for himself and Mr. ABOUREZK) :

S. 1671. A bill to provide for the establishment of a national cemetery near the Fort Randall Dam, S. Dak. Referred to the Committee on Veterans' Affairs.

FORT RANDALL NATIONAL CEMETERY

Mr. McGOVERN. Mr. President, South Dakotans have felt the need for a national cemetery for veterans for many years. A number of South Dakota veterans are already buried on a plot of government-owned land near Fort Randall, and it seems only fitting that this site be designated as a national cemetery for veterans.

To accomplish this purpose, and in compliance with the South Dakota State Legislature House Concurrent Resolution No. 501, I am joining with my colleague, Senator ABOUREZK, to introduce a bill which directs the Secretary of the Army to establish and maintain a national cemetery for veterans on the site previously referred to.

Mr. President, I ask unanimous consent that House Concurrent Resolution No. 501 as passed by the South Dakota State Legislature be printed in the RECORD as well as the text of the bill following my remarks.

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

HOUSE CONCURRENT RESOLUTION No. 501

A concurrent resolution, Memorializing the Congress of the United States to direct the Secretary of the Army to establish a national cemetery at a site near the Fort Randall Dam in Gregory County, South Dakota

Be it resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:

Whereas, one of the first duties of this nation is to provide suitable resting places for those who have given a full measure of service to their country; and

Whereas, a great need exists on the cen-

tral plains of this great nation for a national cemetery to serve as final resting place for this nation's honored dead; and

Whereas, the United States Government owns approximately three hundred twenty acres of land located on the southeast side of Fort Randall Dam in Gregory County, in the central plains of South Dakota; and

Whereas, a cemetery containing the graves of United States veterans of the earlier era already exists on a portion of the above said acreage.

Now, therefore, be it resolved, by the House of Representatives of the Forty-eighth Legislature of the State of South Dakota, the Senate concurring therein, that the Congress of the United States be memorialized to direct the Secretary of the Army to establish a national cemetery on a portion of the above said three hundred twenty acres of federal land located on the southeast side of Fort Randall Dam in Gregory County in order that this great nation can fulfill its obligation to those of its citizens who answered the call during the time when our great republic was threatened by the enemies of freedom; and

Be it further resolved, that copies of this concurrent resolution be transmitted by the Chief Clerk of the House of Representatives of the State of South Dakota to the offices of the President and Vice President of the United States, the Speaker of the House of Representatives of the United States, the members of the Congressional delegation of the State of South Dakota, the Secretary of the Army of the United States and the Governor of the State of South Dakota.

Adopted by the House, January 30, 1973.
Concurred in by the Senate, February 6, 1973.

S. 1671

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized and directed to establish a national cemetery within the area of approximately three hundred and twenty acres of Government-owned land located at the southeast side of Fort Randall Dam, South Dakota.

Sec. 2. The Secretary of the Army is authorized to provide for the care and maintenance of the cemetery established pursuant to the first section of this Act and is authorized to prescribe such regulations as he may deem necessary for administration of this Act.

Sec. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. PERCY (for himself, Mr. Cook, Mr. McGOVERN, and Mr. SCHWEIKER) :

S.J. Res. 99. A joint resolution to authorize the President to designate the period from March 3, 1974, through March 9, 1974, as "National Nutrition Week." Referred to the Committee on the Judiciary.

NATIONAL NUTRITION WEEK

Mr. PERCY. Mr. President, the Senate Select Committee on Nutrition and Human Needs, of which I am the ranking Republican member, has held a number of hearings during the 93d Congress. In the course of these hearings, the committee has looked into the problems of nutritional advertising, particularly for children's television; the relationship of diet and dietary additives to tooth decay; the nutritional adequacy of popular weight-reduction diets cur-

rently followed by many Americans; and the sale of competitive foods in schools participating in the national school lunch program.

At each of the hearings, it becomes more apparent that the American public is sometimes taken in by overzealous commercial interests—interests of the food industry, or proponents of fad diets, of the advertising industry. It has also become apparent that the Federal Government cannot be entirely responsible for the protection of American consumers from those commercial interests.

The best protection the public has against unsafe or ineffective diet plans, against advertising that does not provide adequate or correct nutrition information about food products, and against food products that are either potentially harmful or without nutritional value is an awareness and understanding of the facts about good nutrition. Every step taken to bring accurate nutrition information to Americans is of course beneficial to the individuals who are thus better informed. But every such step is equally beneficial to our whole society as its members are given an added opportunity to maintain good health.

National Nutrition Week was observed this past March by the American Dietetic Association and its affiliates across the country. The success of National Nutrition Week next year, however, would be immeasurably enhanced by a Presidential proclamation. Such a proclamation would be one more important step toward bringing factual and up-to-date nutrition information to all Americans.

Consequently, I am pleased to introduce today a resolution on behalf of myself, Senator Cook, Senator McGOVERN, and Senator SCHWEIKER, calling for the designation of the period of March 3, 1974, through March 9, 1974, as National Nutrition Week. I ask unanimous consent that this joint resolution be printed at this point in the RECORD.

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

S.J. RES. 99

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the period from March 3, 1974, through March 9, 1974, as "National Nutrition Week", and calling upon the people of the United States and interested groups and organizations to observe that week with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 250

At the request of Mr. RIBICOFF, the Senator from Rhode Island (Mr. PAS-TORE) was added as a cosponsor of S. 250, to provide tuition tax credits to parents of nonpublic school students.

S. 371

At the request of Mr. TOWER, the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 371, to provide that certain provisions of the Natural Gas Act relating to rates and charges shall not apply to persons engaged in the pro-

duction or gathering and sale but not in the transmission of natural gas.

S. 433

At the request of Mr. MANSFIELD (for Mr. MAGNUSON), the Senator from Tennessee (Mr. BAKER), the Senator from Alaska (Mr. GRAVEL), and the Senator from Minnesota (Mr. MONDALE) were added as cosponsors of S. 433, a bill to assure that the public is provided with an adequate quantity of safe drinking water, and for other purposes.

S. 645

At the request of Mr. BAYH, the Senator from South Dakota (Mr. ABOUREZK) was added as a cosponsor of S. 645, a bill to strengthen interstate reporting and interstate services for parents of runaway children; to conduct research on the size of the runaway youth population; for the establishment, maintenance, and operation of temporary housing and counseling services for transient youth, and for other purposes.

S. 780

At the request of Mr. SPARKMAN, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 730, a bill to amend the Clayton Act by adding a new section to prohibit sales below cost for the purpose of destroying competition or eliminating a competitor.

S. 821

At the request of Mr. BAYH, the Senator from South Dakota (Mr. ABOUREZK) and the Senator from New Jersey (Mr. CASE) were added as cosponsors of S. 821, a bill to improve the quality of juvenile justice in the United States and to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes.

S. 838

At the request of Mr. TOWER, the Senator from Colorado (Mr. DOMINICK) was added as a cosponsor of S. 838, a bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces.

S. 919

At the request of Mr. GURNEY, the Senator from Nevada (Mr. BIBLE), the Senator from California (Mr. TUNNEY), the Senator from Delaware (Mr. ROTH), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 919, a bill to permit spouses and widows of medicare beneficiaries and early retirees to purchase medicare coverage at cost.

S. 948

At the request of Mr. MONDALE, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 948, a bill to amend the Federal Property and Administrative Services Act of 1949 to provide for the use of excess property by certain grantees.

S. 971

At the request of Mr. TAFT, the Senator from New York (Mr. JAVITS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Utah (Mr. MOSS), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of S. 971, the Home Preservation Act of 1973.

S. 983, S. 984, S. 985

At the request of Mr. BAYH, the Senator from Colorado (Mr. DOMINICK), and the Senator from New York (Mr. JAVITS) were added as cosponsors of S. 983, a bill to amend the Controlled Substances Act to move certain barbiturates from schedule III of such act to schedule II; and S. 984, a bill to amend the Controlled Substances Act to require identification by manufacturer of each schedule II dosage unit produced; and S. 985, a bill to amend the Controlled Substances Act to establish effective controls against diversion of particular controlled substances and to assist law enforcement agencies in the investigation of the diversion of controlled substances into other than legitimate medical, scientific, and industrial channels, by requiring manufacturers to incorporate inert, innocuous tracer elements in all schedule II and III depressant and stimulant substances, and for other purposes.

S. 1082

At the request of Mr. WEICKER, for the Senator from Indiana (Mr. BAYH), the Senator from Illinois (Mr. PERCY), and the Senator from Ohio (Mr. TAFT) were added as cosponsors of S. 1082, Bread Tax Repeal Act of 1973.

S. 1103

At the request of Mr. HART, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 1103, the Congressional Election Finance Act of 1973.

S. 1109

At the request of Mr. MONDALE, the Senator from South Dakota (Mr. ABOUREZK), the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CASE), the Senator from Florida (Mr. CHILES), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Wisconsin (Mr. NELSON), the Senator from Rhode Island (Mr. PELL), the Senator from Illinois (Mr. STEVENSON), and the Senator from California (Mr. TUNNEY) were added as cosponsors of S. 1109, a bill to amend the Internal Revenue Code of 1954 to provide that the designation of payments to the Presidential Election Campaign Fund be made on the front page of the taxpayer's income tax return form.

S. 1146

At the request of Mr. WEICKER, the Senator from Minnesota (Mr. HUMPHREY), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Minnesota (Mr. MONDALE), and the Senator from Rhode Island (Mr. PASTORE) were added as cosponsors of S. 1146, a bill to provide for repayment of certain sums advanced to providers of services under title XVIII of the Social Security Act.

S. 1189

At the request of Mr. WEICKER, the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of S. 1189, the Federal Election Campaign Reform Act of 1973.

S. 1218

At the request of Mr. GRAVEL, the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. 1218, a bill to amend title II of the Communications Act of 1934 to authorize common carriers subject to such title to provide certain free or reduced rate service for individuals who are deaf or hard of hearing.

S. 1252

At the request of Mr. BAYH, the Senator from Connecticut (Mr. RIBICOFF), the Senator from Michigan (Mr. HART), the Senator from Illinois (Mr. STEVENSON), the Senator from Nevada (Mr. BIBLE), the Senator from New York (Mr. JAVITS), the Senator from Idaho (Mr. CHURCH), the Senator from Missouri (Mr. EAGLETON), the Senator from Rhode Island (Mr. PASTORE), the Senator from California (Mr. TUNNEY), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Rhode Island (Mr. PELL), the Senator from Utah (Mr. MOSS), and the Senator from South Dakota (Mr. MCGOVERN), were added as cosponsors of S. 1252, a bill to amend the Controlled Substances Act to establish effective controls, including production quotas, stricter distribution and storage security, and more stringent import and export standards, against diversion and abuse of methaqualone, by placing this depressant substance on schedule II of such Act.

S. 1407

At the request of Mr. BURDICK, the Senators from Minnesota (Mr. HUMPHREY and Mr. MONDALE) were added as cosponsors of S. 1407, to amend the Interstate Commerce Act in order to give the Interstate Commerce Commission certain authority over railroad car service when an emergency is or may be imminent.

S. 1507

At the request of Mr. GURNEY, the Senator from Rhode Island (Mr. PASTORE) was added as a cosponsor of S. 1507, a bill to restrict the amount of export of softwood lumber.

S. 1527

At the request of Mr. WEICKER, the Senator from Nevada (Mr. BIBLE), the Senator from Florida (Mr. CHILES), the Senator from Kentucky (Mr. COOK), the Senator from Colorado (Mr. HASKILL), and the Senator from New Hampshire (Mr. MCINTYRE), were added as cosponsors of S. 1257, the Lobster Conservation Control Act of 1973.

S. 1544

At the request of Mr. MONDALE, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 1544, a bill to prohibit the further expenditure of funds to finance the involvement of the Armed Forces of the United States in Cambodia.

S. 1578

At the request of Mr. BAYH, the Senator from New York (Mr. JAVITS) was added as a cosponsor of S. 1578, a bill to provide for a national program of disaster insurance.

S. 1592

At the request of Mr. MANSFIELD (for Mr. MAGNUSON), the Senator from New Hampshire (Mr. MCINTYRE) was added as a cosponsor of S. 1592, the Endangered Species Act of 1973.

S. 1599

At the request of Mr. SAXBE, the Senator from Montana (Mr. MANSFIELD), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Wisconsin (Mr. PROXMIRE) were added as cosponsors of S. 1599, a bill to provide for the continued sale of gasoline to independent gasoline retailers.

SENATE JOINT RESOLUTION 95

At the request of Mr. HUMPHREY, the Senator from Wyoming (Mr. McGEE) and the Senator from Iowa (Mr. CLARK) were added as cosponsors of Senate Joint Resolution 95, authorizing and directing the Secretary of Commerce to conduct a Census of Agriculture in 1974 and to insure that such data acquired from this census be made available to the public as soon as practicable.

SOCIAL SERVICES FOR THE AGED—AMENDMENT

AMENDMENT NO. 93

(Ordered to be printed, and referred to the Committee on Finance.)

Mr. SCOTT of Pennsylvania (for himself, Mr. SCHWEIKER, Mr. BIBLE, Mr. BURDICK, Mr. COOK, Mr. CRANSTON, Mr. GURNEY, Mr. HOLLINGS, Mr. HUGHES, Mr. MCGOVERN, Mr. MOSS, Mr. PASTORE, Mr. PERCY, Mr. RANDOLPH, Mr. STAFFORD, Mr. TUNNEY, and Mr. YOUNG) submitted an amendment, intended to be proposed by them, jointly, to the bill (S. 582) social services for the aged.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 18 TO S. 371

At the request of Mr. TOWER, the Senator from Utah (Mr. BENNETT) was added as a cosponsor of amendment No. 18, to S. 371.

NOTICE OF HEARINGS ON REPORT OF COMMISSION ON CONSUMER FINANCE

Mr. PROXMIRE, Mr. President, the Subcommittee on Consumer Credit of the Committee on Banking, Housing and Urban Affairs will commence hearings on the report of the National Commission on Consumer Finance at 10 a.m. on May 17, 18, and 21 in room 5302 Dirksen Office Building.

All persons wishing to testify should contact Mr. Kenneth A. McLean, room 5300, Dirksen Office Building; telephone 225-7391.

NOTICE OF HEARINGS ON FAIR CREDIT BILLING LEGISLATION

Mr. PROXMIRE, Mr. President, the Subcommittee on Consumer Credit of the Committee on Banking, Housing and Urban Affairs will commence hearings on S. 914 and S. 1630 at 10 a.m. on May

22, 23, and 24 in room 5302, Dirksen Office Building.

All persons wishing to testify should contact Mr. Kenneth A. McLean, room 5300, Dirksen Office Building; telephone 225-7391.

NOTICE OF HEARING ON A NOMINATION

Mr. BIBLE, Mr. President, on behalf of Chairman JACKSON, I would like to announce for the information of the Senate and the public that the Committee on Interior and Insular Affairs will hold an open hearing on May 3 at 3 p.m. on the nomination of James T. Clarke by President Nixon to be Assistant Secretary of the Interior for Management.

This announcement is made so that any Member of the Senate or the public who desires to comment on the nomination will have adequate notice and may do so.

I ask unanimous consent to include a copy of the biographical sketch of this nominee.

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

BIOGRAPHY OF JAMES T. CLARKE

James T. Clarke, 35, of Detroit, has been nominated by the President of the position of Assistant Secretary of Interior for Management. His duties will include the management and administrative activities of the Department.

Mr. Clarke is currently a partner in Coopers & Lybrand (formerly Lybrand, Ross Bros. & Montgomery), one of the largest international accounting and consulting firms. A certified public accountant, he is in charge of the firm's consulting practice in Detroit and coordinates its consulting services to government throughout the Midwest. He joined the firm in 1961 and now specializes in assignments concerning financial analysis, organizational planning and budgeting accounting and EDP systems.

He was born in Petoskey, Michigan, and received a B.A., degree with honors in economics from the College of Wooster, in Ohio, and an M.B.A. degree in finance from the University of Michigan. From 1962 to 1965 he was a supply officer in the Navy; he was honorably discharged as a lieutenant.

Mr. Clarke is a member of the American Institute of CPA's and the Michigan Association of CPA's, for which he is Chairman of the Management Advisory Services Committee. He is also a member of the Federal Government Accountants Association and has held a number of positions in the Junior Chamber of Commerce.

He is married to the former Patricia Kemp of Detroit. They have a son, Timothy, 2.

NOTICE OF CHANGE IN PLACE OF HEARING

Mr. BURDICK, Mr. President, I wish to announce that the hearing of the Subcommittee on Improvements in Judicial Machinery on additional U.S. district judgeships previously noticed for May 2, 1973, will be held in room S. 224 in the Capitol at 10 a.m., rather than in room 1318, Dirksen Office Building.

NOTICE OF HEARINGS ON JUDICIAL DISQUALIFICATION BILL

Mr. BURDICK, Mr. President, as chairman of the Judiciary Subcommittee on

Improvements in Judicial Machinery, I wish to announce hearings for the consideration of S. 1064, a bill to amend 28 U.S.C. 455 specifying the circumstances under which a Federal judge should disqualify himself from participation in a case.

The hearing will be held on May 17, 1973, beginning at 10 a.m., in room 457, Russell Office Building.

Those who wish to submit a statement for inclusion in the hearing record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, room 6306, Dirksen Office Building—extension 5-3618.

ADDITIONAL STATEMENTS

VIETNAMESE VETERANS: TOP WHITE HOUSE PRIORITY

Mr. SCOTT of Pennsylvania, Mr. President, in a recent letter to the editor of the New York Times, Mr. Donald Johnson, Administrator of the Veterans' Administration, clearly details what the Federal Government is doing to help Vietnam veterans. He points to the "compassionate concern for these young veterans" as this Nation enters a long-awaited era of peace. He explains that we want to make certain these young men, home at last from a long and grueling war, receive the best health and medical services available.

In a recent meeting, Mr. Johnson told me he was hopeful that Federal money would soon become available for a new and badly needed Veterans' Administration hospital for the Philadelphia area. This is the kind of progress we all look forward to as we support his efforts in keeping the needs of Vietnam veterans a continuing top priority.

Mr. President, I ask unanimous consent that Mr. Johnson's informative report in his April 14, 1973 letter to the Times be printed in the RECORD.

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

VETERANS' ADMINISTRATION,
Washington, April 2, 1973.

VIETNAM VETERANS: TOP WHITE HOUSE PRIORITY

To the Editor:

Although your lead editorial of March 28 is completely misleading, I agree with its caption: This, is, indeed, the "Age of the VietVets," the more so now that President Nixon's program to end the war and win an honorable peace has been capped with the return of our P.O.W.'s and the absence in Vietnam of American forces for the first time in twelve years.

A compassionate concern for these young veterans has long had top priority Administration considerations, and, as the President noted in his March 25 statement, "In every area of Government concern, we are now doing more than we have ever done before to help our American veterans."

Here are the facts:

The latest Veterans Administration medical-care budget of \$2.7 billion is 80 per cent higher than the 1969 budget; more veterans are receiving health care than ever before; V.A. hospital staffs have been augmented by thousands of employees.

The President has approved two increases in compensation for disabled veterans, and there has been an 85 per cent increase over

1969 in V.A. vocational rehabilitation training.

The number of home loans under the G.I. Bill has doubled in the last four years; the President has twice approved increases in G.I. Bill education and training allowances, and the number of veterans now training under the G.I. Bill is about three times the number of trainees in 1968.

Your editorial referred to "tragically high" veteran unemployment but ignored dramatic gains in this problem area in the nearly two years since President Nixon launched his national Jobs for Veterans program. The unemployment rate for all Vietnam era veterans—once nearly 10 per cent—was down to 5.7 percent last month.

The editorial conceded Mr. Nixon could point with pride to recent increases in educational allowances but argued that present allowances fall "pitifully short," and World War II veterans were given higher benefits.

The present single veteran allowance of \$1,980 for a school year is nearly three times the World War II allowance and gives most veterans more monetary assistance than after World War II, even allowing for inflation and increased school costs. The World War II G.I. Bill paid tuition, books and supplies only up to \$500, and—unlike the current G.I. Bill—placed a \$210 ceiling on a veteran's combined allowance and outside earnings.

Your editorial's branding of benefits for older veterans as "a long-term boondoggle—a mortgage on society—and an extravagance" seems to warn Vietnam veterans that no matter how much their military service may be valued now, as far as *The Times* is concerned they will be strictly on their own as they grow older. This letter will give your readers at least a glimpse of the other side of the coin.

DONALD E. JOHNSON, *Administrator.*

U.S.-LATIN AMERICA RELATIONS

Mr. KENNEDY, Mr. President, Sol Linowitz has been observing relations between the United States and Latin America for several decades and has been one of our most thoughtful policymakers in that area as well.

Therefore his recent article in the *World* magazine on this subject is of particular interest.

For he describes what public opinion leaders in Latin America have been complaining about for 4 years—the absolute failure of this administration to enunciate or implement a policy towards Latin America.

The missed opportunities of this administration are cited—the decision to impose on Latin America the same onerous 10-percent surcharge despite the traditional balance of trade and balance of payments in our favor, the decision to warp the purposes of multinational leading institutions by demanding that they play a role in carrying out United States antiexpropriation policy.

He might also have included the decision to link U.S. foreign policy to the destinies of private U.S. corporations, the decision not to support imaginative ways of providing additional development assistance through SDR allocations for developing nations, and the decision to put far more political muscle behind the drive to maintain military aid than behind the effort to obtain humanitarian and development assistance.

In addition to his critique of the administration's nonpolicy toward Latin America, Ambassador Linowitz also puts forth a sensible set of principles that should be considered carefully as a basis for reestablishing a coherent policy toward Latin America.

I believe this article deserves the close attention of my colleagues and, therefore, I ask unanimous consent that it be printed in the *RECORD*.

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

LOOK, MR. PRESIDENT, LATIN AMERICA IS ON THE MAP, TOO

(By Sol M. Linowitz)

Few leaders have had such clear guides by which to formulate a policy for a region. "Yet for some . . . reason, the President has failed to respond."

Not long ago the *Journal do Brasil* (a not unfriendly Brazilian newspaper) ran a cartoon that shows President Nixon standing before a globe of earth contemplating Europe, the United States, and Asia. In the next panel, Nixon, crouching down, peers in astonishment at South America and exclaims: "Look, there's a map on the underside, too!"

The cartoon's implications are painfully clear: To Latin Americans, President Nixon is the first U.S. President in this century who has prided himself on his mastery of world affairs, yet has had literally no policy for Latin America. Other presidents during the past seventy years, whether their goals were regarded as constructive or jingoistic, at least seemed to have some clear idea of what they wanted to accomplish "south of the border." Theodore Roosevelt had his Big Stick and Gunboat policies, replete with territorial-imperative chest pounding. FDR launched the well-meaning, paternalistic Good Neighbor policy. And John F. Kennedy created the Alliance for Progress, which was later furthered by Lyndon B. Johnson. But the Nixon administration has seemed rudderless in this area, and Latin Americans speak bluntly of the Nixon "non-policy" toward Latin America.

Ironically, the relationship between the United States and Latin America inherited by the Nixon administration was basically a healthy, cooperative one.

There were, of course, problems and quarrels. But under the Alliance for Progress, Latin America has managed to achieve an annual average of 2.4 percent real per capita growth. This was exactly one decimal point below target, but far better than might have been expected during the 1960s, when the area's terms of trade and income from export commodities suffered badly. During that decade the United States contributed over \$8 billion in bilateral aid and was responsible for much of the \$6.5 billion in loans from international institutions such as the World Bank and the Inter-American Development Bank. The Latin Americans themselves, moreover, put up at least 90 percent of the capital required to fuel development and built up a sizable infrastructure of public-works projects and social programs.

One of the Alliance's crowning achievements was in export expansion and diversification—which is the critical bone of contention between the United States and Latin America today. Under the Alliance, Latin America moved away from the wasteful import-substitution policy that had been its mainstay during the 1950s, and concentrated instead on diversifying its exports. However, toward the end of the decade, Latin American leaders realized that further success in this program would require the United States and other countries of the developed world

to tear down the trade barriers to Latin American-manufactured exports. It was at this stage that President Nixon stepped onto the scene.

Then came two striking developments in U.S.-Latin American relations: the Rockefeller mission to Latin America and the Latin American meeting that produced the document called the consensus of Viña del Mar.

In late January 1969, Nixon announced that he was sending Gov. Nelson Rockefeller—a former Co-ordinator of Inter-American Affairs, long known for his deep interest in the area—on a fact-finding mission to a dozen Latin American capitals. Rockefeller surrounded himself with highly respected experts from a wide range of disciplines and embarked on a whirlwind tour of Latin America. Some skeptics asked whether still another study was in fact necessary, but when it came out, the Rockefeller report did demonstrate the importance of Latin America for the United States objectives, and recommended significant action. The President accepted the report, and Latin Americans waited to see whether he would act on it.

Meanwhile—at precisely the same time as the Rockefeller mission—there was a meeting of CECLA—the Special Coordinating Committee on Latin America, which consists of all OAS members except the United States. The purpose of the meeting was to coordinate the Latin American position within the Alliance, and the conferees agreed on a statement issued as the consensus of Viña del Mar.

The consensus covered a good deal of ground, ranging from international financing to the transfer of technology and the role of foreign direct investment; and from tariffs and quotas to the prices of commodities on the world markets.

Specifically, it asked that the United States eliminate tariff and non-tariff barriers on goods from the developing world and that it champion Latin exports by helping secure similar treatment for them in other developed markets. The CECLA group also sought greater financial cooperation that would allow recipients of aid to set their own priorities with no strings attached to the foreign aid they received.

Few national leaders in their first year in office have had such clear guides as the consensus and the Rockefeller report by which to formulate a foreign policy for a region. Yet for some inexplicable reason, the President failed to respond. In his only major Latin American policy statement, on October 31, 1969, the President indicated his awareness of the key problems, and then to the great disappointment of Latin Americans did very little about them.

The Nixon proposal for Latin America, as outlined in the October speech, was known as Action for Progress in the Americas; its ideas were meant to be the backbone of the Nixon policy for Latin America. On the face of it, the program seemed to offer highly positive concessions to Latin America in four key areas.

First, with respect to trade preferences, the statement said that the United States would urge other industrialized countries to agree on a uniform, nondiscriminatory system toward developing countries. The system would be very generous, with no ceiling on preferential products that Latin America felt it could sell to the United States; and the United States would be prepared to go ahead with preferences for Latin America on a number of products if Europe and Japan could not be persuaded to go along on a more general trade preference for all developing countries.

A second point was the untying of U.S. AID (Agency for International Development) loans. It was emphasized in the policy statement as a significant step forward. What was

not underscored was the fact that while AID recipients would no longer be tied to U.S. sources alone, they would be free to purchase manufactured imports with AID funds only from sources within Latin America.

A third and slightly related point was the promise to move toward increased multilateralization of U.S. aid for Latin America.

The program's last key point concerned the need to "deal realistically with governments in the inter-American system as they are." The President conceded that each nation had a right to decide whether or not it wanted foreign private investment. Without threatening countries that might choose the path of expropriation, the President quietly warned that such action might seriously affect investor confidence.

Latin Americans accepted these key policy positions with a sense of hope, which has over the months turned to cynicism and disillusionment.

One major setback to Latin American confidence in the new program came on August 15, 1971, when the Nixon new economic game was announced. The plan placed a 10 percent surcharge on imports to protect the U.S. balance of payments, and Latin America found itself lumped in with the other exporting areas. Many commodities that make up the bulk of Latin American exports were excluded, and White House spokesmen pointed out that only 22 percent of Latin American exports would be affected by the surcharge. However, they missed two important points that did not escape Latin Americans: First, the exports affected were fast-growing manufactured products, which Latin producers had worked long years to be able to manufacture for successful marketing in the United States. Second, Latin America's dollar-trade deficit with the United States had exceeded a billion dollars the previous year; and Latin Americans understandably felt that they should not be penalized in the same category as the European, Japanese, and other exporters who had contributed to the balance of payments predicament of the United States.

Quite clearly, the President had missed an extraordinary opportunity. He could have said he recognized that Latin America was not a factor in U.S. economic problems and could have absolved the area from the added burden of the surtax. Having failed to do so, however, he could no longer blame a protectionist Congress (as his administration had been doing) for the failure to live up to his commitment on trade preferences for Latin America.

The predictable result was to unite Latin America firmly against the United States. Even such strange bedfellows as Brazil and Chile were able to get together with other Latin American countries in an emergency CECLA meeting in Buenos Aires that condemned the U.S. action and explored possible sanctions against the United States. A related decision (made after the CECLA affair) to roll back the 10 percent AIO cut failed to overcome the resentment and hostility that had been aroused.

The promised multilateralization of aid also proved to be a disappointment to the Latin Americans. At the beginning of last year, President Nixon issued a statement that appeared to increase politicization of technical aid channels through the Inter-American Development Bank and the World Bank. He warned that all U.S. aid—including that funneled through multilateral institutions—would, in the absence of special circumstances, be cut off from countries that expropriated U.S. investments without prompt and adequate compensation.

Other statements exacerbated the situation. While still secretary of the treasury, John Connally stated in an interview: "The United States can afford to be tough with Latin Americans because we have no friends left there anymore." Later, as good-will am-

bassador to Latin America, Connally warned Venezuelans that "the United States has the power to export prosperity or poverty to any country in the world to which it chooses to do so."

Against this background it is quite clear that the Nixon non-policy toward Latin America has had one effect: It has united Latin America in opposition toward the United States and its surrogates—the hundreds of subsidiaries of U.S. corporations spread throughout the region. On other issues it has helped set Latin American leaders against each other in their efforts to vie for leadership of the region precisely at the time when the nations of Latin America should be working solidly together for development of the continent.

Neither the United States nor U.S. private investment in the area has benefited from this non-policy toward Latin America. Therefore, what we now need—and need badly—is a cohesive policy for Latin America that will take into account the hemisphere's special requirements and desires. And this challenge presents the new Nixon administration with an extraordinary opportunity at a pivotal moment.

What should be the ingredients of such a policy? Here are a few suggestions:

1. Define U.S. goals in the hemisphere, and spell out just as clearly what the United States expects of others. Then stick to these commitments.

There is no need of studies and analyses that make clear what our approach should be and how we should go about it. What we need—and desperately—is to recognize that clarity, like charity, must begin at home. To talk about "partnership" at a time when there is not even a constructive dialogue is neither realistic nor constructive. To be effective, a partnership must begin at the top—with the President. There must also be a genuine commitment on the part of the President, which in turn is reflected throughout the administration.

2. Move the Alliance for Progress toward a second stage, in which it would really be directed on a multilateral basis, with goals mutually defined.

We have long since passed the time when the United States can attempt to direct the destiny of Latin America. It is now necessary for all sides to participate in setting up goals and guideposts. The consensus of Vina del Mar and the recommendations of the Rockefeller commission can be important guides in establishing common objectives. The United States should indicate its readiness to join in developing such common goals.

3. Use existing inter-American institutions to conduct as much of our governmental business with Latin America as possible.

The OAS and the Inter-American Development Bank are two established organizations in which the United States can place its trust in dealing with the area. Both are staffed with dedicated international civil servants who are seeking to develop the region and who can speak both the language of the United States and that of Latin America. We should make clear our confidence in, and respect for, such inter-American institutions.

4. Once the United States has agreed to the principle of multilateralism, we should assure that decisions with respect to multilateral aid are truly multilateral.

As is true with any corporate board of directors, the role of the board of a multinational institution is to set overall standards and leave everyday management to the professional managerial staff. The same should apply in the case of international lending institutions. It would be helpful in this regard if Japan, European countries, and others were to join such institutions as the Inter-American Development Bank in order to assure that they are truly multilateral and not

dominated by the political influence, express or implied, of the United States.

5. Open up the U.S. market to Latin American products to the greatest extent possible and in a way that will truly benefit inter-hemispheric trade.

One idea worth exploration would be for the United States to allow Latin American products to come in free of all duties and quotas to the extent of the almost \$2 billion trade surplus it has with the region. There is no reason why a nation as powerful as the United States must make its mark at the expense of its developing neighbors. To make the formula more acceptable to Congress, the United States could insist that Latin nations reduce their barriers against U.S. exports to the degree they benefit from increased exports to the United States.

6. Help rekindle the fire of economic integration.

During the first eight or nine years, regional integration worked well, but it has since been stymied in its growth. Both LAFTA (Latin American Free Trade Association), which includes all of South America plus Mexico, and the Central American Common Market have run into difficult times. At the presidents summit meeting in April 1967, a Latin American common market was the leading item on the agenda. The United States could help revive interest in it by offering to become a nonreciprocal member—which would open up its markets—but not insist on the same from Latin Americans. A major market outside the area could be the stimulus that regional integration needs to set its export goals high and to develop the way to reach them.

7. Make clear the nature of the relationship between the U.S. government and Latin American subsidiaries of U.S. parent companies.

If the U.S. government has a responsibility for helping American companies in conflict with foreign governments, then it must also be prepared to be responsible for companies that conduct themselves badly in a particular country. The United States could insist that American companies follow a specific code of conduct of responsible international companies that would state what rights companies should be able to expect when dealing internationally, and what duties to the host country they have in return. If a U.S. company is wronged under such a code, then the U.S. government could, in good conscience, step in to make this known to an international tribunal, while avoiding any unilateral action.

8. Accept the idea that Latin American countries—like other countries of the world—have the freedom to determine their own political, social, and economic systems on behalf of Latin Americans and in a Latin American way.

The United States must learn to understand and accept the fact that differences exist among people and their ways of looking at things. And it must learn to adapt to these systems when they pose no intrinsic danger to the United States, and to avoid hostile knee-jerk reaction when disagreement occurs.

There is, of course, no guarantee that such policies will entirely abate hostility and tension. But they could begin to change the climate and move us back to a spirit of cooperation, rather than conflict. The need has never been greater, both in our own interest and in the interest of hemispheric progress and world peace.

TWENTY-FIFTH ANNIVERSARY OF THE STATE UNIVERSITY OF NEW YORK

Mr. JAVITS. Mr. President, a joint meeting of the New York State Legisla-

ture was held on March 13 to commemorate the passage 25 years ago of the legislation creating the State University of New York.

New York was the last of the States to found a State university. That was in 1948. Today, this university is the largest in the Nation, with a total of 364,000 full-time and part-time students presently enrolled at 72 campuses within the State of New York.

By this spring, or just 25 years after its creation, State University of New York will have graduated more than a half-million students.

The university is observing its silver anniversary with a series of special events which began with the March 13 joint meeting of the legislature. Other observances will be held on university campuses and at other locations through October.

The historic legislation creating the university was passed by the State Senate on March 10, 1948, and by the Assembly on March 13. It was signed into law by then Gov. Thomas E. Dewey on March 30 of that year.

The joint legislative meeting marked this commitment of New York's State government to expand educational opportunities in New York. It was attended by Gov. Nelson A. Rockefeller, who personally has made the enlargement of and enhancement in quality of the State University of New York a prime objective of his administration, and by other representatives of the executive department, the State university's board of trustees and its distinguished chancellor, Ernest L. Boyer, and more than 400 guests, including educators and university students and alumni, in addition to the members of both Houses of the 1973 legislature.

On this occasion, the university presented Distinguished Service Awards to four individuals and to the executive and legislative branches of State government.

Posthumous awards were made to Governor Dewey, to Assemblyman Irwin Steingut, and to State Senator Benjamin F. Feinberg. Assemblyman Steingut of Brooklyn, and Senator Feinberg of Plattsburgh were the principal sponsors of the 1948 legislation in their respective houses.

These awards were received at the ceremony by the sons of each of the three men, Thomas R. Dewey Jr., Stanley Steingut, now assembly Democratic minority leader, and Robert J. Feinberg, county judge and family court judge in Clinton County, N.Y.

The fourth person who was honored at the ceremony is Frank C. Moore, a former Lieutenant Governor and State comptroller of New York who served on the university's board of trustees from its inception in 1948 until 1965. He was board chairman for 11 years, from 1954 until 1965.

These awards were presented by four university students and four university alumni.

The Distinguished Service Awards to the executive and legislative branches were presented by Mrs. Maurice T. Moore, board chairman, and were re-

ceived, respectively, by Governor Rockefeller, Assembly Speaker Perry B. Duryea, and Senate Majority Leader Warren M. Anderson.

Replicas of the seven awards were presented to each assemblyman and senator now serving in the legislature.

I ask unanimous consent that the remarks of Governor Rockefeller and Chancellor Boyer be printed in the RECORD.

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

EXCERPTS OF REMARKS BY GOV. NELSON A. ROCKEFELLER

I am deeply moved by this honor.

Naturally, at this time, my thoughts go back to taking office in 1959.

At that time the State University had 38,000 full-time students.

At that time 60 per cent of New York's students were in private colleges—compared to 20 percent in California.

It was clear that the post-war baby boom would soon be reaching college age.

And my Administration was determined that no young person would be denied the opportunity for higher education for lack of personal means or lack of educational facilities.

Therefore, in that first year I asked the State Board of Regents to join me in appointing a committee to study the State's future needs in higher education.

This outstanding committee, led by Dr. Henry Heald, warned that we had to double our State program of higher education between 1960 and 1970.

My Administration proposed and the Legislature approved creation of the State University Construction Fund to tackle the giant building task.

The construction fund launched a university construction program unparalleled anywhere on earth.

Almost \$1.3 billion worth of projects are already completed.

Another \$900 million worth of projects are under construction or in the design stage.

As a result of this unprecedented commitment, we have gone from 46 rather small campuses before to 72 modern campuses today;

Including four major university centers.

We have gone from 13 community colleges to 38.

At the same time that we were building facilities, we were building financial opportunity for students in need.

The existing program of Regents scholarships has been increased from 25,000 students when the Administration took office, to 86,000 today.

An entirely new form of support, the Scholar Incentive Awards, was begun in 1961.

Today, Scholar Incentive aid is paid to 277,000 college students in both public and private colleges.

And so, in an incredibly brief span, a state university system accommodating 38,000 full-time students has been expanded into a system with over 235,000 full-time students today;

The largest public university system anywhere.

The most exciting result is that we have managed to achieve simultaneous growth both physically and academically.

When we say today that New York has a state university system second to none, we mean both in size and academic stature.

The eyes of the world biology community, for example, are on the research in life-synthesis being carried out on the Buffalo campus.

Our newly created Empire State College is more than a university without walls;

It is a university without barriers—taking college to people who might never have reached a conventional campus.

Nobel laureates in the sciences—and world acclaimed figures in the humanities are members of State University faculties.

We have fulfilled our objective of providing the people of New York with an outstanding system of public higher education.

But in no area is it more important to remain vital and dynamic and attuned to change than in higher education.

The problems of the 70's will not be met with the solutions that served us well in the 60's.

That is why I named a superbly qualified group—the Keppel Task Force—to make a searching inquiry as to where New York should now be headed in higher education.

The major recommendations of the Task Force offer a great deal of good sense;

To guarantee some form of post high school education to every student;

To provide adequate support to low-income students to allow them the choice of public or private college;

To bring tuition into line in public colleges upstate and in New York City;

To relate student aid progressively to a family's ability to pay;

To carry out statewide and regional planning and cooperation in higher education.

And to have the Governor nominate the members of the Regents with the advice and consent of the Legislature.

We want to achieve a healthy balance of public and private colleges in which opportunity is open to all students with a will to learn—and never barred by family financial circumstances.

I thank you once more for the honor conferred on me, and add only this.

Over the years my Administration has been committed to many goals.

But if compelled to stand on one alone, I would want it to be the part this Administration has been permitted to play in providing a place where the hopes and dreams of our people for their children can find fulfillment.

And that, in great measure, is the meaning of the State University.

REMARKS BY ERNEST L. BOYER, CHANCELLOR, STATE UNIVERSITY OF NEW YORK

Mrs. Moore, Governor Rockefeller, Speaker Duryea, Majority Leader Anderson, Attorney General Lefkowitz, Comptroller Levitt, Members of the Assembly and Senate, President McGill, distinguished guests and friends.

On November 11, 1647, leaders of the Massachusetts Bay Colony passed a law requiring each town to provide a schoolmaster to teach the village children to read and write. It was a bold move, one which affirmed that, in a free society, education is far too important to be left to chance.

And on March 13, 1948, exactly 300 years and 4 months later, another move was made, equally as bold. On that day the New York leaders passed a law which was rooted deep in the tradition of the colonial village school. This act, one which we celebrate here today, declared that higher learning also must be open to the many and not just the few, and recognized that, as educational needs expand, educational opportunities must expand as well.

Therefore, we pause today to pay tribute to the visionaries, to those who dreamed the dream and to a legislative act which one Assemblyman at the time described as "the most important bill we'll pass this session."

From the vantage point of history, that was a staggering understatement indeed, for the impact of that single act can be measured in a thousand separate ways.

We have already heard of the 500,000 students who have completed their degrees.

We could record the 82,000 disadvantaged youths who have enrolled in our Urban and Cooperative Centers and matriculated on our campuses during the past six years.

We could record State University's impact on the farms. Because of University research and extension service, the New York dairy farmer gets 4,000 more pounds of milk per cow each year than he got in 1948.

We could underscore the service to the poor. This year it is estimated that over 20 percent of the students on our campuses come from families with a net taxable income below the national poverty level.

The impact on health care has also been dramatic. Today almost 2,000 physicians and 10,000 nurses are in preparation at State University campuses—the largest medical training program in the world.

Or we could talk about the service to communities with almost 20,000 State University students last year working as volunteers at hospitals, day care centers, retirement homes, and sponsoring blood banks, ambulance service, and TV telethons for crippled children.

I'm suggesting that if one wishes to measure the impact of the University, the yardsticks everywhere abound.

But statistics, while impressive to the ear, often clog the mind. Ultimately, a university must be reduced to human scale. After all, we're dealing not with passive objects but with people—friends and neighbors, sons and daughters—and, in the end, the impact of a university is not something to be quantified but something to be sensed and felt.

That distinguished man of American letters, Archibald MacLeish, recently observed that, as we in our public life grow more distant from each other, we "find ourselves hungrier and hungrier for the human truth, the untouched, uncoached, undoctored, untinted human self, the self itself, the man, the woman."

Viewing the State University from this vantage point:

It is the story of Mrs. Joan Cofield, an American Indian and mother of two, who graduated from Albany with honors and won a fellowship to study for her Ph. D.

It's the story of the Rochester mailman who has worked out a program of American history with his Empire State College mentor which makes it possible for him to go to college and keep his job.

And it's the story of the two-year college graduate on Long Island who was immediately employed as a computer programmer by an industry close to home.

The story of the University is the story of human service.

Just two weeks ago all of the colleges of this State joined together to pledge cooperation on many fronts. In the concluding paragraph of our statement, we agree that we were coming together for just one aim, "to encourage the intellectual development of individual men and women so that the knowledge gained can be put to the service of others."

This, then, is the dream, and the focus of our celebration:

The man, the woman, the individual students who, through education, may enrich their minds, develop skills for work, and expand their human spirit.

On behalf of the students and the families we have served, may I tell you that it is an honor for us to be honoring you today.

TOWN'S JOBS GO ABROAD

Mr. HATHAWAY. Mr. President, on the front page of this morning's Washington Post is an excellent story by Helen Dewar which describes the plight of a small rural town in Virginia, whose only

major industry is lost because of the press of foreign competition. It is a story which has been repeated many times in recent years in all sections of our country—and especially in my native New England. Fortunately, this particular story has at least the hope of a happy ending, as the President has moved to make adjustment assistance available to the workers directly affected by the closing.

I recommend the story to my colleagues, not only because it graphically describes a situation that has become all too common, but also because it points up the need for more effective and far-reaching adjustment assistance when cases like this arise. I commend the President for his action in this case and for the steps taken in his trade proposal which make trade assistance more readily available to those who need it. But loosening the qualifications will not be enough if the assistance which is forthcoming is unrealistic in amount and unhelpful application. I intend to study this section of the President's proposal carefully and take steps to insure that the program will be adequately funded and provide effective assistance to those individuals most directly hurt. In addition, I am developing a proposal to expand the adjustment assistance concept to include help to the community, itself, which is dependent on an industry which is being damaged by imports. Providing assistance to these communities which will enable them to rebuild their local economies is the only kind of help which will lead to true adjustment.

Foreign trade is vitally important to our country and, on balance, is of great benefit to the national economy. But, as the Post story indicates, there are costs, costs which are caused in large part by the actions of our Government. For this reason, I feel it is incumbent upon us, where we are able to minimize these costs and spread them more equitably among all of our citizens.

Mr. President, I ask unanimous consent that the above mentioned story be printed in the RECORD.

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

AND A TOWN'S JOBS GO ABROAD

(By Helen Dewar)

TAZEWELL, VA.—It was this small Appalachian town's biggest industry, employing up to 1,000 people and producing millions of dollars worth of electrolytic capacitors, primarily for television sets.

But that was before the General Instrument Corp., a large multinational conglomerate headquartered in New Jersey, found that because of labor costs and tariff concessions it would be cheaper to produce the capacitors abroad.

Now the plant's machinery has been boxed up and shipped to General Instrument plants in Taiwan and Portugal, where the capacitors—devices used to store electric charges—can be produced at less than one-third of American labor costs.

That makes them competitive with capacitors produced in Japan, where the cost of labor is significantly lower than it is in the United States.

Only the big empty plant and the former employees remain behind, victims of international trade policy machinations that

many of the workers in Southwest Virginia do not even pretend to understand.

Since the plant closed last September, a few of the 300 employees who remained to the end have found employment in North Carolina. A few others have been able to land jobs in nearby coal mines or at equipment shops that dot the highways through the picturesque Clinch River Valley, in which this community of about 5,000 people lies, almost 300 miles southwest of Washington.

But union officials estimate that 80 or 90 per cent of them are unemployed, simply because there is little industry in Tazewell and people here are loath to leave.

Some went on welfare and began receiving food stamps, but others, true to the strong work ethic of the area, were holding out as long as they could.

Many were near the end of their resources when, two weeks ago, the White House announced that President Nixon had broken a tie vote of the U.S. Tariff Commission and ruled that the plant had been closed because of increased imports of capacitors arising from trade concessions.

Those concessions, which sometimes include the lowering of U.S. tariffs, resulted in foreign-made capacitors selling at a lower price than those made in Tazewell.

President Nixon's order made Tazewell the 75th American community to receive assistance under the Trade Expansion Act of 1962, which provides cash allowances, job retraining and other services to people thrown out of work as a result of trade agreements.

The impact of the plant closing on the local economy was cushioned by the fact that at least 70 per cent of the assembly line workers were women, most of whom had husbands who were working elsewhere.

But single people, widows and divorcees, men without working wives and couples who once considered themselves fortunate to be working together at the plant—about 30 per cent of the work force—were left without anything but unemployment insurance, except for the few who found new jobs.

Stella Kinder, a 54-year-old widow who worked as an assembler at the plant since shortly after it opened 18 years ago, said she knocked on doors all over Tazewell trying to find work and faced going on welfare when her unemployment insurance ran out.

"I don't like the idea but . . ." she said earlier this month, her voice trailing off as she left the sentence uncompleted.

But then came the reprieve from Mr. Nixon, just as Mrs. Kinder and others were about to receive their last unemployment check.

"The people were overwhelmed, they couldn't believe it," said Irma Mitchell, secretary of the Tazewell steelworkers union local that which, together with the company, had filed the request for adjustment assistance. "We know it won't last forever, but we hope it will tide us over until we get new industry."

The aid—the first such assistance to be received by any Virginia locality—could last up to a year and a half, according to the U.S. Labor Department, which is involved in administering the program. Claims will start being processed through the Virginia Employment Commission in about a month, after eligibility is determined and administrative details are worked out.

In the meantime, the Tazewell County Board of Supervisors, working with the newly formed Tazewell Chamber of Commerce, has hired an industrial consultant and taken other steps to lure new industry into the community—and, they hope, a buyer for the old General Instrument building.

"No one thought this kind of thing could happen—you know, trade deals way off in Europe or Asia that might affect us—until General Instrument proved that it was a smaller world than we ever imagined," said a community leader. "It didn't bring about an

overnight miracle, but it did wake some people up, you might say. There may be hope yet."

For Mrs. Kinder and other older employees of the plant, hope is tempered by fear that new plants will hire only young people, "Anything that comes in probably won't be interested in hiring me," said Mrs. Kinder, who added that a small new plant in the town recently turned her down at the same time it was hiring several younger people.

However, Ewell R. Templeton, the county's industrial development consultant, says he is assured that new firms will be interested in "experience, not age."

For General Instrument, which last year had manufacturing facilities in 12 states and nine foreign countries with net sales of \$276 million, the decision to close down the Tazewell plant was dictated by the Japanese competition, an official said.

"You can't compete against Japan by having a plant in Virginia," he said, "but you can compete with a factory in Taiwan."

Although some Tazewell leaders blamed the steelworkers union and its pressure for higher wages for the plant's closure, the General Instrument spokesman said this was not so. "In the final analysis, it didn't depend on whether it was union or non-union," he said. "The name of the ballgame is that you can't compete here with Japanese-made products."

Employees in one large division of the plant, formation and etching, once offered to take a cut in pay if the plant would stay, but management officials said even that would not help the plant remain.

Mrs. Mitchell and other union officials don't blame the company, although they do criticize the country's trade policies.

"As a whole, the workers didn't feel the company could do anything about the situation," said Mrs. Mitchell "but they did feel the government could do something about companies going abroad."

The union officials praise the company for having given five months' advance notice of the closure and paying severance pay of one day's wages for each year worked.

Mrs. Mitchell and her husband, Leslie, both worked at the plant but consider themselves lucky to have landed a job managing a local motel. "We were the fortunate ones . . . it was prayer, luck and the grace of God," Mrs. Mitchell says.

"We knew the plant was below average in pay (in relation to national industrial averages) but it was a good place to work," Mrs. Mitchell said. "Well, come to think of it, it was the only place we had. We were foolish that both of us worked at the same place, but we never thought it would happen; you never do."

Less fortunate was a friend of the Mitchells' who failed to take out medical insurance after her company policy lapsed and subsequently contracted a lingering, ultimately fatal illness. The woman's husband went into debt to cover her hospitalization and even had to borrow money to travel to see her in the hospital, Mrs. Mitchell said.

Another woman, a divorcee with five children, receives \$219 a month in welfare payments and "just can't live on it," says Pearl Stone, treasurer of the union. The woman is embarrassed about receiving welfare and has tried to keep it a secret, she added.

No one knows exactly what kind of assistance will be offered, except that there will be a cash outlay of 65 per cent of a person's wages for at least a year, along with a lump sum payment covering some past losses.

Because tariff concessions may have caused dismissal of some employees well before the plant actually closed, it won't be known until a federal investigation is completed how

many will receive assistance. The White House announcement, however, said that about 400 former employees are expected to qualify.

SOBRIETY IN THE SENATE

Mr. SCOTT of Pennsylvania. Mr. President, the Albuquerque Tribune recently published an editorial noting that freshman Senators led by PETE DOMENICI were instrumental in sustaining the veto of the vocational rehabilitation bill. The idea of the veto was to take a firm stand against irresponsible Federal spending.

By sustaining the veto, the editorial explains, Mr. DOMENICI and the other freshman Senators who voted with us cast their vote against what the editorial refers to as "well-intentioned, but lavish spending schemes." Actually, the President's budget calls for \$650 million more for these programs this year.

Mr. President, I ask unanimous consent that the text of the April 3, 1973, editorial be printed in full in the RECORD.

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

SOBRIETY IN THE SENATE

The 36 senators who supported President Nixon's first 1973 veto may have given him the leverage he needs to hold the line on inflationary federal spending this year.

The issue was whether to pass over the President's veto a two-year, \$2.6 billion job-training-for-the-handicapped bill so popular that only two senators voted against it in February.

Yet the vote on the same bill was 60 to 36, four votes short of the two-thirds margin necessary to override the presidential veto.

Credit should go to senators like Baker and Brock of Tennessee, Taft and Saxbe of Ohio, Cook of Kentucky, Tower of Texas, Domenici of New Mexico and Dominick of Colorado for casting a responsible vote.

Had the veto been overridden, more than a dozen bills might have skipped merrily through Congress this spring offering non-existent federal money to farmers, veterans, old people and other worthy groups in defiance of the President's \$268.7 billion budget ceiling for the year starting in July.

The result, as Sen. Hugh Scott, R-Pa., ably pointed out on the Senate floor, would have been another spending binge, an economic hangover, more inflation or higher taxes.

"It is not going to be easier to stop on the second, third or fourth drink," he warned, "than it is to stop right now."

In a sense, of course, the President is a sitting duck for criticism every time he vetoes a bill that promises to help the sick, the crippled or the retarded.

Sen. Hubert H. Humphrey, D-Minn., called his latest veto "the worst, the most cruel, the most inhumane ever handed down."

What the senator failed to mention is that federal aid to the handicapped will have increased 75 per cent, and the number of persons served 50 per cent, to 1,225,000, since Nixon took office in 1969. Spending is running at the rate of about \$650 million a year.

The issue, then, is not whether the President is a fool or a miser.

The issue is whether Congress has the courage—and good sense—to say no to well-intentioned but lavish spending schemes.

NATIONAL INSTITUTE OF JUSTICE

Mr. HUMPHREY. Mr. President, on March 29, I introduced legislation (S.

1422) which would establish the National Institute of Justice to undertake the refinement and reform of judicial and related processes on a national scale.

Since World War II, there have been vast social and economic changes in America which have made us increasingly unable to cope effectively with the overall problems of criminal and civil justice. The result is that justice in our Nation increasingly falls short of any reasonable ideal. Our courts are seriously overburdened. Respect for our law enforcement mechanisms is declining. Jails and prisons have become institutions of higher education in crime.

Therefore, I believe, as does the American Bar Association, that a National Institute of Justice could remedy some of these problems.

It would conduct a study of the causes of delay in the administering of justice, identify the problems, and recommend solutions.

It would establish priorities, objectives, and continuing evaluation of the judicial system at all levels.

It would survey, collect, analyze, and disseminate information about the operation at all levels of the judicial system, with emphasis on improvements and innovations.

The Institute of Justice would be non-partisan and would comprise the finest legal minds in the country. It would not supplant existing State, local, or Federal entities.

The president of the American Judicature Society, Judge Robert H. Hall, of the Georgia Court of Appeals, has given a strong endorsement of proposals for a National Institute of Justice before the National Conference of Bar Presidents on February 9, 1973, at the midwinter meeting of the American Bar Association in Cleveland, Ohio. His succinct statement is extremely helpful and I hope it will clear away some of the impediments to the scheduling of congressional hearings on S. 1422.

I ask unanimous consent that Judge Hall's statement be printed in the RECORD.

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

COMMENTS BEFORE THE NATIONAL CONFERENCE OF BAR PRESIDENTS

As a state judge, I rise to make two brief but important points. One is that a National Institute of Justice would be of great assistance in improving the administration of justice in our state and federal judicial systems. The other is to say that the bench and bar of our fifty states have no reason whatever to fear some sort of federal domination from this type of Institute.

To begin with there are some problems in our justice systems, state and federal, which are national in scope and must be examined by empirical research on a unified or national basis. They cannot be solved by a fragmented approach. Our state and federal judicial systems are interrelated. Any change in one automatically affects the other. Within each of these two systems we have separate and independent fragments—the bench, bar, police, prosecutor, public defenders, corrections and others. All are part of the entire system of justice but each normally goes its separate way, suspicious of each other and jealous of its own functions. There is no agency in existence today capable

of performing co-ordinated research on this problem. There are many organizations composed solely of judges including Federal Judicial Center and the National Center for State Courts. There are also organizations such as the American Bar Association, American Judicature Society and the National Conference of Bar Presidents that are predominantly made up of lawyers. While all of these organizations perform well within their capabilities, they are, except for the Federal Judicial Center, private bodies and by virtue of their membership none can provide a broad based unified approach.

The Law Enforcement Assistance Administration is as its name indicates involved only in law enforcement programs which mainly deal with block grants to our states. These block grants will undoubtedly continue either under LEAA or be switched over to the President's revenue sharing plan. It is true that some 15 percent of LEAA funds are reserved for discretionary grants at the national level; however, they are restricted to the area of criminal justice in the states. We must have an entity capable of dealing with the totality of justice nation wide.

From the very inception of the idea for a National Institute of Justice everyone involved in this endeavor has said that the Institute should be neither a new federal agency nor a part of the existing federal structure. The concept has been to establish non-political, federally chartered corporation, governed by representatives of the bench, bar and public. In addition to the limitations I have already mentioned, we must remember that LEAA is a part of the United States Justice Department. A giant step was taken in the 1930's to remove the federal courts from the administrative control of the Justice Department. It would be ironic if we in the 1970's placed the administration of national research grants for state courts under this federal agency. The best way to avoid the specter of federal control is to avoid placing a research institute under a federal agency.

Cardozo told us that "Justice is not to be taken by storm. She is wooed by slow advances." A National Institute of Justice will allow the bench, bar and public to "woo" her together in a unified manner.

OMBUDSMAN FOR BUSINESS

Mr. SCOTT of Pennsylvania. Mr. President, the Commerce Department's Business Ombudsman program has been operating for 3 years and has dramatically improved the relationship between Government and the business community. I ask unanimous consent to have printed in the RECORD, an announcement to this effect by the Secretary of Commerce.

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

OMBUDSMAN FOR BUSINESS BEGINS THIRD YEAR OF OPERATIONS

Secretary of Commerce Frederick B. Dent, citing a constantly increasing caseload in services provided by the Ombudsman for Business who has just begun his third year of operations, said today the Nixon Administration is making progress in its effort to improve communications and understanding between the Government and the business community.

During the 24 months since the office of the Ombudsman was established in the Commerce Department under the direction of Thomas E. Drumm, Jr., it has received more than 8,200 requests for information from businessmen and others. More than 440 inquiries were handled in February 1973 and over 500 in March.

The Ombudsman for Business is one central place in the Federal Government where businessmen and others can come directly with requests for information and service and bring their suggestions, criticisms and complaints.

The Secretary noted that while the designation is Ombudsman for Business, the users of the service include not only business firms of all sizes, but also members of Congress, attorneys, academe, minority entrepreneurs, state and local entities, professional, trade and manufacturers associations, the U.S. Chamber of Commerce and other chambers throughout the country, trade related organizations, CPA's, and the general public.

The requests for services from the 50 States, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, and over 47 foreign countries, have covered a wide range of government programs, including government procurement; financial assistance—loans, grants, and guarantees; truth in lending and advertising; product safety; occupational safety and health; industrial pollution abatement; wages and hours; standards, technology transfer; metric system; franchising; patents; trade with China, Russia and the bloc countries; and programs of OPIC FCIA, Export-Import Bank, AID, World Bank, and numerous other programs concerned with domestic and international trade.

The "good offices" approach of the Ombudsman has reconciled a number of government/business misunderstandings and has resulted in improved government program performance, communication, understanding and delivery of government services.

The heads of 15 departments and agencies have designated senior officials to serve in a liaison capacity with the Ombudsman. With these resources, the services of the office are government-wide.

The Ombudsman also renders on-the-spot services throughout the Nation through the District Offices of the Department of Commerce and regional offices of other departments and agencies, and overseas through U.S. embassies and consulates.

As a result of the Ombudsman's activities the channels of communication between government and business have been broadened. There has been an improvement in program performance, bureaucratic red tape and delays have been reduced, government services to the business and general public have been advanced, and the economy has benefited.

To utilize the service, address Thomas E. Drumm, Jr., Ombudsman for Business, U.S. Department of Commerce, Office of the Secretary, Washington, D.C., 20230, or call (202) 967-3178.

CONSTANCE BEAUMONT

Mr. PERCY. Mr. President, Constance Beaumont has been a member of my staff for almost 3 years. After having worked in the office of Senator ROBERT DOLE, she joined my legislative staff in April of 1970 and, since that time, has been an invaluable aide. Her particular area of responsibility has been the problems of the elderly and she has attacked these problems with spirit and with a great deal of compassion and understanding.

Every Senator must rely heavily on his staff for advice, research, and counsel. Mrs. Constance Beaumont has provided all of these with both skill and talent. Unfortunately, Constance has recently left my staff to become the Director of Government Relations for the American Association of Homes for the Aged, here in Washington. I can say only that our loss is their gain.

Mr. President, on behalf of all the members of my staff and all of those who

have worked with Constance Beaumont over these last 3 years, I wish her the very best in her new career. She has been a great credit to my office and to the U.S. Senate.

RECENT EVENTS IN RHODESIA

Mr. HUMPHREY. Mr. President, I would like to bring to the attention of my colleagues several articles which recently appeared concerning the deteriorating economic and political situation in Rhodesia.

It is clear that the economic sanctions against Rhodesia's minority white regime, though not completely effective, are beginning to place great pressure on the Smith government. As David Ottaway reports in the Washington Post, the combination of a drought and meager foreign currency reserves may force the government to negotiate a settlement after more than 7 years of minority rule.

In the midst of these indications that the Smith government is experiencing great difficulties comes the news that it also is embarking on policies designed to halt racial integration, prevent African participation in the political process and establish a white supremacist state modeled after its South African neighbor.

The Rhodesian Government has continued to pursue a path of restriction of individual freedom and harassment of those who either state the truth or work for change of official policies.

Recently, a Rhodesian court sentenced Peter Niesewand, a 28-year-old South African newsman holding Rhodesian citizenship, to a year at hard labor for reporting Rhodesian Army operations against black guerrilla forces.

The New York Times reports from Salisbury that key portions of Mr. Niesewand's trial appealing his case were held in secret. This type of "justice" is characteristic of the behavior of the Smith regime which routinely arrests, detains, and imprisons those who dare to disagree or oppose government policies.

Writing on the editorial page of the New York Times, Miss Judith Todd, daughter of a former Prime Minister of Rhodesia now being held under house arrest in Rhodesia, eloquently describes the current state of affairs in Rhodesia.

Recently in the United States, Miss Todd was able to tell many of us about the need for continued international pressure on the Rhodesian Government. As she states:

Only continuing pressure may lead white leaders to a negotiating table with African leaders.

Mr. President, very few Americans are aware that our Government has officially broken the sanctions against Rhodesia established by the United Nations.

Through our imports of chrome and other minerals, authorized by an act of Congress, we supply needed foreign currency and psychological support to a racist regime representing only 5 percent of Rhodesia's population.

I am personally determined to change our policy and am in the process of asking my colleagues to join with me in such an effort.

Mr. President, I ask unanimous consent that Mr. David Ottaway's article entitled "Pressure Mounts on Rhodesia," Judith Todd's essay on "Mr. Smith's Regime," and Charles Mohr's article entitled "Journalist's Appeal Is Heard in Rhodesia" be printed in the RECORD.

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

[From the Washington Post, Apr. 21, 1973]

PRESSURE MOUNTS ON RHODESIA

(By David B. Ottaway)

Rhodesian Prime Minister Ian Smith is now faced with growing pressure at home and abroad to enter into direct negotiations with African nationalist leaders and peacefully end the dispute that has kept the breakaway British colony an international pariah for more than seven years.

Britain has just stiffened its terms for granting recognition to the white minority government in Rhodesia, demanding that it come to an agreement with black nationalist leaders in the country.

Guerrilla attacks from neighboring Zambia, once sporadic, have recently turned into a sustained, though still small-scale, movement within the country, and 15 whites have been killed in the past few months.

At the same time, the East African country—already facing the worst drought in years—is now being hit with a sharp cut in its meager foreign exchange earnings as a result of the government's decision to close Rhodesia's border with Zambia, cutting off the shipment of Zambian copper through the country.

The reaction of Rhodesia's white leadership so far has been to stiffen its stand at home. It has passed laws to implement what it calls "provincialization" of the country—the Rhodesian equivalent of the South African system of segregated homelands for the black population.

It has also told the moderate African nationalists grouped within the African National Council that will give them no better terms than those proposed in the 1971 settlement package, which was worked out between the British and Smith and overwhelmingly rejected by the 5 million black Africans of Rhodesia.

According to African analysts here and to Judith Todd, the daughter of former Rhodesian Prime Minister Garfield Todd, it is a critical time in the history of the 250,000 whites' struggle to maintain their rule, a struggle that has been going on since the Smith government declared the country's unilateral independence from Britain in 1965.

"I don't think time is on the side of a peaceful solution," said Miss Todd in a recent interview here.

Miss Todd, now a close ally of the moderate black Rhodesian nationalist—particularly since she and her father spent five weeks in solitary confinement last year—believes that conditions are now better to force Smith to the negotiating table than at any previous time.

"The pressures are all there to get the whites to the table," Miss Todd said. "There is a very remote chance that a peaceful settlement can be achieved . . . but it is there."

Miss Todd believes that the repeal of the so-called Byrd Amendment could well be the key to negotiations.

The amendment, named after Sen. Harry F. Byrd (D.-Va.), was passed by Congress in October 1971 and allows U.S. companies to break U.N. sanctions to import Rhodesian chrome and other strategic materials.

An effort to repeal the amendment nearly succeeded in the Senate last year, and another repeal campaign is now being organized in both the House and the Senate.

The argument, Miss Todd and other

Rhodesian specialists make is that a repeal of the Byrd amendment coming hard upon other pressures now being exerted on the Smith government, could finally break the whites' stubborn resistance to holding talks with the nationalists.

The economic situation in Rhodesia, while still far from desperate, has become steadily worse, and there is presently little reason to expect a change in this trend.

Rhodesia had a \$26 million deficit in its balance of payments in 1971, and the deficit for 1972 is expected to be considerably larger.

Rhodesia's decision in January to close its border with Zambia, is retaliation for alleged guerrilla incursions from that country, has resulted in the loss of income from shipments of Zambian copper via Rhodesian rail lines to the Mozambique port of Beira. This will mean a cut of \$20 million in Rhodesian government revenues this year.

If the Byrd Amendment is repealed, it would represent the loss of perhaps another \$13 million—the value of U.S. imports of Rhodesian chrome, ferrochrome, nickel and beryllium last year.

The shift in the British government's position, however, is clearly far more significant and troublesome to the Smith government.

British Foreign Secretary Sir Alec Douglas-Home told Parliament a week ago, "It is quite clear that there must be a basic agreement between responsible Africans and the Rhodesian administration before any proposals (for further talks with Britain) can be seriously considered."

Smith had hinted recently that a breakthrough in the off-again, on-again talks with the British was imminent, and Sir Alec's statement has dashed this hope.

The British are understood to have shifted their policy because of increasing pressure from Nigeria, whose oil and natural gas wealth are of considerable interest to London, as well as from the socialist governments now in power in New Zealand and Australia.

The prospects for talks between Rhodesian whites and the moderate African National Council are only slightly brighter than the likelihood of an accord.

The two sides have been holding "talks about talks" for some time, and, according to Miss Todd, the African group has drawn up its own set of proposals.

But it will not make them public, she says, until the Smith government agrees to talk about something other than the 1971 British-Rhodesian settlement package, which effectively eliminated the prospect of black rule before the turn of the century.

Smith, who had been counting on a breakthrough with the British and a government-sponsored campaign among blacks to win support for the 1971 terms, has so far shown little flexibility.

Indeed, he has jailed three top African National Council leaders, arrested six lesser members, and taken away the passport of Bishop Abel Muzorewa, the council's president and its most important lobbyist abroad.

In addition, last November the government introduced the South African system of pass laws requiring all non-whites over 16 years of age to carry identity papers at all times, a measure it said was being taken primarily for security reasons.

In January, it issued a decree imposing collective punishment on tribes for any guerrilla activities taking place on their lands.

Late last month, it began the formation of two African regional administrative authorities in Mashonaland and Matabeleland, the provinces inhabited by the two main African ethnic groups, the Mashona and Matabele.

Members of these authorities, or executives, are to be elected by the existing provincial assembly of government-appointed chiefs, and they are to have responsibility initially for taxation, health and education.

In the past, the government-appointed chiefs have been the main allies of the white government, but their authority over the black population is now being seriously challenged both by the guerillas and by the moderate nationalists.

These new provincial authorities appear to be the keystone of the Rhodesian system of provincialization.

The Rhodesians have yet to spell out where provincialization will lead, but it is clear that its immediate effect is to put a brake on the further integration of the black and white populations, block African participation in the political system and lay the foundations for a permanent white supremacist state.

MR. SMITH'S REGIME

(By Judith Todd)

LONDON.—Rhodesia's Smith regime tends to regard any opposition as a threat to its existence. Leaders of the African people (95 per cent of the population) have been held in prisons and detention camps for years without trial—one man, Daniel Madzimbamuto, is now entering his fourteenth year of detention—parties and newspapers have been banned and activities within the country are rigorously controlled by laws and regulations. One of the latest regulations makes it an offense, punishable by up to seven years imprisonment, to spread rumors.

Peter Niesewand, 28-year-old reporter for the B.B.C., U.P.I., Reuters and The Guardian has now been detained. Niesewand is not even a protester. He is simply an accurate journalist who, by competently reporting events in Rhodesia, fell foul of the Smith regime. Like all other detainees he is held under an order signed by the Minister of Law and Order which states that he is detained because of the "belief" that he may in the future do something against the State.

Quite apart from the detention order, Niesewand has been charged and found guilty under Rhodesia's Official Secrets Act. His trial was in secret. The charges are not known. The sentence, announced to waiting newsmen by a court official, was two years hard labor, one suspended conditionally. The sentence has aroused a storm of protest in Britain and it is possible that enough pressure will be brought on the Smith regime to secure Niesewand's release. If not, he will serve his sentence and then may continue to be held indefinitely under the detention order which remains in force, whatever Peter's circumstances, until it is revoked by the Minister of Law and Order.

Sometimes the actions of the Smith regime verge on the ridiculous. In January 1972 my father and I were arrested—no charges, no trial. After five weeks in prison we were released, only to be put under immediate house arrest. My father is still under house arrest. Last July I was given permission to leave Rhodesia for England. At the airport, just as I was leaving, a new detention order was served on me. This stated that if I returned to Rhodesia, I must go immediately to my last place of detention; that although I was being allowed to leave Rhodesia I still remained a detainee (which means that Rhodesian newspapers are not allowed to print my name); and that if while overseas I did anything subversive—"subversive" was not defined—I would be liable to a year's imprisonment on my return to Rhodesia. As my new book has just been banned by special governmental decree for "security reasons" the incentives to return to Rhodesia are not great.

The situation inside Rhodesia is critical. Africans who have left the country and trained in guerrilla warfare are returning to fight and are now being supported by the local population. Since last December more than a dozen whites have been killed, an alarming number bearing in mind that the total white population is only about 275,000.

The Smith regime has responded by sentencing captured guerrillas to death and, in a brutal campaign to "disinfect" local groups believed to have aided guerrillas, has embarked on a program of collective punishments under which cattle have been seized, villages fined, schools closed and turned into interrogation camps where hundreds of men are being held.

The only African political organization in Rhodesia, the African National Council is, however, under the leadership of the United Methodist Bishop Abel Muzorewa, pleading for peaceful change and for talks and compromise between white and black leaders. The weapon on the side of peaceful change is the continuing United Nations mandatory sanctions policy against the illegal Smith regime. This policy has gravely damaged the Rhodesian economy and, more importantly, keeps the regime isolated. Only continuing pressure of this kind may lead white leaders to a negotiating table with African leaders.

The United States decision to support Rhodesian minerals, and thus to provide foreign currency to the Smith regime, is one which President Nixon could easily get revoked. By doing so, he would be assisting in the arduous task of seeking peacefully to change Rhodesia from a repressive white-supremacist state into a country where citizens of any colour were accorded their rights and dignity and men held for years in camps and jails were given their freedom and the chance to start trying to mend their lives and families.

JOURNALIST'S APPEAL IS HEARD IN RHODESIA (By Charles Mohr)

SALISBURY, RHODESIA, April 27.—The Rhodesian Appeals Court heard today the appeal of Peter Niesewand, journalist, whose case has aroused an international furor and jeopardized the possibility of a settlement of Rhodesia's lengthy dispute with Britain.

Mr. Niesewand, 28 years old, a South African who holds Rhodesian citizenship, was sentenced to a year at hard labor three weeks ago after a secret trial in which he was accused of violating the Official Secrets Act by publishing accounts of army operations against black guerrilla forces.

The three-judge court heard arguments on points of law openly, but were forced by a Government order to hear points of evidence in secret session. The judges will announce their decision later.

Mr. Niesewand's lawyer, Israel A. Malsels, presented the court today with what he called "certain further information" that he asserted would exonerate Mr. Niesewand. Mr. Malsels said the information that Mr. Niesewand had reported had "ceased to be secret by an act of the Government itself."

BRITISH ARE ANGRY

Because of the order on secrecy, Mr. Malsels was not permitted to explain what his new information was. The implication seemed to be that in a recent public statement a high Government official had touched on the same "secret" material that Mr. Niesewand had published.

The British have reacted strongly to the prosecution of Mr. Niesewand, a freelance journalist who represented the British Broadcasting Corporation, the Guardian, United Press International, Reuters and Agence France-Presse here.

Prime Minister Heath said earlier this month that the case had "damaged the possibilities of getting a settlement" of Britain's constitutional dispute with her former colony.

Britain has demanded that Mr. Niesewand be set free and permitted to leave Rhodesia.

Britain and Rhodesia are at odds over how Rhodesia's white minority and black majority can justly share political power. Prime Minister Ian D. Smith has said recently that he is eager to make new efforts to reach a

settlement. The tone of British comment on the Niesewand case indicates that London regards the affair as a provocative and unnecessary act that complicates a delicate political situation. Critics also condemned the secrecy of Mr. Niesewand's trial.

The appeals court justices published today what they called an edited version of the lower court's previously secret judgment against Mr. Niesewand and of the charges against him, as well as his appeal. These edited documents did not reveal exactly what Mr. Niesewand's offense was and they did not show any of the government evidence.

Mr. Niesewand had moved to have his appeal heard in public, but the court was presented with a certificate signed by the Minister of Justice, Law and Order, Desmond W. Lardner-Burke, saying this would not be in the national interest. Key issues of the appeals argument were heard in secret after an open morning session mostly devoted to discussion of legal points.

The ministerial certificate surprised some observers. Prime Minister Smith, asked in an interview recently about the secrecy of the trial and how it could be shown that justice had been done, replied: "We will have to accept the decision of courts here."

Mr. Niesewand's friends and other critics have said the articles that caused his arrest concerned matters of common knowledge about army operations against black guerrillas.

SENATOR THURMOND'S PRAYER BREAKFAST REMARKS

Mr. PERCY. Mr. President, a few weeks ago at the regular meeting of the Senate Prayer Breakfast Group, our colleague STROM THURMOND led the service and gave a memorable address to the Members on the subject of happiness and religion.

I asked Senator THURMOND to share a copy of his remarks with me; now I would like to share them with our colleagues who were not present that day.

In his remarks, Senator THURMOND points out that for many people the most difficult battle is the battle against unhappiness. He cited a recent French Gallup poll which revealed that 44 percent of the respondents said they were moderately happy; 40 percent said they were not very happy; 8 percent said they were happy; and another 8 percent said they did not know.

As other Senators will see when they read Senator THURMOND's remarks, he suggests that the most effective strategy one can pursue in the battle against unhappiness is to make a meaningful commitment to something or someone other than oneself. In this sort of commitment it is the constant seeking after perfection in the relationship that makes living worthwhile.

Mr. President, I ask unanimous consent that Senator THURMOND's thought-provoking and excellent remarks from the March 14 Prayer Breakfast be printed in the RECORD.

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

HAPPINESS AND RELIGION

(Remarks by Senator STROM THURMOND)

Some years back a book was written which expressed the spirit of the 1920s under the somewhat imperious title of *The Right to Happiness*—a right, so the author argued, which should be asserted with all vigor.

Unfortunately, that view of happiness has failed to bring happiness to those who proclaimed it most vigorously.

It is fair to say that for most human beings the major battle of everyday life is the battle against unhappiness. Everyone wants to be happy; yet, how few there are who are really happy.

It seems as though Henry Thoreau was exaggerating the facts when he wrote that the masses of men lead lives of "quiet desperation." And yet, a recent French Gallup poll taken on this question of happiness reveals that of the people who answered the question, 44 percent said that they were moderately happy; 40 percent, not very happy; 8 percent, happy; and the other 8 percent did not know whether they were or not. I was struck by the findings that only 8 out of a hundred considered themselves happy.

This seeking of happiness, therefore, is a goal in which, like the battle against disease, we are all engaged.

My remarks this morning stand against the background of two convictions: First, that happiness is not entirely a matter of disposition and temperament; it can be cultivated and won. Second, real happiness, that is, pure joy, and real religion go hand in hand; and we can even go further and say that you never have real religion without happiness, or vice versa.

TWO CLASSIC STRATEGIES

Consider first two classic strategies that have been used over and over again in this battle against unhappiness. The first one is the strategy of detachment. It is a strategy of withdrawal, denial. It is quite obviously a strategy of defense. It is an attempt to eliminate from a man's life those things which might be the cause of unhappiness. It is strategy as old as the beginning of mankind.

Three hundred years before Christ, a Greek philosopher named Pyrrho rebuked the terrified passengers in a storm at sea by pointing to a little pig that kept on feeding throughout the commotion. "Such", he said, "ought to be the tranquility of the wise man." His view was the gospel of uninvolved achievement by reducing life to its lowest terms. The American philosopher, Paul Elmer More, commenting on the story of the pig, said, "There is an example of an affirmation, an affirmation of the sty."

Three hundred and fifty years later Epictetus was more explicit in the counsel that he gave. "When you fondle your wife or your child", he said, "say to yourself that you are fondling just a human being; so that, should they die, it will not affect you." It is the strategy of detachment. Do not become too involved in human emotions and then when those whom you love are taken away, you will be left in all the serenity of your environment.

We see many other expressions of the strategy of detachment. A man, for instance, who has loved deeply and been hurt greatly by the one whom he loved says, "I have been burned once, but it will not happen again." Or, a man has thrown in his lot with a great political cause and after he has spent everything in that cause, events turn against him and betray him. He says, "I have been hurt once but never again", and withdraws from active political life. It is expressed in the advice that the fond parent gives to the child who is desperately longing for something way beyond him, and the parent says, "Don't set your heart upon it." Another person who is giving advice says, "Don't expect too much and you will never be disappointed." It is, in other words, a strategy of reducing life to its lowest terms and achieving a kind of absence of pain and daring to call it happiness.

STRATEGY OF ATTACHMENT

The other classic strategy, at the opposite extreme, we might call the strategy of attachment. It is the strategy of attack, of an-

nexation to our lives of the things which we believe we need to make us happy.

In considering what we think is needed to be happy, there is general agreement that a list compiled by Bertrand Russell is a good guide. The first item on this list is health and a certain amount of economic security. Most of us would find it hard to be happy if we should be stricken with paralysis this morning, so that tomorrow and the day after we could not go about our way. Also, we would find it difficult to be happy if we faced winter days with no heat or with inadequate food. We need, in other words, the minimum of health and economic security.

The second thing that a man needs is work that is worth doing. A man must earn a living, but he must do something more than that, for one of his characteristics is that he is made by God to share in God's creative enterprise. No one is really happy unless he is doing something that he recognizes is worth doing, and that gives him an opportunity to express something at least of his own native talent and ability.

The third item is people to live with and love. Some of us like to have periods of solitude and seclusion, but most of us would find it hard to be happy without people around us whom we love, and above all, a family that loves us.

Fourth, Mr. Russell listed interests that are worth cultivating; that is, a breadth of interest which gives a man a delight in many things. I remember that Emerson once said, "I like a man who likes to see a fine barn as well as a good tragedy."

These four, then, we might say are the basic things, the necessities, that a man who follows the strategy of attachment sets out to attach himself to in order to be happy.

But all those things are here today and gone tomorrow. Health is not constant; it flares up with all of its vibrant exuberance, and then fades away. Money, wealth, security and comfort evaporate like the morning dew. People we love come and disappear in the twilight. Also, the interests that we delight in begin to shrink as time passes.

Such should make us wonder about this strategy for happiness and we wonder even more when we go on to note the fact that there are some people who have all those things and yet are miserable. Conversely, others have practically none of those things and yet their lives radiate a sincere state of happiness. So, while happiness is not entirely independent of external circumstances, real happiness is certainly not to be found in any of these stage properties of life.

THE THIRD STRATEGY

There is, therefore, a third strategy suggested by a word which I have used a great many times to suggest other things—the word being commitment. A commitment is a response to a recognized claim. You see at once the contrast between this strategy and the other two. In contrast with detachment this is positive, not negative; and in contrast with attachment, it is not possessive, but its desire is to be possessed by something good or someone great. The person who goes out to attach things to himself finds the center of gravity right here in himself, whereas the person who goes out to make a great commitment finds the center of gravity out there, toward which he is drawn by some irresistible power greater than himself, and it is in this way that real happiness lies.

Let us take an example of these strategies from a familiar situation in life in the realm of human relationships, and that, I think, is the realm in which much unhappiness grows. Imagine, if you can, three mothers. Each one has a son and each son marries so that the mother becomes a mother-in-law. What we say of this personal situation is true of all human relations but perhaps it is more intense in this particular one.

The first mother-in-law says to herself something like this: They will have to lead

their own life, and I will lead mine. My son has left me and my home, my care and my responsibility, and taken a wife and his own way of life. That is perfectly right. He should. I will go my way and they will go their way and we will never come into conflict. That is the strategy of detachment.

The second mother-in-law says, my son has not left me; he has brought to me another child, and I will put my arms about her and include them both in my embrace. They will come to live with me, they will fill my life in my old age, they will make the pattern of life beautiful for me as I travel down the twilight path. They will live my way and think my thoughts, and when they have children, their children will grow up in the pattern and tradition of their grandfather and their grandmother. That is the strategy of attachment.

The third mother-in-law says, here is a new family beginning. They will go their way and develop along their own lines. I know that I can never have all of them. (I wish that we could realize that we can never have all of anyone.) I never can have all of their life. I don't expect them to spend all their time with me, or to do everything the way I have done it. I will not be hurt when they prefer the company of their contemporaries to mine; that is as it should be. Their life must go its own way and develop according to its own bent. Their life cannot be the way my life is, but I recognize their claim upon my affection, my care and my love and I stand here committed to that family. Everything that I have is theirs if they want it, and if they don't want it, all that I am in love and affection is theirs. That is the strategy of commitment.

STRATEGY OF COMMITMENT

It is just this strategy of commitment which finds its enduring expression in the secular realm in the "self-evident" truth of the Founding Fathers when they spoke in the Declaration of Independence of our God-given right, not to happiness, but to the pursuit thereof. They recognized that true happiness is found not in the attaining but in the pursuing. Happiness can never be captured nor can it be guaranteed. Rather, it is a gift or by-product of life, a life lived bravely and boldly, a life which fulfills the best that is within us—the power to achieve which God has placed within our human reach.

Therefore, I see our task in life as not to attain happiness as a goal in itself, to satisfy the endless demands of the ego, but rather to find meaning in living, to taste life to its fullest and know it as the gracious gift of God. Happiness, in this light, is commitment regardless of consequence; it is a result, not a goal; a blessing, not an excuse. It is achieved through a life filled and fulfilled with meaning, purpose and commitment.

Could there be a more valuable lesson for America today than this? This view is at the heart of the Biblical teaching in both the Old and New Testament: "Happy is the Man," wrote the author of Proverbs, "Who findeth wisdom;" "Happy is the people," wrote the Psalmist, "Whose God is the Lord."

Scholars tell us that in the Sermon on the Mount, the word "blessed" is very close to our word "happy." "Blessed (happy) are the pure in heart, for they shall see God."

With keen insight, the Bible does not use the noun "blessedness." Rather, "blessed" and "happy" are found as translations for the same word, suggesting that quality of life "where true joys are to be found."

As we gather here this morning, facing together a year of important decisions for our Nation and for the world, let our lives reflect this commitment which I have illustrated. Such a viewpoint will strengthen us in the grave responsibilities we face here in the Senate. As Instruments of the Divine Love,

may we reveal to our fellow men that "unconquerable gladness" is at the heart of true religion. May we in this life of tragedy and triumph, with its mingled pain and pleasure, commit ourselves to the life of the world, all of it, good and bad, light and shade, joy and grief, saying with Paul the Apostle, "I have learned, whether at sea or on land, in storm or in sunshine, to be content. I know how to be abased and how to abound." In the battle against unhappiness, we may be well on our way toward victory.

JAYCEES PROMOTE SCHOOL FOOD PROGRAMS IN MICHIGAN

Mr. HART. Mr. President, some of my colleagues have called attention to an outstanding new program being undertaken by the national Jaycees; namely, the improved child nutrition project.

It is enormously gratifying to find a national organization of the stature and strength of the Jaycees dedicating its efforts to helping meet a basic and urgent need; namely, to push the school food programs "the last mile" so that they actually reach the children who can most benefit by them.

Mr. President, we all recognize that great strides have been taken over the past 10 or 11 years in extending child nutrition programs. We are at the point where fresh impetus is needed to reach those schools or communities where lack of facilities or equipment, school board opposition, or citizen indifference is holding up delivery on a national commitment to our children.

Happily, this Jaycee effort is now moving into Michigan, where a workshop will be held on May 5. All of us concerned with wiping out hunger and malnutrition will wish them well.

ARCHITECTURAL BARRIERS TO THE HANDICAPPED—A DENIAL OF ACCESS

Mr. JAVITS. Mr. President, as the Committee on Labor and Public Welfare pointed out in its report on the Rehabilitation Act of 1972—

Barrier-free design in Federal buildings and in Federally-assisted projects is mandated in present law, but has never been adequately enforced.

As a matter of fact, even though the Congress created such statutes, we have been remiss right here on Capitol Hill, and it was not until about 2 months ago that a ramp was constructed to ease entry of persons in wheelchairs to the Dirksen Senate Office Building. In addition, meetings have been held with the Architect of the Capitol—and my office has participated in such conferences—to find means to bring the Capitol and the office facilities into compliance with the spirit of providing access for the handicapped to their Government.

A judge of the civil court of the city of New York, Judge Nathaniel Sorkin, himself confined to a wheelchair as a result of a childhood bout with polio, has written a significant article in the March-April 1973, issue of *Case & Comment* on the access to justice of the handicapped. I ask unanimous consent that this article appear at this point in the RECORD. As Judge Sorkin points out,

those who have lost the use of their limbs are too often excluded in fact from most of the public facilities which our whole society helps build and support.

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

EQUAL ACCESS TO EQUAL JUSTICE: A CIVIL RIGHT FOR THE PHYSICALLY HANDICAPPED

(By Nathaniel Sorkin)

It is an obvious fact, although generally overlooked, that the most discriminated minority in our Nation, State, and City is a group of our citizens whose disadvantage arises from factors which cut across all ethnic, and economic lines—the physically handicapped. For they, who from circumstances of birth, accident, illness or war, are deprived of the use of their limbs, are in fact excluded from most of the public facilities which their tax dollars help to support. The physically handicapped are de facto barred from using the city's subways and to an only slighter degree from the city's surface transportation system. They are not merely relegated to the back of the bus, they are totally excluded. Public buildings, particularly those built in the past, have impressive monumental entrances fronted upon by massive flights of granite steps, pleasant to the eyes of the ordinary person, but terrifying to the physically handicapped.

DENIAL OF DUE PROCESS

Discrimination against any group on irrational and unjust basis is an affront to any civilized people. When it amounts to a denial of access to due process of law, it cannot be tolerated.

Under the American judicial system every person has the right to enjoy equal justice under the law. Each is entitled to have a day in court. And, this implies a right to physically enter the courthouse. Nevertheless, courthouses are seldom barrier-free for handicapped persons.

A Law Day USA observance, held this year at the courthouse at the northern end of the Civic Center in New York County, had as its theme "Equal Access to Equal Justice" to mark the Civil Court's rededication to the law and to equal justice under the law. It also served to give recognition to the fact that the steps at this courthouse are legendary rather than real. Unlike other courthouses, it was designed with ground-level entrances, as well as doorways, elevators and restrooms wide enough for wheelchairs.

As a feature of the ceremony, a plaque, showing the world-wide used and recognized Symbol of Access for the handicapped, was unveiled on the facade of the courthouse before representatives of the bench and bar, government agencies, architectural firms and the handicapped. The robed judges of the Civil Court participated in the observance.

ACCESS TO THE GROUNDS AND BUILDINGS

The Symbol of Access depicts a figure seated in a wheelchair. It serves as a representation to persons with physical impediments that the facility upon which it appears is without architectural barriers and affords them access with dignity. On a courthouse it indicates that the Temple of Justice is accessible to the handicapped. The fact that the Symbol is used and recognized worldwide is noteworthy. Physical disability is neither characteristic of any particular nation, nor discriminatory in its selectivity of persons. It cuts across all boundaries and differences. No class or group of people is immune.

While the handicapped may be a minority within a single group, collectively they are many. In the United States, for example, it is estimated that 12% of the total population is handicapped. In these enlightened times, when civil rights of all minorities are in the

forefront, it seems strange that planners and designers of public buildings give little consideration to providing equal access for that portion of the populace disabled as a result of illness, accident or warfare, but restored to productive lives through the efforts of rehabilitation medicine.

The fact that so large a segment of the population has physical impediments should not, in itself, be the justification for eliminating architectural barriers in public buildings. The right to equal access needs no justification. Providing access to the handicapped entails no increased cost in construction, but merely a recognition of the obvious and a will by architects and builders. Such access is implicit in the concept of equality under the law. Freedom of movement with dignity should be available to all as a matter of right, not as a matter of privilege.

CONSTITUTIONAL GUARANTIES

Our Constitution guarantees that neither the Nation nor the States shall discriminate against any group. When public buildings are constructed without ground-level entrances, doorways and corridors wide enough to accommodate persons with impaired ability to walk, there is patent discrimination, unwitting and unwilling as it may be.

The Civil Rights Acts of 1964 and 1968 provide for public accommodation laws designed to enforce the Constitution's 14th Amendment. As a practical matter the difference between accommodation and access is almost minimal. Anything less than equal access to a public building violates the spirit, if not the letter, of our Constitution.

The theme of "Equal Access to Equal Justice" for the handicapped, has its foundation in the basic principles of decency, justice and equality. Equal access is important, not because the law may require it, but because fairness and logic, the touchstones of the law, compel it.

CONCLUSION

Like every other minority group, the handicapped have within their ranks persons of talent and skill, capable of contributing much to the law and to society generally. If the community is to avail itself of the benefits of their contributions, proper facilities must be provided to enable them to make those contributions. Public awareness of architectural barriers is a primary requirement to overcome the situation that confronts physically impaired persons seeking access to a courthouse or other public building. When the problem is recognized, the solution will be found. Only then, with equal access provided for all persons, will the handicapped enjoy the equality and justice so basic to our institutions.

A CAUTIOUS EYE ON SUPERPORTS

Mr. BIDEN. Mr. President, the question of construction of offshore port facilities of our coastlines has been the topic of recent Senate hearings and much private debate.

I have long felt that there is a need for further information on the entire spectrum of questions that have been raised concerning proposed superports, questions which range from the need for such facilities to the environmental damage that may ensue if they are constructed.

The coastal waters of my own State of Delaware have been named as a possible site for port construction and I have followed the debate with much interest.

Recently the Wilmington Evening Journal published an article by Ernest

W. Thorn, a member of the Common Cause organization in Delaware. Mr. Thorn's article outlines the action he feels should be taken before any decision on superports are made.

Mr. Thorn's views summarize many of the unanswered questions concerning these offshore facilities and offer some helpful direction for gathering information concerning the issue.

I request unanimous consent that the article be printed in full in the RECORD. There being no objection, the article was ordered to be printed in the RECORD, as follows:

SUPERPORT: LET US MAKE SURE IT IS REALLY NECESSARY

(By Ernest W. Thorn)

As an environmentalist, I hope Delaware does not need a superport in its bay or offshore in the ocean for unloading crude oil from super-large tankers to pipelines or barges. As our neighbors in New Jersey and New York are not apt to want a superport either, a decision will need to be made on the basis of facts. Much research remains to be done. To resolve the problem in an expeditious and orderly manner, I recommend the following steps be taken by our governor, senators and representatives (federal and state), with active encouragement from you and me:

1. An independent audit of current energy consumption forecasts needs to be made to verify their validity. The need for a superport is predicated upon forecasts that the U.S. energy demand is so outpacing domestic supplies that by 1980 the United States will need to import 48 per cent of its oil requirements and by 1985, 57 per cent. On the other hand, as recently as 1970, the President's Task Force on Oil Imports predicted that the U.S. would have to import no more than 27 per cent of its oil by 1980.

2. Any energy conserving measures that could be used to reduce substantially our mounting crude oil imports should be given highest priority and vigorous implementation. Toward the end of '72, the President's Office of Emergency Preparedness completed a study, "The Potential for Energy Conservation" from which it concluded that energy demand can be reduced substantially, provided we are willing to make the effort. The study's authors estimate, for example, that America could slash projected energy requirements in 1980 by the equivalent of 7.3 million barrels of crude oil a day, Table 2 in the Summary Report of the Delaware Bay Oil Transport Committee (Gaither Committee) presents a forecast from the Delaware Bay Transportation Co. of 4,600 millions of imported barrels of petroleum and gas in 1980. Per day this would be 12.6 million barrels. So, with a will, we Americans could eliminate 58 per cent of the 1980 projected import requirements.

3. To reduce our dependence on imports of oil and natural gas, any research and development that might bring new domestic sources of clean energy into production must be assured a high priority by Congress and the President. At the moment other sources are either too dirty to be safe in large quantities for our lungs (coal), in short supply (natural gas and energy from nuclear fission), or not sufficiently developed to meet demands of the next 10 years (nuclear fusion, nuclear fast breeder reactor, solar energy, geothermal energy, gasification of coal).

4. On a joint basis with New Jersey and New York, the Delaware legislators and Gov. Sherman W. Tribitt should have an independent study made from a regional viewpoint, as called for in the Gaither Committee's fourth recommendation, to agree on the ideal location (or locations) for a superport from economic and environmental view-

points—in the event one or more should be needed after taking into account the preceding three considerations.

The Gaither Committee appears to have done a very good job with its assignment limiting it to what was best for Delaware. A similar committee, which has the confidence of the political leaders and citizens in all three states, should now determine what is best from a regional viewpoint. In addition, this regional committee should determine the preconditions that the three states should require for the issuance of any federal permits for construction and for operations of an offshore facility.

In announcing the tentative recommendations of the Philadelphia District Army Corps of Engineers on Jan. 8, Col. Carroll D. Strider requested that concerned citizens advise him of the conditions that need to be made a part of any construction permit to assure that the facility will not create or otherwise induce undesirable social and environmental conditions. I would think there ought to be conditions on an operating franchise also. However, necessary preconditions probably cannot be finalized until we know the results from the next two steps.

5. Through environmental-impact studies of all superport sites under consideration must be insisted upon. With his announcement of Jan. 8, Col. Strider enclosed a Summary of Environmental Consideration which states that the environmental study made is "preliminary and subject to updating based on changing conditions. In some instances, there is a lack of detailed knowledge in a number of areas essential to the comprehensive environmental analysis of deep-water port facilities. Current federal research activities should, however, improve this situation."

6. To give us a real option in choosing between a bay or ocean superport location, containment devices able to localize oil spillage and ease clean-up must be expeditiously researched and developed for ocean superports. A containment device is used to surround an oil tanker when it is unloading into a pipeline, so that in the event of a spill the oil is in a confined area from which it can be readily collected with very limited ecological damage.

When, as and if, it should be determined there is to be a superport and if the affected states can participate in environmental controls through necessary preconditions to construction and operations, a superport offshore in the ocean would be much preferable to one in a bay with respect to the ecological damage from those oil spills that may result from collisions or going aground, but would currently be at a distinct disadvantage in unloading spills. At least in Dean W. S. Gaither's opinion, the containment devices proposed for an offshore superport by the Maritime Administration have not been sufficiently tested to assure that they would give adequate protection in the high waves of the ocean. It would be beneficial not to have this limiting factor when a regional committee is determining the best location or locations.

7. It is imperative that our current state General Assembly establish a program to regulate completely the petroleum transfer operations now being conducted within Delaware water, in accord with Gaither Committee recommendation.

Extensive oil transfers from oil tankers to barges (lightering) occur now in Delaware waters, a little more than three miles off shore from Big Stone Beach—12 miles up Bay from Cape Henlopen. Currently no spill containment devices or other spill localization and clean-up systems are available at this mooring site. The tank and barge operators are to be commended for their care in unloading, as no major spills have occurred. However, the risk is there and is

growing. Containment devices and state control are needed as long as this lightering operation continues.

As the lightering area is in a federal navigable waterway, there is a legal question as to the right of the state of Delaware to legislate controls. This will be decided by a case before the U.S. Supreme Court against Florida legislation. If Florida loses its case, let us urge through our governor and congressmen that the federal government expand current Coast Guard requirements by providing for containment devices.

8. The General Assembly must also take action now to end the traditionally limited liability and standard of liability with respect to damages caused by spilled oil, so as to provide an adequate remedy to private property owners, in accordance with another Gaither Committee recommendation.

The Gaither Committee recommends modeling legislation after a Florida law, provided that the Florida law is upheld in a current test case before the U.S. Supreme Court. A decision is expected this spring.

9. U.S. Sens. William V. Roth Jr. Joseph R. Biden Jr. should urge fellow senators to vote against ratification of two international conventions from the Intergovernmental Maritime Consultative Organization (IMCO) respecting oil pollution damage and liability for such damages, if further investigation verifies the substantial opinions reported by the Gaither Committee "... that the provisions of the conventions are inadequate to provide for appropriate compensation to individuals and local government injured by oil spills."

The two IMCO conventions are now before the U.S. Senate. Ratification of the conventions would pre-empt all state laws and prevent measures from being taken by the Delaware General Assembly.

No doubt Delaware's political leaders are aware of the problems I attempted to cover. Nevertheless, I believe the problems and proposed solutions or their alternatives need more public airing.

If the threat of an energy crisis is valid and cannot be overcome by a combination of new sources of domestic clean energy and a concerted national effort to conserve energy, it will do no good to say we do not want a superport. But let's be sure of the facts.

If in concerted efforts, such as NASA, our nation can get a man to the moon within one decade and, such as the Manhattan Project, can develop a nuclear bomb, why can't we lick the energy crisis and its related oil import problem by establishing a high priority program to bring alternative sources of domestic clean energy into production in time and implement the findings of the President's Office of Emergency Preparedness to substantially reduce our energy demands.

A ROCKEFELLER LOOKS AT LIFE IN AMERICA

Mr. PERCY. Mr. President, I would like to call to the attention of my colleagues a book recently written by John D. Rockefeller III. We are all familiar with Mr. Rockefeller's work as Chairman of the Commission on Population Growth and the American Future, his efforts in the field of conservation and ecology, and his lifelong dedication to his philanthropic works.

Now he has distinguished himself further by authoring this sensitive, logical, and thought provoking work, entitled "The Second American Revolution." One might not think of John Rockefeller as a revolutionary, but he proves with the publication of this book that he is, indeed, at the forefront of the

second American revolution—a revolution he considers peaceful, positive, and progressive.

Mr. Rockefeller's basic premise is that many of the "quality of life" clauses guaranteed in the Declaration of Independence have been all but ignored for nearly two centuries while Americans raced ahead with economic and material progress. There is a deep need in this country, he maintains, for a movement toward more humanistic progress. He sees that movement gaining momentum in a variety of areas.

The youth movement, which predominated in the 1960's, is now moving away from aggressive reaction to specific events and is leading the way in such battlefronts as the effort to save our environment. The work of the young people is more thoughtful and, consequently, more effective than it once was.

He discusses the women's liberation movement, which also has moved from what seemed to be a militant position toward a quiet—and much more effective—insistence on equality. As Mr. Rockefeller points out, this movement has affected the lives of American women who previously had never given a thought to the fact that they had a choice in the direction of their lives.

As a former businessman, I found particularly effective Mr. Rockefeller's treatment of the issue of corporate involvement. He points out that while business can and must impose some reforms on itself, its first responsibility is to maintain the economy of this country, and that an overextension into the field of social reform would be as inappropriate as no involvement at all.

Mr. Rockefeller has expressed very articulately the idea that this second revolution will be peaceful. As I told him, it is important for those who see this revolution in a positive light to speak out and to counterbalance the prophets of gloom.

Mr. Rockefeller has brought insight, breadth of experience, and uncommon concern for the welfare of the citizens of this country to bear on his account of the changes we are experiencing as a nation.

His accomplishment is great, Mr. President, and I heartily commend "The Second American Revolution" to the attention of my colleagues in the Senate, in the House, to the executive and judicial branches of Government, and to all thinking Americans interested in the trend and the quality of American life.

So that my colleagues will have the benefit of other judgments of Mr. Rockefeller's work, I ask unanimous consent that book reviews from the Wall Street Journal, the Philadelphia Bulletin, and the Book-of-the-Month Club News be printed into the RECORD.

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

A ROCKEFELLER LOOKS AT LIFE IN AMERICA

(By Edmund Fuller)

"Democracy is the most fragile and difficult political system ever devised. Its fragility lies precisely in the fact that it is the system best suited to the human condition itself, since it allows maximum freedom for all the whims and emotions, the wants and the needs, of the individual person. Democ-

racy is difficult because men and women are difficult."

Those are words of John D. Rockefeller III in a small, challenging book, "The Second American Revolution: Some Personal Observations." It is an eclectic book—there are mighty few in history that are not. He does not offer himself as a source of dazzling new vision (thank God!) but comes forward as a thoughtful man who has been putting forth great effort to understand his time. "I have talked to countless people, I have read much more than is my normal habit, I have traveled extensively, and I have listened as I have never listened before. I lay claim to no definitive answers, only to a personal view, to honest questions and honest attempts to think them through."

The influence of ideas often is related in part to who utters them. Mr. Rockefeller has been especially struck by two books since 1970: "Without Marx or Jesus" by the French writer, Jean-Francois Revel, and "The Greening of America," by Charles Reich. He agrees with some of their major premises and such points gain particular force and influence in our present society by his restatement, which may win a hearing, in quarters not previously disposed to listen, for the idea that we are in fact in a revolution, of a new kind, nonviolent and irreversible.

The eldest of the five Rockefeller brothers observes with nice understatement: "The name Rockefeller does not connote a revolutionary, and my life situation has fostered a careful and cautious attitude that verges on conservatism. I am not given to errant causes. I have quite a consistent record as a Republican and a supporter of Republican candidates." Thus the special value of his testimony. The name "Reich" has more clout with the counter-culture than does the name "Rockefeller"; it is just the reverse with the Establishment and for the social movements this book discusses it is essential to reach the Establishment. He devotes a chapter to "The Crucial Role of the Moderates."

"I have come increasingly to see that old patterns are breaking down and new ones developing, that change is necessary, not for its own sake, but if we are to meet our problems, needs, and opportunities with hope and confidence. . . . I believe that we are at a turning point in our history . . . that instead of being overwhelmed by our problems, we must have faith that they can be solved, that we can achieve a society in which humanistic values predominate. However, the justification for this faith will depend on Americans generally feeling a sense of responsibility for what happens in their country, on their ability to see and understand the hopeful prospect that lies ahead and to commit themselves to achieving it. This faith and responsibility and commitment should become the substance and the driving force of our Bicentennial in the years ahead. I can think of no more fitting way to commemorate the 200th anniversaries of American independence and the founding of the United States."

It is not that our problems have arisen all at once but that modern communication has made us aware of them all at once, which is unnerving and unsettling. It has brought "a crisis of awareness, and this in turn has produced a crisis of faith in terms of the future of our society." The book discusses a broad range of subjects: political, economic, moral, cultural, educational. He looks in a calm way at radical shifts in sexual mores, personal appearance, and life-styles. He might be reassuring to some culture-shocked returning POWs.

Some of our worst problems are ironic results of excesses in our best accomplishments. ". . . The pioneering spirit born out of the westward drive to expand to the full

limits of this continent . . . produced a breed of rugged individuals, but also a pattern of life which competition predominates over compassion, violence is an ugly undercurrent, and exploitation and destruction of nature's bounty are seen as natural."

A few of the questions he examines: Population. The recent decline in the U.S. birthrate does not mean the end of that problem, even here. He is concerned with the unemployment created by sophisticated technology, while at the same time the drive for efficiency tends to make work become increasingly dehumanized.

In the affluent society the gap between haves and have-nots continues to widen dangerously.

In both business and government the power of bureaucracies "becomes more centralized and distant from the people and alienation and impersonalism grow."

He is concerned for the environment. We are just entering a new phase when second looks are causing some, who paid lip-service to environmental concerns, to say: "It would be good to have clean air and water and to save the planet but we can't afford it."

He welcomes Ralph Nader's consumerism. He is responsive to the women's movement, asserting that "Women's Liberation is men's liberation, and . . . together they can become human liberation." He devotes much space to the role of youth, affirming that: "Far from being some subversive force, the central drive of the youth movement in this country has been squarely in the best American tradition of individual initiative. In the Estes Park [youth conference] spirit of 'a rage of love' for American ideals, it is reminiscent of revolutionary America of 200 years ago."

Mr. Rockefeller advocates decentralization of powers and more initiative from the private sector, but he sees an essential, permanent government role as the "facilitator of participation." In other words, as a prod.

Having worked most of his life in philanthropy, he believes that America must be "A Giving Society." He says: "We are well into an unprecedented financial crisis in the private nonprofit sector. . . . The fact of the matter is that private giving has not increased as fast as the gross national product or the federal budget or the rise in costs of operating." As a result we see "institutions closing their doors or drastically curtailing their services or gradually being taken over by the government." He sees the "growing imbalance between the major sectors of our society"—the private and the public—as one of the most urgent concerns.

He calls also for "A Learning Society," offering sound comments on education. On the currently hot subject of encroachment upon the press and TV from some quarters he urges Jefferson's admonition to "trust the public judgment," and is firmly opposed to any who would "place themselves in the position of judging what their fellow citizens can see and hear and learn."

A chapter is devoted to "A Planning Society." "Planning" has been an emotion-fueled word in public debate, which is odd since neither business, government, nor a private household can survive without it. Mr. Rockefeller stresses the difference between a "planned society" in the regimented sense, and his "planning society . . . based on freedom of choice, which requires widespread involvement and maximum knowledge and understanding."

He closes his book with strong affirmations of optimism about our future. "The Second American Revolution" is an important challenge from a man of experience and vision who has kept his mind free from the bonds of ideologies, rigid class-determined attitudes either economic or social, and sacred-cow assumptions. The book is an invitation to keep a promise, "This country can become the de-

pendent of the world. Or it can fulfill its transcendental mission."

A ROCKEFELLER CALLS FOR A REVOLUTION (By Martin H. Belsky)

Anyone who is John D. Rockefeller 3d, and who is the eldest brother of two governors and father of a possible third, is an unlikely revolutionary.

But this Rockefeller is a progressive activist, involved in philanthropic pursuits and extensive public service in behalf of consumerism, education, civil rights, urban housing, and poverty. He seeks to become a revolutionary synthesist—able to rationalize the nature of radical movements and to integrate their aims into the existing social structure.

ALREADY BEGUN

Rockefeller's premise is that "The Second American Revolution" has already begun and that we must react immediately or risk destruction.

The First American Revolution established humanistic values that the Industrial Revolution subordinated to materialistic demands. The answer is not to discard democratic capitalism but rather to redefine it, making it more human and humane.

LEADING THE WAY

The moderates—"those who . . . have made it"—must lead the way, and Rockefeller must be the "midwife," utilizing criticisms of the present system to define new goals.

The author handles his role well. "Black power" is not a call for disorder but rather the expression of individual dignity. The "Youth Movement" seeks not to overturn the social structure but rather to establish a person-centered society. Both movements will promote humanity and idealism in all Americans.

In his synthesis—termed the "humanistic revolution"—Rockefeller asks the system to respond to crisis by restructuring existing institutions.

Population control, environmental rehabilitation, and economic revitalization will be accomplished through a cooperative effort of a less bureaucratic, more responsive government, an open, more responsible business leadership, and a "giving, learning and planning" society.

"CAUTIOUS ATTITUDE"

Based on his experience in philanthropy, Rockefeller relies too heavily on the "private, non-profit sector" to be the pioneer of reform. However, he also offers creative ideas for change—including redefining work to provide qualitative measurements of productivity, decentralizing government to make it a facilitator rather than a manager of change, and establishing new structures to plan and effectuate humanistic goals.

Those who have been seeking social change will find little new or novel in this book. Its appeal is not to those who have reacted but to those who haven't and should.

Reforms, often disregarded as idealistic, are now offered as essential by one who defines himself as "a Republican" with a "careful and cautious attitude verging on conservatism."

Rockefeller provides a clear and methodical analysis of the changes in American Society, and uses his personal observations to suggest reform through people participation. He is optimistic that people will no longer be content to be pawns of fate but rather will now seek to influence their destiny.

Let's hope he is right

THE SECOND AMERICAN REVOLUTION (By John D. Rockefeller 3rd)

Quite apart from the interest lent by the status of the author, which is frankly difficult to overlook—now in his mid-60s, he is the eldest of the five sons of John D. Rocke-

feller, Jr.—this is an arresting book, seriously intended, optimistic in tone, logically and effectively presented. The revolution which Mr. Rockefeller has in mind, and which he sees in progress and hopes will continue, is humanistic. Unless unfortunately diverted it will, he believes, change the mental and moral structure of the United States and result in a happier and more nearly united country. He quotes both Charles Reich and Jean-François Revel in support of his view that a movement of enormous significance has been under way. Among the topics related to it which he raises for discussion are population problems (these he has studied in depth and analyzes with true firsthand knowledge), minority problems (the Kerner Commission report, identifying white racism as a fundamental cause of civil disorder, he labels "one of the most impressive reports ever produced by a national commission"), the youth movement, and impending changes in the nation's industrial system, in corporate responsibility and in the role of government (government should "conserve and generate the powers of individual initiative and aim at being a facilitator of participation"). Subtitled, modestly enough, "Some Personal Observations," Mr. Rockefeller's book is positive, confident, possibly even overconfident in tone—but, says Mr. Rockefeller, "I am uncomfortable merely phrasing a thought in negative terms." It is a constructive book, a hopeful book, well expressed, worthy of great respect and warranting wide attention. (\$6.50)—Holger Lundberg

CHARTING COURSE TOWARD HIGHER HUMANISM
(By J. Z. Howard)

A new book by John D. Rockefeller 3rd, "The Second American Revolution" (Harper & Row, N.Y., \$6.50), is published this month, but was finished by him in December 1972. The date is of interest because of the fact that the U.S. Supreme Court on Jan. 22, 1973, barred states from interfering with the decision of a woman and her doctor to end pregnancy within the first three months. On Page 64 of his 1972 book, Rockefeller, in discussing the May 1972 report of the Commission on Population Growth and the American Future, a body of which he was chairman, mentions the Commission's recommendation "that the matter of abortion should be left to the conscience of the individual concerned in consultation with her physician."

Thus we see that the nine old men of the Supreme Court do not always themselves originate the drastic ideas which they promulgate. Whether the Court's abortion ruling stems directly or entirely from the Rockefeller Commission's recommendation is a matter for speculation.

But certainly the recommendation marks the eldest of the five grandsons of the original John D. as a leader in innovative social thinking. This instance is a mere hint of how far this scion of a phenomenal family has thought in that field—the entire new book spells that out provocatively and in great detail.

Rockefeller starts with the values asserted in the Declaration of Independence, the goals that sparked the First American Revolution: equality of justice and opportunity for everybody—the "unalienable rights" of life, liberty and the pursuit of happiness. These goals, though they have been beacons for people in America and around the world, have not yet been fulfilled, despite persistent lip service. Impatience with this failure is moving this country toward the Second American Revolution, Rockefeller says, starting with the 1954 Supreme Court anti-discrimination ruling.

He examines the factors in this new revolutionary trend—the roles of blacks, youth and women, all making their own declaration of

rights. He shows how the Second Revolution can be won satisfactorily: only by winning the understanding and support of a great body of the moderates.

Rockefeller seeks a way of achieving all the legitimate goals without violence and for the benefit of all the people. He is not dictatorial, but wants people to work out things for themselves, aided by conscientious leaders in all walks. His book is full of suggestions as to how this might be done, and optimism that it can and will be done.

Regarding the blacks:
"Progress has been made," says Rockefeller, "but the basic patterns persist—patterns of ghetto living, of unemployment and of underemployment, of inadequate education, of housing segregation . . . a little progress only whets the appetite for more progress . . .
"I think blacks are helping to give us our humanity, in stimulating and playing a central role in the humanistic revolution . . . the awakening of black consciousness has in turn stimulated other groups to assert their identity and seek equality . . ."

Among the needs, if the Second Revolution is to make a better America, he lists: encouragement of philanthropy, personal involvement of individuals and businesses as well as involvement of their dollars, goal-setting institutions—not to tell people what to do, but to stimulate them to work out the best answers to problems themselves. Rockefeller poses a question and gives an answer:

"Can we the people successfully move our society forward in more humanistic directions, toward a higher level of human existence? I believe we have no other real choice. We cannot stand still, muddle through, try to turn the clock back . . . only once before in our history did we face the ultimate test. Now, as then, the issue is, in Lincoln's words whether 'government of the people, by the people, for the people' shall perish.

"For myself, I am basically optimistic . . . yet I like to think that my optimism is tempered by a good measure of realism . . ."

Rockefeller's book is full of such sincere, tolerant, temperate, wise statements.

This work may well be rated, in after years, as the greatest book of these times. If this rating does not come, it will be, in my opinion, only because not enough of us Americans—politicians, business men, scientists, teachers, writers, what not—read it and take it to heart. Intrinsicly, all "the makings" are there.

BETTER COMMUNITIES ACT—A RETREAT FROM URBAN AMERICA

Mr. HUMPHREY. Mr. President, last year, the Nixon administration proposed a community development special revenue-sharing plan. It was a simple plan—take all the HUD development money and lump it into one single fund, toss it back at local government and say, "Okay, you spend all the funds any way you like. We are returning power and money to the people."

The legislation got nowhere.

This year, the Nixon administration resubmitted the special revenue-sharing plan, only now they call it the Better Communities Act.

The Better Communities Act would close down urban renewal, model cities, grants for water and sewer lines, parks and open space, and construction of neighborhood facilities. Replacing these categorical programs would be a \$3.2 billion fund to be distributed among urban areas to be used at the discretion of local officials for community development activity.

And, it is supposed to do great things. Cut redtape.

Promote local decisionmaking.

Eliminate all matching funds.

Protect all minorities.

That is the rhetoric.

What the Better Communities Act actually does is drop all the problems back into the hands of local government and say "you solve 'em" but with less money and little Federal direction or expertise assistance.

The legislation is replete with statistical games over the amount of funds that will be going to communities—minimum guarantees, phaseout, hold harmless, and the like. But the end result is a reduction of funds going to cities with the greatest need and most massive problems.

In the guise of local control, the legislation will set back efforts at comprehensive urban planning.

In the guise of reducing redtape, the legislation will put a premium on spending as much money as quickly as possible—to throw money at problems—without specifying what goals should be accomplished and in what period of time.

In the guise of protecting minorities, it leaves minorities helpless to deal with the all too often unresponsive local powerstructures and establishments.

And, in the guise of promoting the interest of middle Americans, it clearly says "solutions to your pressing problems of street repair, pollution, crime, sewage and water and increasing the local commercial tax base to lighten the load of residential property taxes will have to wait."

The Better Communities Act does not represent a thoughtful approach to urban problems.

It represents an admission of defeat and disinterest of the Nixon administration in the future of American cities.

It is a retreat, not a step forward.

It is a serious setback for Federal assistance and progress toward overcoming problems which do not recognize jurisdictional boundaries.

Mr. President, the Nixon administration continually alleges that programs such as urban renewal or open space are inflexible or have failed to accomplish the slightest good.

In the official OMB program evaluations supplied my Consumer Economics Subcommittee, urban renewal, for example, was being terminated for one reason that "the program has not been effective in impressing urban living conditions." Yet recent research on this program, as published in a committee print of the Senate Banking, Housing and Urban Affairs, suggests that urban renewal has greatly assisted in an important aspect of improving urban living conditions—increasing local tax revenues from project sites after redevelopment—tax revenues that could be utilized to finance needed public services.

Mr. President, I am not suggesting that every program, including urban renewal, must be continued just as is. We must constantly reevaluate programs.

But the Nixon administration's Better Communities Act is not a reevaluation; it is a wholesale scrapping.

Fortunately, there is an alternative—an innovative, well-developed, conceptually sound alternative to the Better Communities Act.

I am talking about the housing and urban development legislation that passed the Senate last year by a vote of 80 to 1.

The legislation would, among other things:

Establish a block grant community development program.

Require applications from communities seeking funds to outline development objectives for 3-year periods—to specifically state what plans were to meet community housing needs, prevent and eliminate slums, and upgrade community services.

Assure continuity of funding for plans with a guarantee that funds would be distributed 1 year in advance.

Specify that comprehensive planning should reflect community needs for housing, employment, education, and health with adequate opportunity for citizens participations and the involvement of minorities in the projects located in their neighborhoods that are selected for grants.

That is not all of the provisions of last year's legislation.

Of one thing I am certain, though.

The legislation that passed the Senate last year is not a bailout on part of the Federal Government.

It was a responsible approach, developed through consultation with mayors, county officials, Governors, urban planners, and the best expertise of our universities and colleges.

I urge repassage of legislation such as last year's bill.

Finally, Mr. President, an editorial published in the April 27, 1973, New York Times, also took issue with the Nixon administration's proposal.

I concur in the judgment of the New York Times on the proposed legislation. And, I want to assure the American people that, as the Times suggests, the Congress will rewrite this bill to "achieve a better balance between local autonomy and Federal leadership."

Mr. President, I ask unanimous consent that the editorial from the New York Times, "The Urban Losers" be printed in the RECORD.

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

THE URBAN LOSERS

It is no accident that the Nixon Administration's bill to shut down urban renewal, Model Cities and other urban programs and substitute a share of Federal revenue is entitled the "Better Communities Act." The objective is to shift Federal money and public attention away from the cities where the Administration's political support is weakest and transfer them to the suburbs where its support is greatest. To achieve that shift, the Administration has not only proclaimed an end to the crisis of the cities but has also stopped talking about cities altogether in favor of "communities."

In addition to urban renewal and Model Cities, the programs which the Administration seeks to abolish include grants for water and sewer lines, parks and open space and construction of neighborhood facilities. The White House has deferred until September

its recommendations for a substitute for public housing, housing for the elderly, rent supplements and the other housing programs it has suspended.

President Nixon and his associates are fond of referring to urban programs as "inflexible and fragmented" programs. But they could more accurately be described as money targeted for specific problems.

Those problems are overwhelmingly concentrated in the cities. That is where the masses of poor people live, where the slums are, where the overaged and dilapidated public facilities are. The most urgent problems are not out in the new subdivisions or along the six-lane beltway.

Administration spokesmen constantly talk about "red tape" and about the levels of government that are "closest to the people." But the critical question is not which unit of government spends the money but where and for what specific purposes the money is spent. "Neighborhood facilities," for example, could mean new streets and a firehouse in a wealthy neighborhood or a clinic and a playground in a slum. Federal bureaucrats with their guidelines, sometimes described as "red tape," are often more zealous in asserting the interests of the politically impotent poor than are local governments responsive to established, influential elements in the community.

Under the Better Communities Act submitted to Congress the other day by Secretary of Housing and Urban Development James T. Lynn, the poor in the crowded urban centers would be the losers. The cities in which they live would receive each year only the average of the funds which they received during the five fiscal years from 1968 through 1972. Under a "hold harmless" provision, they could not receive less but they would not receive more even though the average of those years is already inadequate and even though their problems may be worsening.

Moreover, since the President's budget provides no new money in the fiscal year beginning July 1 and since the money under the new plan to start on July 1, 1974, would be heavily mortgaged by commitments already in the pipeline, it would be fiscal 1978 before most cities would struggle back to the level of Federal help which they reached last year.

The states and the counties, meanwhile, would gain markedly under the Administration bill. Yet except for conservative political dogma, there is no persuasive reason to cut the states into this spending stream. Most state governments have no experience or particular competence in urban problems. Even New York under Governor Rockefeller's ambitious reach has had difficulty in defining what it can usefully do about inner city problems.

The National Association of County Officials is understandably delighted with the bill. But the county is not a unit of government with a uniform definition. In many states the county government is a moribund affair which only serves to give the sheriff and the coroner a place to park their cars. Among counties which are live, viable units, many have no serious urban needs.

The defects in the Administration bill are inevitable in any attempt to get away from specific categories and devise automatic formulas. The difficulty is that problems are not uniform across the country. There is no substitute for local officials making applications for Federal money to meet specific problems and for Federal officials making judgments on those applications.

Congress ought to rewrite this bill to achieve a better balance between local autonomy and Federal leadership. The urban poor must not be the losers in the necessary reshaping of the Federal system of grants-in-aid.

ARMS SALES ABROAD

Mr. ROTH. Mr. President, a recent edition of the Wall Street Journal carried an article by Mr. Richard J. Levine on increasing American arms sales abroad.

According to this article, U.S. arms sales on a government-to-government basis will reach nearly \$4 billion in fiscal year 1973, compared to \$2.07 billion in fiscal year 1971 and \$914 million in fiscal year 1970. These figures reflect a continuing demand for U.S. arms abroad, particularly among developing countries in Latin America and the Middle East. In addition, they reportedly reflect a more relaxed U.S. official attitude toward such sales, partly because of their balance-of-payments effects.

I find these trends particularly disturbing. At a time when international tensions are diminishing, I would hope we should be moving in the general direction of limiting arms sales rather than encouraging them. While balance-of-payments considerations may, in the short-run, be a tempting reason for relaxing our restraints on our own sales, in the long-run it may be most unhealthy for our economy as well as embarrassing to our foreign policy to become excessively dependent, like the French, upon military sales to maintain balance-of-payments equilibrium.

To me these figures suggest more than ever the need to give careful consideration to the possibilities for international agreements to control conventional arms transfer. At the present time, the Arms Control and Disarmament Agency, with the help of other executive agencies and departments, is preparing a report to the Congress on the nature of the trade in weapons, on the economic, military, and political implications of arms sales for both sellers and buyers, and on international control possibilities. This report will include recommendations for future U.S. policies.

I think this report gives our executive departments a unique opportunity to make bold proposals in the area of conventional arms restraint as a complement to our continuing endeavors in the area of nuclear arms control.

I would like to commend Mr. Levine's article to the attention of my colleagues and ask unanimous consent that it be printed in the RECORD.

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

[From the Wall Street Journal,
Apr. 27, 1973]

U.S. ARMS SALES SPURT OVERSEAS, AIDING FIRMS, UPSETTING LAWMAKERS
(By Richard J. Levine)

WASHINGTON.—American arms sales to foreign governments are booming as never before, helping the U.S.'s defense industry and distressing some legislators.

The boom began about three years ago, when U.S. defense contractors were reeling from Pentagon procurement cutbacks that accompanied America's shrinking military role in Vietnam. The boom has continued to build, and barring some dramatic lessening in international tensions, overseas markets for American weapons are likely to remain strong, keeping the U.S. in first place among the world's arms sellers.

U.S. arms sales on a government-to-government basis will reach nearly \$4 bil-

lion in fiscal 1973, which ends June 30. That's roughly double the fiscal 1971 sales of \$2.07 billion and quadruple the fiscal 1970 sales of \$914 million. (In addition to these government-to-government sales, American companies have been selling more than \$500 million in arms a year directly to foreign customers in straight "commercial" deals.)

"We're doing two and three times the sales" of the early and mid-1960s "when we were really promoting, and the curve is going up," says Vice Adm. Ray Peet, director of the Pentagon's Defense Security Assistance Agency, which negotiates arms sales with foreign governments.

"MERCHANTS OF DEATH"

Four developments are primarily responsible for the rising sales: Washington's new, more tolerant attitude toward the sales; the strengthening economies of potential purchasers, especially in the Middle East and Latin America; the continuing appetite for American-made arms, and the increasing sophistication and rising price tags of the weapons being bought.

Neither the Pentagon nor the State Department enjoys discussing the details behind the sales figures. "Let's face it, merchants of death are never popular," one Pentagon insider says. But in recent months, bits of information have filtered out that, when pieced together, give some insight into the expanding dimension of the U.S. sales abroad. These include:

Last month's announcement by Northrop Corp., one of the most successful American companies in foreign markets, that it expects orders for its new F5E "international fighter" to "ultimately reach at least 1,000 planes" and that about 30% of the company's business now is "international in scope." Indications are that roughly 300 of these planes, designed exclusively for export, will be given by the U.S. to poorer nations, while the others will be sold. The F5E program, Northrop estimates, "will contribute nearly \$2 billion to U.S. exports."

The Pentagon's disclosure that Iran has placed orders for 489 helicopters that will cost \$720 million—part of some \$2 billion in arms purchases by Iran in the past year and a half. In addition to the choppers, which will be built by Textron Inc.'s Bell Aerospace Co., Iran has been buying McDonnell Douglas Corp. F4 fighter-bombers, Lockheed Aircraft Corp. C-130 transports, Northrop F5Es and Boeing 707s fitted as aerial refuelers. Financed from oil revenue, this big buildup will give Iran better equipment than U.S. forces in some instances—an irony that isn't lost on U.S. military men. The Armed Forces Journal, a private periodical that often reflects military thinking, recently observed: "With (the helicopter) deliveries to Iran beginning in 1974, the U.S. Army is faced with the paradox of a friendly nation having more capable helicopters than the U.S. possesses in the older model Hueys and Cobras." Iran is also said to be casting covetous glances at the McDonnell Douglas F15 fighter, just going into production.

Reports that Brazil is considering major purchases of fighter planes and other arms later this year and that U.S. companies are in the thick of the negotiations. France and Britain had dominated sales in Latin America for several years as a result of restrictions imposed by Washington.

NO HARD SELL

U.S. officials view expanding arms sales as a means of bolstering both the Nixon doctrine (which calls for America's allies to assume a greater role in their own defense) and Washington's precarious balance of payments. But they insist that the U.S. hasn't taken to "promoting" weapons sales abroad in the hard-sell manner of the Russians, British and French—increasingly tough competitors in international armaments trade.

It remains U.S. policy, officials assert, to avoid selling weapons that would launch local arms races or would be so expensive that they would stultify a country's domestic development.

Such assurances, however, have done little to dispel the deep disillusionment of many lawmakers with the Military Assistance Program, which encompasses both military sales to foreigners and outright military grants to poorer countries. Congressional critics see the program as dangerous to world peace, supportive of right-wing governments and detrimental to economic development abroad.

"Many people are disenchanted with foreign military assistance because it's provided so easily to military regimes which lack any commitment to democratic government," Sen. Hubert Humphrey (D., Min.) declares. "The international trade and proliferation of conventional arms have reached such proportions as to pose a threat to world security nearly equivalent to the one created by the presence of vast nuclear arsenals."

Chairman J. W. Fulbright of the Senate Foreign Relations Committee, which oversees the Military Assistance Program, says his aim is "to get the State and Defense Departments out of the arms-sales business and get these transactions back to a free-enterprise, commercial basis, where they belong."

Northrop's F5E fighter, seen as a symbol of arms sales because it's designed exclusively for export, has drawn harsh comment in past years. To Sen. George McGovern (D., S.D.), the plane "exemplifies one of the uglier aspects of this country's profile abroad." He has expressed fear that it could end up in the hands of "right-wing governments" that would use it "to quell internal disputes," thus identifying Washington "with the forces of repression."

Despite Capitol Hill unhappiness, there isn't any question that U.S. policy toward arms sales has changed in the past few years and that the Nixon administration has decided, in the words of State Department officials, to be "more responsive" to prospective arms buyers, especially in Latin America and the Middle East.

While there haven't been any major policy pronouncements, industry clearly discerns Washington's more favorable attitude toward arms sales. An executive with a major American defense contractor heavily involved abroad declares: "There's a much stronger feeling on the part of the administration these days to encourage sales. We're getting better cooperation from our embassies and Military Assistance Advisory Groups."

During the late 1960s, the Johnson administration, under congressional attack for too aggressively selling arms to underdeveloped nations, adopted a stance that made it more difficult for U.S. companies to peddle weapons abroad. The unhappiness on Capitol Hill resulted in legislative restrictions on sales in Latin America and Africa that the Nixon administration would like to see removed.

Currently, U.S. arms sales to Latin America are restricted by law to \$100 million annually, with the President empowered to increase this ceiling by \$50 million if he decides it is in the national interest. The ceiling on sales to Africa is \$40 million annually.

Washington abandoned the go-slow approach to sales, U.S. officials say, because the policy was a failure. One major lesson learned, Secretary of State William Rogers has told Congress, is that "if U.S. equipment isn't available, Latin American countries will go elsewhere." Another official puts it more bluntly: "We were cutting our own throats. By bureaucratic fiat we were keeping American companies out of Latin America."

The Pentagon estimates that, as a result of government policy, U.S. contractors have lost out on roughly \$500 million in arms business south of the border in the last five

years—with Britain and France getting most of it. U.S. analysts also expect the Soviet Union will soon be selling weapons in Latin America, probably to Chile and Peru.

According to Defense Secretary Elliot Richardson, business lost by American companies in Latin America not only hurt the U.S. balance of payments but also deprived "us of the opportunity for the kinds of relationships that can be established and maintained through cooperation in training and maintenance of equipment provided." Translation: Loss of military sales can mean loss of U.S. influence and loss of commercial sales in Latin America.

Washington's reluctance to sell arms to Latin America also created diplomatic problems. Many Latin American leaders felt U.S. policy was paternalistic, with Uncle Sam assuming responsibility for deciding what they needed for their defense forces.

To a large extent, growing U.S. weapons sales abroad reflect the increased economic strength of America's friends, enabling them to buy arms rather than rely on free grants of mostly older equipment. "Many nations now have the capability to pay either cash on the barrelhead for their purchases from us or buy with the help of credits annually authorized by the Congress," Secretary Richardson says. Of the \$3.45 billion in arms sold abroad in fiscal 1972, only \$550 million was financed with U.S. credits; the rest was for cash.

Since 1965, U.S. military sales have exceeded grants every year, though the grant category excludes the huge military aid given to Vietnam and Laos directly from the defense budget. Current sales are running about eight times the level of grants, and the number of countries getting grant aid has been cut by more than half from the high of 45 nations in 1964.

The switch to sales occurred first in Western Europe. Most recently, it has been evident in the Mideast, where heightened tensions and expanding oil wealth have led to major arms purchases from the U.S. With oil revenue in that region expected to more than triple by 1980, a Pentagon expert foresees U.S. weapons sales in the Mideast "remaining at a high level," outstripping those in Europe.

In the long-running Arab-Israeli dispute, the U.S. has supplied arms to both sides, despite its policy of restraint. By far the largest cache has gone to Israel. According to a new government report, the Israelis bought \$317.9 million of U.S. weapons for cash in fiscal 1972 and received U.S. loans and guarantees totaling another \$300 million for arms purchases.

The U.S. sales boom also reflects the heavy purchase of high-performance aircraft that carry big price tags (such as the \$3.5 million F4)—despite Washington's insistence that it wants to avoid overburdening allies with sophisticated weapons systems.

The Nixon administration is hoping the increasing emphasis on cash sales will protect the overall military aid program from congressional attack. Earlier this month, Sen. Fulbright, introduced a bill that would phase out military grants over a two-year period and reduce government credits for sales to \$200 million annually from the \$525 million sought by the administration.

RESPECT

Mr. ALLEN. Mr. President, our Nation has weathered an unhappy period in its history—a period characterized by a massive questioning of national purpose—a period of self-doubt—of divisiveness—of traumatic confrontations such as to test the mettle of our national character. We have been assaulted by the cynics, skeptics, the critics, defeatists, and whining disaffected spokesmen whose virtue seems to be a penetrating

evil eye which sees nothing but fault in the fundamental values of our Nation and the ideals which have made ours the greatest Nation on earth.

Mr. President, it is truly refreshing and inspiring to detect evidence of a changing attitude. I am extremely grateful to Mrs. Dianne Lewis, president of Westhills Parent-Teachers Association and Mr. John B. Bush, acting administrator of the Westhills Primary School in Bessemer, Ala., for providing me with an example which illustrates a revival of spirit which proclaims the emergence of a new day, a new attitude, a new spirit of optimism.

On April 20, 1973, Mrs. Lewis and Mr. Bush informed me by letter of activities inaugurated in the Westhills Primary School. More specifically, a program structured around the theme of respect. This program has been conducted throughout the school year and will be climaxed during the first week of May with a festival day during which emphasis will be centered on respect and love of country.

The festival theme will be "Make America Proud of You." On Friday, May 4, 1973, the festival will feature games, patriotic songs, children's choirs, and band music. I am proud to say that representatives from all branches of the military service will be present.

Mr. President, the underlying purpose of this commendable endeavor has been to instill in the individual child, a greater appreciation of the meaning of respect—respect for self, respect for others, and respect for and love of country. In this connection, I recall the sentiments of Ralph Waldo Emerson who said:

The true test of civilization is not the census, nor the size of cities, nor the crops—no, but by the kind of man the country turns out.

To the extent that the youth of our Nation regain respect of self and the ideals upon which this Nation was founded—to that extent will we preserve for posterity the highest and the best and most noble accomplishments of our Nation and Western civilization.

Mr. President, I sincerely trust that schools and school systems and parents of children throughout the Nation will recognize in Westhills Elementary School a program worthy of emulation.

I commend Mrs. Lewis Bush, and the parents, teachers, students, and all those who have participated in this worthy program and request unanimous consent that the letter from Mrs. Lewis and Mr. Bush which briefly describes the program be printed in the RECORD.

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

WESTHILLS SCHOOL,
Bessemer, Ala., April 20, 1973.

HON. JAMES B. ALLEN,
Senate Office Building,
Washington, D. C.

DEAR SENATOR ALLEN: For some time you have pointed up the need for our society to return to those principles and ideals which in the past have served to make our country great. Many of these principles are based on one word, "Respect", respect for self, respect for others, respect for country.

The Westhills Primary School has conducted a program of RESPECT during this school year. This program is being climaxed during the first week of May with emphasis on "Respect and Love of Country".

On Friday, May the 4th, the Westhills P.T.A. and school will climax the week with a big Patriotic Festival, to be held at the school. Special music programs with choirs, children's groups and a program of martial and patriotic band music will be interspersed with games, supper and other activities. Representatives from all branches of the military service will also be present during the time of the Festival. The theme for the festival will be, *Make America Proud of You*.

We believe that activities of this type are not only important but are essential if we are to develop citizens who do share an interest and concern as well as a genuine love for their country.

If you could possibly send greetings to the students, parents and teachers prior to May 4th, concerning the Patriotic Festival effort, it would certainly add a great deal of prestige to this worthy effort and emphasis.

Sincerely yours,

(Mrs.) DIANNE LEWIS,
President, Westhills Parent Teachers
Association.

JOHN B. BUSH,
Acting Administrator, Westhills Primary
School.

MITCHELL MELICH

Mr. BENNETT. Mr. President, a prominent Utah attorney, Mr. Mitchell Melich, has returned to private life following 4 years of distinguished service as Solicitor of the Department of Interior. I take this opportunity to commend him for his performance in this position, and to express my best wishes to him on the completion of this phase of his career.

Our colleague in the other body, the Honorable JULIA BUTLER HANSEN, of Washington, best expressed the esteem in which Mr. Melich and his office were held by Congress during a recent hearing of the Appropriations Subcommittee which she chairs. In remarks to the Deputy Solicitor, Mr. Raymond Coulter, Mrs. Hansen said:

The Committee is deeply appreciative, Mr. Coulter, of the many difficult problems which have been before the Solicitor's Office in which Mr. Melich and yourself did an excellent job. We have had many controversial opinions that have had to come from the Solicitor's Office and they have come forthrightly and in response to the Committee. I don't think at any time in the Department of Interior has a Solicitor been as frank nor as forthright nor as prompt about sending decisions to the Committee upon which the Committee could base its action as has been done during the past four years.

Congresswoman HANSEN later added:

I have served with many Solicitors and in my life I have worked with many, many attorneys, lawyers, counsellors, barristers, what have you, and I have never found two more dedicated men who had more integrity than Mr. Melich and Mr. Coulter.

Mr. President, I endorse the remarks of Mrs. HANSEN and applaud Mr. Melich for the high degree of integrity, dedication, and professionalism which he brought to the Office of Solicitor. I am sure that others join me in wishing him well in future endeavors.

DEATH OF FELTON "SKEETER" JOHNSTON

Mr. SPARKMAN. Mr. President, I want to join with other colleagues here in the Senate in expressing my genuine sorrow to learn of the death of Felton M. Johnston—"Skeeter" as we all knew him. He had a long service here in the Senate. After serving as Secretary to the Senate Democrats, he became Secretary of the Senate. He did an excellent job serving all Senators faithfully and effectively. No one was ever more dedicated to his work than Skeeter Johnston.

He was a great American, one who served his country well, and one whom those of us who had the privilege of working with him will long remember with gratitude for his wonderful service to us.

UNDERSTANDING FARM PROBLEMS AND FARM PRICES

Mr. YOUNG. Mr. President, it is unfortunate that most consumers have so little knowledge and understanding of farm problems and particularly farm prices. A better understanding would be in the best interests of both producers and consumers. No nation in the world is so blessed as the people in the United States are in having abundant supplies of food commodities and at such reasonable prices. It is true some food prices are higher now than for some years, but few realize that less than a year ago most farm prices were far below what is considered by Government standards to be a fair price.

Mr. President, a resolution adopted by the Dickinson Chamber of Commerce of Dickinson, N. Dak., very accurately sets forth the thinking of rural America. I ask unanimous consent that this resolution be printed in the RECORD.

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

RESOLUTION

Whereas, income from agriculture is the primary support of the Dickinson Community, bringing in the major portion of wealth in Southwestern North Dakota.

And whereas, the farm community is the lifeblood of Dickinson.

And whereas, the prices of raw agricultural products have just recently improved to the point of allowing the farm and ranch operators to receive closer to parity for their production.

And whereas, the agricultural sector of the United States is an efficient sector of our economy. Americans have a great blessing in a viable, healthy, efficient agricultural production sector, producing the greatest abundance, variety, and highest quality of food in the world at reasonable prices.

According to the "Banking Journal of the American Bankers Association", the American public spends less of their paycheck for food than anywhere in the world. Americans spend 16% of their paycheck, down from 22% in 1950 and 25% in 1947. Canada spends 20%, Western Europe and Japan spend from 37 to 39%, and India spends 60% of their paychecks for food.

And whereas, the American farmer has not been a contributor to inflation, but a victim of it.

Now therefore, be it resolved that the Board of Directors of the Dickinson Chamber

of Commerce, on recommendation of their agriculture Committee, feels that any boycott or government action to force raw agriculture product price down from present levels are not in the best interest of the farm sector or the consumers of this country.

WILLIAM BENTON—BUSINESSMAN/ EDUCATOR/STATESMAN

Mr. PROXMIRE. Mr. President, I did not have the honor of serving in the U.S. Senate with William Benton. Yet his brilliant career in business, in education, in Government could not escape me as it could not escape others.

He was a man who knew hard work, despite his background; who knew the business world as few men have, serving it through advertising and entertainment; who knew monetary success, but yet was willing to give up moneymaking to devote himself to other careers—higher education, publishing, Government service, and public office.

Senator Benton was, indeed, a remarkable man, an honorable man, a courageous man.

Mr. President, Senator Benton showed courage in a way that will long be remembered in Wisconsin. In an editorial shortly after his death, the Milwaukee Journal reminded its readers about that courage. I ask unanimous consent that the editorial be printed in the RECORD.

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

WILLIAM BENTON

A 22-year-old memory of one of the finest hours of courage and conscience in American politics is freshened, though in sad context, by the recent death of William Benton. For it was he, as a freshman senator from Connecticut, who scorned the consequences to himself by taking the Senate floor on Aug. 6, 1951, to demand the expulsion of the fearsome, marauding, witch hunting senator from Wisconsin, Joseph R. McCarthy. The brave act, mostly unappreciated at the time, did cost Benton his seat in the 1952 election, but his true accusations of fraud and deceit were the first triggering of McCarthy's eventual downfall, three years later, and the final discrediting of "McCarthyism."

That is far from the whole story of Benton's distinguished contributions to the uplifting of American society. Having made an early fortune as a founder of the famous Benton & Bowles advertising firm, he "retired" from it at 35 and pursued a notable career of public service, in politics, diplomacy and scholarship, for 37 more years, until he died. Before his Senate term he led the development of adult education by radio at the University of Chicago and was an assistant secretary of state. He later became a leader of UNESCO, of the Committee for Economic Development and the Fair Campaign Practices Committee. He wound up as publisher of the Encyclopaedia Britannica. But he will mainly be recorded in history as the politician who dared to call the first shot against the McCarthyist menace to his country.

THE NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Mr. DOMINICK. Mr. President, previously I have announced my support of S. 795, the bill which would continue funding for the National Foundation on the Arts and Humanities. When this legislation was originally passed in 1965, it

established the role of the Federal Government as one of creating and sustaining a climate which would encourage freedom of thought, imagination, and inquiry while supporting national progress in the humanities and the arts.

Since 1965, the national endowment has participated in a growing diversity of programs and effected a wider geographical distribution in its activities for more of our citizens. Its programs include assistance for museums, orchestras, and community-based groups with professional direction and minority ethnic orientation. It has provided fellowships to individuals for study and research into areas ranging from the environment to medical discoveries.

In my own State of Colorado, the foundation has assisted various organizations and individuals. Such assistance covers a wide spectrum of activities, including to mention only a few:

Grants to the Colorado Council on the Arts and Humanities for carrying out its activities;

A grant to Uplands, Inc., Durango, to support planning of a cultural village to foster understanding of Indian and Hispanic Arts;

A grant to the University of Colorado for expansion of its film program to include free programs for children and film showings throughout the State of Colorado;

A grant to the Community Center for the Creative Arts in Greeley, which provides classes for Greeley citizens;

A grant to the Central City Opera Association for support of its productions;

Grants to the Changing Scene Theater in Denver for productions and development of plays by resident playwrights; and

A grant to the Denver Symphony Association for support of a high school concert series and a special concert for the Chicano community.

Mr. President, the endowment will now become involved in planning for the upcoming bicentennial celebration which, as Members of this body know, also falls in the year of the centennial celebration of my own State.

It is fitting that the endowment under increased funding participate in that celebration in such a way that some of the products of that celebration become lasting artistic and humanistic additions to our country.

Mr. President, truly the endowment's progress has justified a continued expansion of its activities, and I will support the bill to continue its growth.

DEATH OF EMERY FRAZIER

Mr. SPARKMAN. Mr. President, I was sorry to learn of the death of Emery Frazier. He served long and faithfully in the Senate.

Many of us will also remember his serving in many national Democratic conventions. The appearance and the voice of Emery Frazier became known throughout the country from those services.

Emery Frazier was a great American and a dedicated public servant whom we shall all remember affectionately.

DEATH OF FORMER PRESIDENT HARRY S TRUMAN

Mr. LONG. Mr. President, Harry S Truman was a great President, a great Senator, a great judge; but, above all, he was a great American.

He led our country with wisdom and dignity for nearly 8 challenging years and the leadership he provided for the free world will be remembered by history as a credit to our country.

President Truman's foreign policies did much to promote peace in the world. I am thinking especially of his initiation of the Marshall plan, his program of aid to underdeveloped countries, the creation of NATO and the birth of the United Nations, both during his administration, and his steadfastness in meeting aggression. The Truman doctrine and his defiance of Stalin's attempt to isolate Berlin point up both his courage and his foresight.

I am reminded of the observation of the eminent 19th-century preacher, Henry Ward Beecher, when he said:

Greatness lies not in being strong, but in the right use of strength.

Harry Truman was President when I first came to Washington as a U.S. Senator in 1948. I can remember well not only his courage and fortitude but also his humility. He had what we call "the common touch." Although he was the President of the United States—having achieved the highest office in our Nation and the most important position in the world—he never forgot that he was a simple man from Lamar, Mo.

The spirit of his honesty and integrity are captured in this excerpt from a letter he wrote to his daughter, Margaret:

Right must always prevail. Do not let glamor get you. There are decent, honorable people among the very rich, just as there are among the very poor. Honor knows no class. . . . Remember always to keep your balance no matter how great you may become in your own time. Your Dad will never be reckoned among the great but you can be sure he did his level best and gave all he had to his country.

President Truman often said:

If you do your best, history will do the rest.

Mr. President, he did his best and his best was great. History will do him justice.

PROTECTING THE PRESS

Mr. BIDEN. Mr. President, I recently submitted for inclusion in the RECORD correspondence I had received from Delaware newsmen concerning freedom of the press and related issues.

At this time I would like to add the views of Delaware editor James Flood as expressed in an editorial which he recently wrote.

I request unanimous consent that the article be printed in full in the RECORD.

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

PROTECTING THE PRESS

Newsmen have gone to jail in recent months rather than reveal the confidential sources of information which they used in news stories, and this has given rise to in-

terest and debate over the idea of providing a special "shield" for newsmen.

The idea is that newsmen should be protected by a law in addition to the First Amendment provision that "Congress shall make no law . . . abridging the freedom of speech, or of the press."

At first blush the idea sounds like a good one. In doing investigative stories a writer should be able to protect his sources of information from later prying by a grand jury. Only if a newsman is able to give such protection will some sources be willing to talk.

But on more reflection several questions arise. Who is a qualified newsman? If a shield law is enacted what is to prevent later changes, and possibly more restrictions, because some newsmen had abused the privilege? Why should a newsman have any greater rights in the First Amendment area than any other citizen?

On balance I believe the nation's free press, which is to say the public's right to know, will be better protected if Congress does not legislate any boundaries of press freedom. If this means that some newsmen go to jail then this will have to be counted as one price in keeping the press free.

The public may well get a little tired about the press talking about "freedom," when certainly the press regularly commits sins of irresponsible journalism. But on the whole the public is served well by the press in this country, far better today than a generation or two ago. It is important that the public, and gadflies within the journalistic community, keep pointing out the faults of the press. It is equally important that the press, when criticized, respond in other than bleats of pious purity.

It remains, in the words of James Madison, that "A popular government without popular information or the means of acquiring it is but a prologue to a farce or tragedy or perhaps both."

What is ultimately at stake in a free press is a free government and a free people, and that is something which affects us all.

UNDERSTANDING GENOCIDE

Mr. PROXMIRE. Mr. President, once again I want to call attention to an important matter of international concern, the Genocide Convention. After more than 25 years of discussion, this treaty has again been reported favorably out of the Foreign Relations Committee and presently warrants the careful consideration of every Senator.

The Senate's hesitation in acting on this treaty has been prolonged by confusion as to the precise definition of "genocide" under the convention's terms. I have found that many criticisms of the Genocide Convention reflect a misunderstanding of certain provisions. The purpose of the treaty is "to make genocide an international crime, whether committed during peace or war." Although all of us would agree that genocide is a particularly heinous crime, many are opposed to this effort to outlaw genocide.

As the term "genocide" has fallen into casual and common usage, the meaning of the word has become sufficiently broad and vague to create confusion as to just what constitutes genocide. As a result, a number of persons have expressed the fear that ratification of the genocide convention could have dire consequences for our military, birth control programs, and police actions. However, the genocide convention itself states a very specific definition of genocide which is care-

fully worded to limit application of the treaty.

Article II of the convention states that genocide means "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such:

- First, killing members of the group;
- Second, causing serious bodily or mental harm to members of the group;
- Third, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- Fourth, imposing measures intended to prevent births within the group; and
- Fifth, forcibly transferring children of the group to another group.

In addition, the Committee on Foreign Relations took great care to eliminate any ambiguity in the provisions. Accordingly, the treaty was reported with two understandings recommended to the Senate with respect to article II:

First. That the U.S. Government understands and construes the words "intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such" appearing in article II to mean the intent to destroy a national, ethnical, racial, or religious group by the acts specified in article II in such a manner as to affect a substantial part of the group concerned.

Second. That the U.S. Government understands and construes the words "mental harm" appearing in article II (b) to mean permanent impairment of mental faculties."

There have been allegations that school busing, birth control clinics, lynchings, police actions with respect to the Black Panthers, and the incidents at My Lai constitute genocide. The Foreign Relations Committee made it clear that such acts do not fall within the provisions of the convention unless the intent to destroy the group as a group is proven. Harassment of minority groups and racial and religious intolerance generally, no matter how reprehensible, are not outlawed per se by the Genocide Convention. Far from outlawing discrimination, article II is so written as to make it very difficult to prove the "intent" element necessary to sustain a charge of genocide.

The meaning of genocide in the treaty is thus clear and unequivocal. Fears that false charges of genocide could lead to conviction are simply unwarranted.

Mr. President, I urge the Senate to ratify this treaty without further delay.

HOPEFUL MOVE IN SOUTH ASIA

Mr. KENNEDY. Mr. President, over the past 2 weeks a number of hopeful steps have been taken by the nations of South Asia to resolve the humanitarian questions remaining in the aftermath of the conflict in 1971. On April 17, the Governments of India and Bangladesh announced a major new diplomatic initiative to help provide for the orderly repatriation and exchange of prisoners of war, civilian internees, and minority populations among all countries on the subcontinent. Last week, the Govern-

ment of Pakistan asked for further clarification of the offer.

Hopefully, a new dialog has begun among the nations of South Asia which will finally break the diplomatic logjam that has for so long caught innocent civilians on all sides. The basic responsibility for a bright and peaceful future for South Asia rests, of course, on the courage and good-will of the leaders and people of India, Pakistan, and Bangladesh. I am fully confident that they see, and will act upon, the new opportunities at hand.

For our part, we must continue to offer our support and provide whatever continuing assistance that is necessary to help these nations help themselves.

Mr. President, a recent editorial in the Washington Post clearly sets forth the issues involved in the humanitarian crisis that confronts South Asia today, and I commend it to the attention of all Senators. I ask unanimous consent that the editorial be printed in the RECORD, as well as the complete text of the joint declaration issued by India and Bangladesh on April 17, 1973, in New Delhi and Dacca.

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

[From the Washington Post, Apr. 26, 1973]

A HOPEFUL MOVE IN SOUTH ASIA

A major advance in relations on the South Asian subcontinent is promised by the proposal of India and Bangladesh to return the 90,000 Pakistani POWs held for the last 16 months, if Pakistan will 1) release some 200,000 Bengali civilians stranded since the 1971 war and 2), in a kind of exchange, accept back some 200,000 Biharis who have been interned in Bangladesh but do not wish to stay there. By this one stroke, three important groups, each posing a political knot as well as a humanitarian issue, could start their lives anew. What makes the deal considerably more palatable for Pakistan is that Bangladesh no longer demands Pakistani recognition as a condition of POW return. Bangladesh still threatens to retain up to 200 POWs to try as war criminals, but since trials would ensure Bangladesh—a major supplicant for international handouts—major political damage, one hopes that Sheikh Mujib will find a way around them. Besides, Pakistan could hold counter-trials of Bengalis.

To outsiders, it may seem odd, not to say distasteful, that problems can be solved by official decisions to move large communities of people from one country to another, rather than to treat their condition in place. But large scale transfers of people have been a feature of political life in the subcontinent at least since India and Pakistan were born as modern states a quarter-century ago. Moreover, many Americans tend to forget how immense was the movement of people from one country to another in Europe after World War II. The Soviet Union alone, for instance, physically expelled some 10 million people from areas conquered by the Red Army; no one now challenges that astonishing act. The one conspicuous postwar exception to the notion of resolving political issues by moving people around the map is the Mideast, where the claim of some Palestinians to return to their former homes in what now is Israel is still part of the politics of the region.

In the current case of the subcontinent, the three groups of people who would be moved (one composed of military prisoners, two of civilian internees) wish to move. This

is what makes the new Indian proposal seemingly such a natural. It was only last July that India and Pakistan agreed, at Simla, to work for "an end to the conflict and confrontation that have hitherto marred relations." Not without strain, they have since moved a significant distance toward their goal—not by American prodding, it might be noted, but in response to their own sense of what is necessary and right.

BANGLADESH-INDIA JOINT DECLARATION ISSUED AT NEW DELHI AND DACCA ON APRIL 17

The Government of India and the Government of the People's Republic of Bangladesh have been giving consistently their most anxious thought and consideration to the problem of restoring friendly, harmonious and good neighbourly relations between India, Bangladesh and Pakistan on the basis of sovereign equality of each State with the object of promoting, in every possible way, durable peace in the sub-continent so that each country may devote its resources and energies to the pressing task of advancing the welfare of its own people. With this object in view, the Government of India and the Government of the People's Republic of Bangladesh have been carrying on mutual consultations. More recently, the Foreign Minister of the People's Republic of Bangladesh, His Excellency Dr. Kamal Hossain, paid a visit to Delhi on April 13, 1973, at the invitation of the Minister of External Affairs, Government of India, Sardar Swaran Singh. Discussions between the two Ministers concluded on April 16, 1973.

2. During these discussions and mutual consultations, the Government of India and the Government of the People's Republic of Bangladesh considered measures to promote jointly the processes of normalization in the sub-continent and to solve humanitarian and other problems arising out of the armed conflict of 1971.

3. Reviewing the entire situation in the sub-continent, the Government of India and the Government of the People's Republic of Bangladesh noted with regret and concern that progress, in the establishment of friendly and harmonious relations, has not yet been achieved owing to the failure of Pakistan to recognize the realities in the sub-continent. They felt that the policy hitherto pursued by the Government of Pakistan has stood in the way of negotiations among the three countries on the basis of sovereign equality of each. They further noted with concern that Pakistan continued to persist in hostility towards Bangladesh and despite clear provisions of the Simla Agreement, continued to maintain a hostile attitude against India. The Government of the People's Republic of Bangladesh reiterated their stand that they cannot participate in any discussions with Pakistan at any level except on the basis of sovereign equality.

4. Despite the difficulties created and the hostility manifested by the Government of Pakistan, the Government of India and the Government of the People's Republic of Bangladesh are resolved to continue their efforts to reduce tension, promote friendly and harmonious relations in the sub-continent and work together towards the establishment of a durable peace.

5. Inspired by this vision and sustained by the hope that in the larger interests of reconciliation, peace and stability in the sub-continent, Pakistan will refrain from persisting in hostility and bearing in mind the letter and spirit of the Simla Agreement concluded between India and Pakistan which Bangladesh had welcomed, the Government of India and the Government of the People's Republic of Bangladesh jointly declare as follows:

"Without prejudice to the respective positions of the Government of India and the People's Republic of Bangladesh, the two Governments are ready to seek a solution to

all humanitarian problems through simultaneous repatriation of the Pakistani prisoners of war and civilian internees, except those required by the Government of the People's Republic of Bangladesh for trial on criminal charges, repatriation of the Bangladeshis forcibly detained in Pakistan and repatriation of the Pakistanis in Bangladesh, that is, all non-Bangalees who owe allegiance and have opted for repatriation to Pakistan."

6. The Government of India and the Government of the People's Republic of Bangladesh earnestly hope that Pakistan will respond to the constructive initiative taken by the two Governments to resolve the humanitarian problems in the manner set out in paragraph 5.

DELAWARE STATE POLICE 50TH ANNIVERSARY

Mr. BIDEN, Mr. President, the Delaware State Police will soon celebrate its 50th anniversary of service to the State of Delaware.

This organization has grown in the past half century, from a one-man motorcycle officer to a force of 401 State troopers and more than 100 civilians.

The history of this law enforcement group reflects the changing needs of our society in the past five decades and I would like to offer my praise and thanks to those men who constantly serve Delawareans in their fight against lawlessness.

The May 1973 edition of the magazine Delaware Today presents an interesting history of the Delaware State police which I would like to share.

I request unanimous consent that the text of that article be printed in full at this point in my remarks:

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

DELAWARE STATE POLICE HISTORY
(By Anne Purinton)

The date is April 28, 1923. The Model-T Ford is "speeding" on the newly-paved Philadelphia Pike—going 40 miles an hour on that 35-mile-per-hour road. Suddenly a motorcycle appears.

Words like "fuzz" and "pig" do not spring to the driver's mind. Instead he meekly acknowledges his error—admits that the trooper, muffled against the winter elements in whip cords, is quite correct—he WAS speeding.

He admits his error. Retired police officers claim that nine out of ten offenders did in those days. Penalty was imposed at the nearest Magistrate's Court, where the usual procedure was to pay a \$10 fine. The offender could consider himself fortunate if the magistrate comprehended the case review. In the words of one retired police officer, "The magistrates—many of them—were a bunch of pitiful old men, politically appointed; if the offender got any semblance of justice, he was lucky."

Fifty years ago—April 28, 1923—The Delaware State Police were officially born. They have grown from a single traffic officer in 1920, (when the Delaware State Police had its informal start) to an organization of 401 troopers and more than 100 civilians.

Charles J. McGarigle of Wilmington was the first traffic officer. His assignment was to patrol on motorcycle the newly constructed Philadelphia Pike, which was then the main artery from Pennsylvania to Delaware.

A year later in 1924 he was captain of a five-membered force of traffic officers who, along with ten members of the Engineering Force of the State Highway Department, were

commissioned to enforce the motor vehicle laws, especially those regarding speeding, reckless driving and driving while intoxicated. With no training and little actual direction it was no easy job.

Headquarters for the traffic police was an old timekeeper's shack set up at Bellevue Hollow on the Philadelphia Pike.

First aid knowledge was essential in the early days, with the next priority finding means of getting the injured to the nearest doctor.

The value of having the traffic officers enforce the State's Criminal Code as well as its Motor Vehicle Laws was soon realized and legislation was approved in February 1921 that conferred greater police powers on the officers. This legislation stated "that all Traffic Officers in the employ of the State Highway Department shall hereafter be conservators of the peace throughout the State and shall have power and it shall be their duty to suppress all acts of violence and all infractions of laws relating to the safety of persons and property."

Minutes of the State Highway Commission during the years 1920, 1921 and 1922 continually refer to efforts of the Highway Department to expand its Traffic Police force; however, the money to do so was just not available. On several occasions it was recommended that the fines collected by the Traffic Police be used by the Highway Department to maintain a larger force rather than be turned over to the counties in which the arrests were made. The Legislature, however, refused to take such action and the five-member Traffic Police force struggled on, at times with only two or three patrolling the highways because others were on leave recovering from injuries suffered in motorcycle accidents.

As one retired officer explains, "At one time or another I was in every hospital in the State. Actually, I was lucky. There were many motorcycle injuries on the clay and dirt roads and on the newly paved highways. Several of my buddies lost arms and legs in accidents."

A Citizen's Highway Police was formed in the spring of 1921—it eventually totaled 60 in number—to help the overburdened traffic officers in their attempt to curb the increasing number of highway accidents. Public criticism of the activities of some of the citizen police caused the abandonment of this means of highway protection. The stage was set to formalize and enlarge the paid State Highway Police, for which the State Highway Department 1923 budget had allocated \$14,000. The tiny band of traffic police had covered 71,976 miles during the first 11 months of 1922 making 666 arrests, but there was a growing feeling that the budget, size of force and duties of the Highway Police needed considerable expansion.

The signing of a bill by Governor William D. Denney on April 28, 1923 "justified a material increase in the Highway Police Force," according to Chief Engineering C. Douglass Buck's 1923 Annual Report.

With the passing of legislation, the Highway Department moved rapidly to increase its police force. Sergeant August Ahlquist was hired June 1, 1923, and appointed captain with the assignment of recruiting and training men and reorganizing the Traffic Police.

During those early days, Delaware's major roads were patrolled daily from Claymont to the State's southern boundary with Maryland. Riding motorcycles, the Highway Police would travel through each of the three counties stopping at post offices in each community to have their worksheets stamped, and to see if they were needed by anyone.

Patrolling by motorcycle, while more convenient and less expensive means of transportation than the automobile of the day, was a grueling experience in the winter months. Retired troopers recall times when

they were almost "frozen stiff" and were barely able to straighten up and walk, much less attempt to write out a ticket or report after chasing a speeder.

Not only did the trooper of the '20s not have the patrol car of today equipped with forcement devices such as radar and VAS-CAR, but if they worked an eight-hour shift troopers report, "If we worked a 10 or 12-hour day—8 a.m. till 6 p.m. or noon to midnight—we only worked a six-day week. It was the night shift—midnight to 8 a.m. where you got no day off."

To provide the public with a means of communicating with the Highway Police patrolling the state, a flag system was initiated in 1924. The telephone numbers of 42 places of business throughout the state were listed in local newspapers by Superintendent Reynolds. Persons in need of a State Policeman's service, would call the nearest flag station and a flag would be raised to attract the attention of an officer as he passed on his patrol.

Enforcing the state's motor vehicle and traffic safety laws and tracking down bootleggers kept the first Delaware State Police busy. "We really didn't concern ourselves too much with bootleggers though," reminisces one retired trooper. "Many of us were against the strict prohibition laws of the times," he remembers.

In 1931, legislation was passed officially changing the name of the "State Highway Police" to the "State Police." Gradually the organization grew to meet the police service needs of Delaware. Motorcycles were abandoned in favor of State Police patrol cars. Compared to the all-day ride the Highway Police Officer of 1923 made astride his motorcycle, a helicopter now patrols the 100-mile length of the state in less than an hour's time.

Today's State Police operates from nine troops—five in New Castle County, one in Kent County and three in Sussex County. Headquarters and the State Police Training Academy are in Dover.

Colonel George J. Bundeck, Superintendent of State Police, recently said, "Today's Delaware State Trooper finds himself working in a continually changing society. He is confronted with complex legal questions which require instantaneous decisions, and the public often expects him to act as a social worker, psychiatrist and legal advisor, as well as a police officer."

He noted that "despite the continual pressure they face and the criticism to which they are often subjected, Delaware State Troopers do not hesitate to put their lives in jeopardy as the front-line troopers in society's battle against lawlessness. As the Delaware State Police has changed during its first 50 years, changes in its service will continue in the years ahead to meet the needs of all Delaware citizens."

COSMETIC SAFETY

Mr. EAGLETON, Mr. President, as the sponsor of the Cosmetic Safety Act (S. 863), I read Mrs. Virginia Knauer's remarks to the American Society of Perfumers on April 18 with considerable interest.

Mrs. Knauer, Special Assistant to the President for Consumer Affairs, has been interested in the problems associated with cosmetics for some time. She has been especially active in the effort to encourage ingredient labeling by cosmetics manufacturers.

In her remarks, Mrs. Knauer points to several hopeful signs in the effort to insure that consumers know what they are getting when they buy cosmetic products.

First, Avon, Colgate-Palmolive, and Max Factor intend to list ingredients on the labels of their products in the coming months. Second, several medical groups have indicated their support for stricter regulation in this area, including the American Academy of Allergy, the American Medical Women's Association, the American Academy of Dermatology, and the American Medical Association's Committee on Cutaneous Health.

Mrs. Knauer urged perfume manufacturers to voluntarily supply the Food and Drug Administration with more information about their products and the sensitizing ingredients they contain. She also urged them to tread carefully in claiming "trade secrets," providing as much information as possible to the Government.

While I have less confidence than Mrs. Knauer in the voluntary approach to regulation of the cosmetics industry, I do think that her comments are worthwhile and I commend them to my colleagues.

I ask unanimous consent that Mrs. Knauer's speech to the American Society of Perfumers be printed in the RECORD.

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

THE COSMETIC INDUSTRY RESPONSE TO CONSUMER NEEDS

(NOTE.—This text is the basis for Mrs. Knauer's oral remarks. It should be used with the understanding that some material may be added or omitted during presentation.)

Almost eight months ago your program chairman, Andre Mallegol, invited me to speak here today. I generally decline speaking engagements so far in advance. This is because the President often asks me to perform special missions on short notice which preempt my regular schedule.

In this case, however—because of our mutual interest in a very important consumer matter—I decided to accept Mr. Mallegol's kind invitation. Both industry and consumers have a great stake in cosmetic safety and cosmetic ingredient labeling, and that is why this 19th Annual Symposium is so important.

April, 1973 is a critical time for your industry. At this very moment, the fundamental decision of whether to require mandatory cosmetic ingredient labeling is being considered by the Food and Drug Administration. At the same time, Congress is taking a hard look at your industry with an eye toward tough new legislation. Since January of this year, five new bills have been introduced in Congress which, among other things, would require all cosmetics to be tested for safety and for various test results to be submitted to FDA before marketing.

In addition to government, the medical profession also has its eye on the cosmetics industry. Over the past few months, my office—in response to consumer and press inquiries—has contacted several of the major medical organizations and associations. We have asked for their views concerning cosmetic safety and cosmetic information disclosures. Recently I reported that three major medical associations—the American Medical Women's Association, the American Academy of Dermatology and the American Medical Association's Committee on Cutaneous Health—all passed resolutions calling for increased cosmetic testing, adoption of ingredient labeling, and the filing of formula information and adverse reaction data with FDA.

Today, I have another name to add to the list. I have just received a letter from the

immediate past president of the American Academy of Allergy. He said—and I quote: "I am happy to report that the Executive Committee . . . was strongly in favor of having available all information regarding the content of cosmetic formulations."

The Academy further endorsed the resolution of the American Medical Women's Association. This resolution calls for the following:

First, adoption of cosmetic ingredient labeling by all cosmetic companies;

Second, filing of complete ingredient formulations and all adverse reaction reports with FDA;

Third, open information policies between the cosmetic manufacturers, FDA and the Poison Control Centers;

Fourth, adoption of identity, quality and safety standards by the industry.

Why would Congress, the FDA and several of the major medical associations be urging such strong actions regarding your industry? To any consumer who has suffered a severe reaction to a cosmetic product, the answer is obvious. To the industry, however, the answer might not seem so clear-cut. For this reason, let's explore the real issue—consumer safety—in more depth.

As you know, I have long been an advocate of both cosmetic ingredient labeling and generally, additional safety measures for cosmetic products. I have taken this position because I know what has happened without these measures.

Every year, thousands suffer adverse reactions to cosmetics. With rare exception, these Americans have no way of knowing what is in the cosmetic. Thus, they have no way of avoiding ingredients that may have been medically identified as the cause of allergic reactions. Similarly, because no test data or very few adverse reaction reports are available to FDA, doctors have no convenient way of checking into potentially troublesome ingredients in a particular product.

Industry officials have estimated that over 30 million Americans may exhibit allergic reactions to many commonly encountered substances. While these figures may define the scope of the problem, they cannot reveal the pain and suffering, experienced by these millions of people. The letters that reach my office from consumers who have suffered disfigurement and pain tell the real story. So that you can better understand what these people have experienced, I'd like to share some recent letters with you.

One letter comes from a woman in Illinois who experienced three and a half weeks of agony after using a new hair spray. In describing her painful reaction to the spray, she wrote me: "My face and ears were covered with an awful rash, itchy skin and puffiness around the eyes." She asked me to help her find out what ingredient in the spray has caused this terrible suffering. She had written the manufacturer who had simply put the blame on the perfume but gave no trade name for the fragrance or any other information that might help her avoid such a reaction with another product.

Another letter comes from a 33-year-old woman who suffered an infection in both eyes. Her doctor diagnosed the infection as an adverse reaction to her eye makeup. She asked me to continue my efforts toward full cosmetic ingredient labeling and safety, adding "I've invested so much money trying products which I hope won't affect me. . . . I am one of those people who need ingredient labeling," she concluded.

These two letters are just a sampling of the hundreds I've received from consumers who need help. Consumers and consumer groups recognize that they need ingredient labeling for their own protection and are now demanding it. With this labeling, they will be able to make better and safer buying decisions.

Consumers also recognize the need for ade-

quate product testing. As cosmetic companies rush new products on the market in an effort to beat their competitors, they can create a situation where the consumer becomes the test animal. Since consumers can only hope the cosmetics they buy are adequately tested, they are often at the mercy of "quick on the trigger" marketers and advertising agencies.

Toni Stabile, in her revised book *Cosmetics: The Great American Skin Game*, tells of one incident in which women began getting serious reactions to a new kind of eye pencil. Upon investigation by the FDA, it was found that the eye pencil contained coal-tar, forbidden for use around the eyes since 1938.

Upon further investigation by FDA, it was found that fully 95 percent of all eye pencils on the market were made by one small company whose name was unknown to the public. This company had been putting coal-tar in eye pencils for nine years before it was discovered by FDA. Although the large cosmetic companies marketing the pencils claimed to have spot-checked for safety, they said that since the coal-tar was only present in certain colors, it was not detected during testing.

Such incredible occurrences, often with tragic results for consumers, have reinforced my own convictions—and actions—concerning cosmetic safety.

I have met with many consumer groups across the country. Last July, 13 national organizations representing over two-and-one-half million women joined me in calling for ingredient labeling and greater safety at press conferences in several major cities. These organizations continue to be strong advocates of ingredient labeling.

In addition to consumers, I have worked with FDA and the industry itself, I have encouraged FDA to take additional steps to assure the safety of cosmetic products. At the industry level, I have maintained close contact with industry leaders and have urged their full cooperation with FDA.

Early last year I also went to the retailers. I told the major retailing associations of Avon's new policy to provide consumers with ingredient information upon request. I urged these associations to support my call for such disclosures by other firms.

In response to my request for support, members of the Mass Retailing Institute and the National Association of Chain Drug Stores promised to ask their cosmetic suppliers to provide shoppers with information regarding cosmetic ingredients. In addition, both Osco Drugs and Giant Foods have initiated their own programs to obtain cosmetic information for the consumer.

I am encouraged by the positive action taken by these retailers. As I have stated on several occasions, I believe the retailer is the consumer's purchasing agent; as such, he should be the consumer's advocate.

The FDA has proven itself another strong advocate for cosmetic safety. At a press conference last April, FDA Commissioner Charles Edwards and I announced new FDA regulations calling for voluntary registration of cosmetic manufacturers and packers and for voluntary filing with FDA of product ingredients and formulations.

Moreover, the voluntary regulations call for participating companies to provide poison control centers and licensed physicians with all the information needed to treat patients suspected of an allergic or sensitive reaction to a cosmetic.

A month later, FDA published another proposed regulation that would alter its past "closed door" policy regarding cosmetic information. FDA proposed to open its adverse reaction and complaint data to the public upon request. These data would be made available without disclosing the manufacturer's name and without revealing trade secrets.

When I discussed the issue of cosmetic ingredient labeling with members of the industry, several indicated their need for guidance from government on how best to present ingredient information. I communicated their views to FDA. In hopes of accelerating progressive voluntary action, FDA published guidelines for the voluntary labeling of cosmetics products. While some forward-looking companies made the commitment to voluntary labeling, upon further consideration FDA, on February 7, 1973, proposed mandatory labeling of cosmetic products using the format of these guidelines.

Your industry is at this point in history today. As many of you know, April 9 was the deadline for comments on the FDA proposal for mandatory labeling and on another proposal—this one written by Professor Joseph A. Gage and the Consumer Federation of America. FDA's proposal would require the labeling of each cosmetic ingredient in descending order of predominance—except for fragrances, flavorings and colorings which would simply be listed as such.

The Page proposal calls for full ingredient listing, including fragrances, flavors and colors. The proposal also contains extensive provisions for determining and safeguarding trade secrets.

Concerning trade secrets, I am well aware of the need for their protection. While the FDA proposal does not contain a specific provision for trade secrets, the Fair Packaging and Labeling Act does, of course, protect trade secrets from ingredient disclosure requirements. This trade secrets exemption will no doubt be closely watched by advocates for cosmetic labeling legislation. How you use this exemption is therefore of crucial significance.

In addition to the many steps FDA and my office are taking to provide the consumer with more cosmetic safety, Congress has a few moves up its own sleeve.

According to a recent report in the magazine *Product Management*, Senator Frank Moss of Utah is planning new hearings this summer on the question of cosmetic legislation. These hearings come on the heels of the five bills already before Congress which would require filing of ingredients, premarket clearance and full label disclosures of cosmetic products.

With so much legislation under consideration that could affect your entire industry, clearly now—as never before—is the time for you to stand up and be counted. Already several of the large cosmetic companies have made a strong commitment to the consumer.

As many of you know, last July, I wrote to 19 leading cosmetic manufacturers asking them to inform me of their policies on ingredient labeling. Since that time, I have continued to correspond with these companies. I would like to summarize their positions as related to me.

To date, three companies have told me of their target dates for ingredient labeling of their products. The most recent good news came from Avon, which only last month informed me that by the fourth quarter of 1973 all its new products will carry ingredient labels. For the rest of its product line, Avon is shooting for full ingredient labeling by the third quarter of 1974.

Colgate-Palmolive has also given me very heartening news. Since January 17 of this year, one of its shampoos began to carry ingredient labeling. In addition, two new toothpastes are being test-marketed with ingredient labels and "product information panels" for six detergents are now being printed.

Another leader is Max Factor which has informed me that its ingredient labeling program will be implemented by mid-year.

In addition to these three companies with definite time tables for ingredient labeling, all the others I contacted indicated they were taking some steps to provide more in-

formation to FDA and consumers. I have reported this information to consumers.

I would also like to point out that a number of individuals within the industry have made deep personal commitments to ingredient labeling. Arlene Dahl, whose line of beauty aids is produced for Sears, was among the first to express her support for my efforts. She has already placed ingredient labeling on her product packaging.

For years, Julius B. Kahn, President of Ar-Ex Products, has been providing a Professional Formulary of his products to physicians, druggists and cosmeticians. In adapting this formulary for consumer use, his company became the first to provide ingredient information to consumers at the point of sale.

The responses of these companies are good news to everyone. But because many other companies are far behind in providing information to consumers and to FDA, the possibility of mandatory regulation becomes more likely.

With this in mind, I would like to zero in on your product: perfume. I am well aware of the problems involved with listing perfume ingredients. So is FDA. For this reason, the agency's proposal to require mandatory ingredient labeling exempts the listing of ingredients in fragrances.

But this doesn't mean that you should wash your hands of the matter. As you are an integral part of the cosmetics industry, I hope you will make a concerted effort to provide ingredient disclosures wherever possible. In circumstances where the ingredients are too numerous to list, I hope you will provide FDA with as much information about your fragrances as possible.

As I mentioned before, FDA has issued new regulations providing for the voluntary filing of product formulations. Under these regulations, you—the perfumers—could take an active role in helping the allergy-prone consumer.

According to FDA officials I have spoken with, the agency is requesting cosmetic companies to list the identity of fragrances in their products by their trade names and numbers. For the sake of the many consumers who suffer reactions to perfumes, I hope you will support this listing procedure and cooperate with FDA should a further break-down of the perfume's ingredients be necessary.

In addition to your active cooperation in the voluntary filing program, you obviously can further advance consumer protection through more extensive pre-market testing. As you may know, the Research Institute for Fragrance Materials has embarked on an ambitious project of systematically testing all known perfume ingredients. Once the findings are released, all sensitizing ingredients will be listed as such. It will then be up to you to either discontinue using these sensitizers or to inform the FDA and medical authorities about the identity of these ingredients.

There is another area that I know perfumers are particularly interested in and that's protecting trade secrets. While these secrets are vital to your industry, I ask that you not hide behind a veil of secrecy if it is not necessary. Trade secrets are protected under law but this law should not be abused.

Perfumers can also help the consumer in the general areas I call "the consumer's right to know." Recently, this right has become embroiled in a controversy concerning civet. As you know, several stories have run in the press about the mistreatment of the civet cat. This cat excretes a musk-smelling substance that is sometimes used in perfume.

I have received many letters from animal lovers who demand the right to know whether animal scents are used in perfumes. I hope you will provide consumers with this information so that if they are opposed to using animal scents in perfumes they can choose

those products that only contain non-animal scents.

The points I raise here today are critical to all parts of the cosmetic industry. Since that day eight months ago when I accepted your invitation, the growth of consumer, medical, and congressional concern have made future government action almost inevitable. Your industry's response to voluntary programs will determine the nature of this future action.

With this in mind, you have two real options open to you. You can hide your head in the sand and hope all this talk of government regulation will just go away.

Or you can take the positive approach—already taken by some of the leading cosmetic companies—and decide to help the consumer. It is this second approach that will lead to better understanding and a growth of your industry that is based on information and cooperation.

QUEEN ISABELLA DAY

Mr. PROXMIRE. Mr. President, as you well know on October 12, 1492, Christopher Columbus discovered America. The historical background of this important event reveals that Columbus had great difficulty finding a patron to finance his risky and expensive voyage. He first approached the King of Portugal in 1484, who promptly rejected the unorthodox idea of sailing west. It was Queen Isabella of Spain who finally decided 8 years later to accept Columbus' plan.

Just as Christopher Columbus deserves the annual holiday in memory of his great deed, Queen Isabella deserves credit as the person who singlehandedly made Columbus' trip possible. I believe it is appropriate that we designate one day each year to commemorate the person originally responsible for the discovery of America. I therefore support Governor Lucey's decision to proclaim Monday, April 23 as "Queen Isabella Day" in the State of Wisconsin, and ask that the document be printed in the RECORD.

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

THE STATE OF WISCONSIN—A PROCLAMATION

Whereas, the enthusiasm and support of a single ruler led to the discovery of America and the resounding effect this discovery had upon the history of the world; and

Whereas, this great ruler, Queen Isabella of Castile, wife of Ferdinand of Aragon, was the sole backer of Christopher Columbus, whose proposed expedition to the New World was contrary to the 15th Century concept of the world; and

Whereas, the shrewd intuition of Queen Isabella, as well as the financial support and risk taken by Her Majesty on behalf of Spain, was responsible for uncovering the unknown riches of the Western Hemisphere; and

Whereas, the history of America has direct linkage to the birth of Queen Isabella on April 22, 1451.

Now, therefore, I, Patrick J. Lucey, Governor of the State of Wisconsin, do hereby proclaim Monday, April 23, 1973 as "Queen Isabella Day" in the State of Wisconsin and urge all citizens to reacquire themselves with the earliest history of our Nation by honoring this Spanish Citizen who was solely responsible for America's Discovery.

In testimony whereof, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the

Capitol in the City of Madison, this twenty-seventh day of March in the year of our Lord one thousand nine hundred and seventy-three.

PATRICK J. LUCEY,
Governor.

RURAL AREAS ALREADY HARD HIT BY HOUSING FREEZE

Mr. EAGLETON. Mr. President, the 18-month housing moratorium imposed by the administration on January 5 applies not only to programs administered by the Department of Housing and Urban Development.

Also caught up in the net were a number of programs administered by the Farmers Home Administration which provide housing assistance in rural areas and small towns. These programs include subsidized housing loans, rental and cooperative housing loans, farm labor housing grants, and farm labor subsidized housing loans.

The potential loss to Missouri of the freeze on rural housing programs has been estimated at \$65.9 million in loans and 6,008 man-years of employment.

Actually the effects of the housing moratorium are being felt earlier and more drastically in rural America.

We have been assured by Secretary Lynn and other administration officials that housing starts under HUD's subsidized housing programs will continue at an annual rate of 250,000 for the next 18 months because of commitments entered into before the January 5 freeze.

The same claims have not been made with respect to rural housing programs. The Department of Agriculture has estimated that, because of their shorter lead-time, FMHA projects in the pipeline before the moratorium will be completed within 6 months.

This means that there will be no new housing starts under these rural housing programs during the fiscal year beginning July 1.

Now an analysis by the rural housing alliance reveals that the moratorium has already drastically curtailed housing loans in rural areas.

During February, the first full month of the moratorium, the number of interest subsidy loans made by FMHA dropped by 80 percent from the monthly average number of loans made during the first half of fiscal 1973.

Missouri is one of 20 States in which the loan cutback equaled or exceeded the national average.

FMHA made an average of 185 initial interest credit loans per month in Missouri during the last 6 months of 1972. In February 1973, it made only 24 such loans.

The dollar amount of the cutback was from an average of \$2,776,540 each month last fall to only \$388,080 in February.

Mr. President, this freeze on rural housing programs is not an isolated matter. The list of targets includes REA, water and sewer grants, REAP, disaster loans, the school milk program, and price support programs.

I believe there is a limit to the punishment that rural America can take from this administration.

Mr. President, I urge early action on legislation now before the Senate Housing Subcommittee to require the Secretary of Agriculture to carry out all rural housing programs authorized and funded by Congress.

RECOGNITION OF STARTING DATE OF VIETNAM CONFLICT

Mr. COTTON. Mr. President, the Legislature of the State of New Hampshire, acting to try to help make certain that all Vietnam veterans receive the benefits to which they are entitled, passed house concurrent resolution No. 3 "Memorializing the Congress of the United States to enact legislation setting February 1, 1955, as the starting date of the Vietnam conflict in order to give recognition to all who served in the Vietnam theater of war."

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

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

HOUSE CONCURRENT RESOLUTION NO. 3

Memorializing the Congress of the United States to enact legislation setting February 1, 1955, as the starting date of the Vietnam Conflict in order to give recognition to all who served in the Vietnam theater of war

Whereas, on November 8, 1950, the first American United States Air Force advisers arrived in Vietnam to assist the French and South Vietnamese, who at that time were deeply engaged in the Indochina War, and we have remained in Vietnam during twenty years of continuing combat, and

Whereas, after the fall of Dien Bien Phu in May 1954 and the partitioning of Vietnam at the 17th parallel, French forces withdrew and the American presence was gradually increased and escalated as more and more Americans were committed during the ensuing years of insurgency, and

Whereas, many Americans were killed and injured during the twenty years of continuous strife, the first combat death that the government officially recognizes occurred in 1961, over three and one-half years before the date now set as the start of the Vietnam Conflict, August 5, 1964, and

Whereas, the United States Senate has twice voted to repeal the Gulf of Tonkin Resolution that was passed as a result of the attack by the North Vietnamese on August 5, 1964 against United States Navy ships cruising in the Tonkin Gulf. The administration has publicly stated that it does not regard the Gulf of Tonkin Resolution as the basis for its authority to operate in Vietnam, therefore there no longer exists any validity for retaining August 5, 1964 as the starting date of the Vietnam Conflict, now therefore be it

Resolved by the House of Representatives of the State of New Hampshire, the Senate concurring:

That the Congress of the United States is hereby memorialized to set February 1, 1955 as the starting date of the Vietnam Conflict for the purposes of veterans administration and all other branches of the federal government so that all Vietnam Veterans may receive their full entitlement to benefits; and be it further

Resolved, that the Secretary of State be instructed to forward a copy of this concurrent resolution to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, and to each member of the congressional delegation from New Hampshire.

SENATOR MUSKIE ON A NEW OIL POLICY FOR THE NATION

Mr. McINTYRE. Mr. President, tomorrow is May Day. It is also Loyalty Day and a number of other observance "days."

For many of us, May 1 of this year has a new significance. It will mark the day that quotas are finally lifted from imported oil.

Because this occasion signals, as it does, the start of a new oil policy for the Nation, I would like to call my colleagues' attention to an analysis by the distinguished senior Senator from Maine, the Honorable EDMUND S. MUSKIE.

Speaking before the Maine Oil and Heating Equipment Dealers Association in Portland, Maine, Senator MUSKIE examined some of the broader implications of the new program for our Northeast region and then focused closer attention on some of the elements which will bear close attention by New Englanders in the months ahead.

I ask unanimous consent to have the text of Senator MUSKIE's remarks printed in the RECORD, because, in my judgment, his cautionary analysis couples fairness and restraint with sharp insight into exactly what we can expect from this new policy in short- and long-range terms.

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

A NEW OIL POLICY FOR THE NATION

It is a pleasure to be here today to discuss a question which is of vital importance to the people of Maine—the question of whether they will have sufficient oil to heat their homes, their factories, and their schools next winter, and in future winters.

This is not a new concern. Indeed, it is a matter which has occupied my attention since the year I entered the United States Senate in 1959—the year that the Mandatory Oil Import Quota Program was put into effect.

But it is a concern which has taken on new dimensions in the last year—partly because of rapidly changing circumstances in the world oil market, but primarily because of acute shortages which were experienced this winter in Maine.

To many of you in this room, the President's energy message last Wednesday must have had a curious ring when he said "in the years ahead, we must face up to the possibility of occasional energy shortages and some increase in prices."

That future "possibility" of which the President spoke seemed strangely real to MOHEDA's officers and me when we met in Washington last February to seek ways of securing fuel oil for dealers who had been rationed or cut off by their suppliers.

The plain truth of the matter is that oil distributors in Maine did encounter shortages this winter. And, despite the President's initiatives, there will be continued supply problems with gasoline this summer and heating oil next winter because his actions came too late.

The story of how we arrived at this situation is familiar to you, I am sure. It came about through a combination of a continued rapid growth of demand for oil, declining fuel reserves, insufficient refinery capacity, inadequate planning by both government and industry, and dramatic political changes in the Middle East which raised the price of crude oil.

The President's response, outlined in a 20-page document of analyses and proposals, urges four basic approaches to a solution—

(1) sharply increased petroleum imports; (2) greater utilization of domestic energy sources; (3) the development of alternate energy sources; and (4) energy conservation measures.

Many of his proposals are controversial. Many do not go far enough. Some particularly those dealing with the environment, go too far. The President's message is, nonetheless, the first significant effort by this Administration to articulate a comprehensive national policy for the use and development of energy.

What I find disturbing, however, is the fact that the current fuel shortages might very well have been avoided if the President had taken steps to abolish the import quota program sooner.

It was just over 3 years ago, that the President's Cabinet Task Force on oil import controls recommended replacing the import quota program with a flexible tariff system not unlike the one proposed a week ago. But the President turned down this recommendation at the time.

And last fall, on the basis of assurances from the major oil companies that there would be adequate stocks of heating oil for the 1972-73 heating season, as well as grossly inaccurate projections by the Office of Emergency Preparedness, the President specifically rejected our urgent requests to increase the #2 allocations for the Northeastern Region.

Finally, when it became plain that his failure to act was leading to a crisis of serious proportions, the President announced a temporary lifting of import restrictions. But even this proved inadequate and it was only a mild winter that saved New England from severe problems.

During this period, the major domestic refiners who had persistently opposed imports found themselves caught in a dilemma. In order to fulfill the assurances they had given the Administration, they had to maintain a high output of heating oil at the very time they should have been producing gasoline in greater quantity. What this seems to indicate is that we are now caught in a circular game of "catch-up" with gasoline shortages this summer and further fuel oil shortages this winter, and on and on until we can import and produce a sufficient supply of refined products to meet our needs.

In retrospect, it seems incredible that the decisions of a relatively small number of individuals—both in and out of government—could have placed us in these circumstances. Our neighbor, Senator Tom McIntyre of New Hampshire, made perhaps the most accurate assessment of the situation in his testimony to the Cost of Living Council in February.

"In my opinion," he said "it is apparent that either two things happened. Either the Federal officials responsible for oil policy in this country displayed an unbelievable level of incompetency, or the petroleum industry itself misrepresented the facts. I personally believe that a combination of both factors was at work."

This, then, is part of the story of how we arrived at our present circumstances. There is no need to dwell on this history, except that it helps explain some of the forces which are at work in Washington and why we New Englanders have reason to view Federal oil policies—new and old—with Yankee skepticism. It is also important because it points out that the long-range factors which are generally cited as the cause of the "energy crisis" are not sufficient to explain our current predicament.

Now, we are to have a new oil policy. In six days, on May 1st, the current quota program will be scrapped and in its place will be a system of unlimited imports and a system of license fees.

I do not presume to know precisely what impact this new system will have for the consumer and marketer. To do this requires a knowledge of marketing forces and competitive factors about which I am not ex-

pert. For this reason, I am looking forward to hearing the remarks of the other gentlemen on this panel.

I would, however, like to make some general observations.

First, the Chairman of the President's Oil Policy Committee has defined the objectives of the new program in these words: "To import oil to satisfy the short-term needs of U.S. refiners and consumers, while providing longer-term stability and additional incentives for increased domestic production and new refinery construction."

These goals are clearly desirable. But they also establish the standard by which the new program should be judged. For the citizens of Maine, the President's intentions would assure an adequate supply, at a reasonable price, without major disruption of our marketing system. However, because the New England Region depends on imports far more than any other region of the country, it may be difficult indeed to achieve these objectives.

Secondly, the elimination of quantitative import restrictions, with a gradual transition to a system of import fees, is conceptually sound. The uncertainties and human miscalculations associated with the quota program are largely absent. It also provides the opportunity for the long-range commitments necessary to obtain both supply and favorable prices.

Third, the exemptions from import fees granted to independent deepwater terminal operators are intended to provide a sufficient measure of protection for them to compete effectively with the major oil companies. Historically, the presence of the independents in the New England market has been a positive and healthy competitive factor. This influence should be preserved.

However, the President's proclamation gives the terminal operators a fee-exempt allocation of only 50,000 barrels-per-day of No. 2 oil. This is no more than last year and clearly would seem to be inadequate for the coming year.

Additional fee-exempt imports will have to be obtained from the oil import appeals board on a case-by-case basis. This would be cumbersome and adds an unnecessary element of uncertainty. Therefore, the role of the Oil Imports Appeals Board is of critical importance in the new system, particularly for New England. It remains to be seen whether in practice, the Board will be responsive to the needs of those who serve New England.

Fourth, despite some complaints that the initial fee structure is set too low to protect the independents' competitive position, it was probably necessary if the President is to minimize the impact of higher prices for the consumer. Nevertheless, the price of heating oil will inevitably climb this year and in the future, and Maine consumers should be aware of this.

Fifth, I am greatly concerned with the absence of any provision in the new program to assure that independent refiners, marketers and retain dealers will not be cut off from products previously supplied by the major oil companies. We are already seeing this happen in New England and the situation is aggravated by the withdrawal of several major companies from the Northern New England market.

Administration officials are apparently intending to rely upon "jawboning" if such dislocations persist under the license fee system.

I am not convinced that this is sufficient. I am therefore supporting legislation to give the President authority to allocate national supplies among dealers where necessary to cope with shortages. The Congress has a responsibility to assure that the major oil companies do not use a national shortage as an opportunity to drive independent marketers out of business by favoring their own distribution outlets.

Finally, I would like to say a word about William Simon, Chairman of the President's

Oil Policy Committee. Over the past fourteen years, the New England Congressional Delegation has had to deal with Federal officials responsible for oil policy on an adversary basis.

Since Mr. Simon has assumed the Chairmanship of the Oil Policy Committee, he has opened a clear line of communication with New England officials. He has displayed a genuine interest in the problems and needs of our region. The new policy he has helped shape and which he will administer holds promise—if it is administered flexibly and wisely, with a willingness to make appropriate adjustments where necessary. While our earlier experience was not favorable, the initiatives taken by Mr. Simon are encouraging.

I know we would both be pleased if I could conclude my remarks by assuring you that the uncertainties and difficulties which MOHEDA faced last winter, can be avoided next winter. Unfortunately, neither I nor anyone else can give such assurances.

The world energy picture has changed dramatically in the last 3 years. We shall continue to suffer from this, and from the misguided policies of the past. Now, we have a new oil import policy and have begun seriously to debate a new national energy policy. If we are successful in devising a coherent and comprehensive policy, we can overcome our current difficulties and satisfy our energy requirements for the future.

In the meantime, we might reflect on an observation made recently by the Director of the Petroleum Industry Research Foundation. He said, "what we are doing is shifting from the age of oil to another energy age. Historically speaking, transition periods are very interesting . . . but living through them may not be so much fun."

THE NATION'S ENERGY NEEDS

Mr. HASKELL. Mr. President, I am honored to present to the Senate a joint resolution from the Colorado Senate memorializing the Congress to give top priority to defining and implementing a national energy policy. As a member of the Committee on Interior and Insular Affairs, which is conducting an extensive and comprehensive study of the Nation's energy needs, I cannot overemphasize that this body must take a positive step toward insuring the energy needs of this Nation. Mr. President, I ask unanimous consent that Colorado Senate Joint Resolution 1 be printed in the RECORD.

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

SENATE JOINT MEMORIAL NO. 1

Memorializing the Congress of the United States to define and implement a national energy policy.

Whereas, Educational, governmental, and industrial facilities in the State of Colorado have been shut down because of a fuel shortage; and

Whereas, This serious condition is expected to continue and worsen in the future, unless immediate action is taken to correct the causes thereof; and

Whereas, The General Assembly of the State of Colorado considers the present fuel shortage to be an immediate threat to the health, safety, and welfare of the citizens of the state; and

Whereas, Increased reliance on importation of fossil fuels presents a problem of national security and balance of payments; and

Whereas, There is a need for a national policy which will provide adequate supplies of energy at reasonable cost and protect the environment; and

Whereas, Such objectives can be achieved

by private enterprise under wise governmental policy; now, therefore,

Be It Resolved by the Senate of the Forty-ninth General Assembly of the State of Colorado, the House of Representatives concurring herein:

That the Congress of the United States is hereby memorialized to give top priority to immediately defining and implementing a National Energy Policy, including objectives to:

(1) Encourage the economic and efficient use, as well as the conservation of energy by:

(a) Encouraging and supporting research into additional methods to conserve energy and decrease per capita consumption of energy; and

(b) Providing financial incentives to schools, educational institutions, and industries involved in research and education concerning energy conservation and the reduction of per capita consumption of energy; and

(c) Supporting changes in technology designed to conserve energy and more economically utilize available resources;

(2) Manage the leasing of federal lands located within the state of Colorado (which constitute thirty-five percent of the land of Colorado), so as to encourage their development for the production of energy resources giving consideration to the energy needs of Colorado's people and its environment;

(3) Provide a tax policy which would encourage exploration and development in order to increase the supply of domestic oil and gas;

(4) Encourage and facilitate an increase of refinery and transportation capacity for petroleum products;

(5) Achieve a reasonable balance between protecting the environment and developing, processing, and transporting needed energy resources;

(6) Gradually relax price controls on natural gas, but with provisions for equitable price treatment for consumers; and

(7) Encourage the release of atomic energy blocks of land for development of nuclear power.

Be it further resolved, That the Congress of the United States is hereby memorialized to do all that it deems necessary to promote the development of sources of clean and efficient energy through such means as:

(1) Encouragement and support of research to determine the energy potential of resources, such as solar, geothermal, nuclear fusion and fission, oil shale, tar sands, and the gasification and liquefaction of coal;

(2) Provision for tax incentives to industries involved in such research and development; and

Be it further resolved, that copies of this Memorial be transmitted to the President of the United States, the President of the Senate of the Congress of the United States, the Speaker of the House of Representatives of the Congress of the United States, and the members of Congress from the States of Colorado.

THE THREE LIVES OF MARK CLARK

Mr. THURMOND. Mr. President, during my careers both in and out of the military, I have had the pleasure of knowing many outstanding persons. One of the most dedicated and respected men with whom I have ever had contact is Gen. Mark Clark, who now makes his home in Charleston, S.C.

Thus, I was delighted to see a magazine article recently on General Clark. Obviously, it would take years of research and volumes of books to do justice to the outstanding service this great American has given his country. But the article referred to is a very good synopsis of the man and the soldier.

Mr. President, I ask unanimous consent that the article from the April issue of the Sandlapper magazine entitled "The Three Lives of Mark Clark," be printed in the RECORD.

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

THE THREE LIVES OF MARK CLARK

(By Tom Hamrick)

The first time I met Mark Wayne Clark, artillery was booming in the backdrop and the Chinese were sending us presents considerably more potent than pandas. Clark, four stars winking at the sun, was the closest thing to a supreme being on earth for a lot of us in uniform that day 20 years ago. Everything is foggy to me now about his inspection tour as commander of United Nations forces in Korea except the warning which had been italicized in messages preceding his visit. "If you value your lives," the Telex from his information officer said, in effect, "don't shoot any photos of the right side of his face. He thinks that's his bad side." At the time, I considered that enough to remember. Never before in the history of the Orient were so many photos taken of the left side of anybody's countenance.

All that was in part one of Clark's army career, which carried the son of a soldier from his cradle on a now-forgotten upstate New York army post in 1896 into the annals of history as one of the nation's best-known warriors. As Gen. Dwight D. Eisenhower's right arm, he helped engineer the D-day invasion which doomed Hitler's Fortress Europa. He persuaded the French in Africa to quash their alliance with the Axes and thereby laid the groundwork for the expulsion of the Germans and Italians from the Dark Continent. His Fifth Army, slogging its way up the Italian boot, forced Benito Mussolini into unexpected retirement and captured Naples and Rome. Later, when Eisenhower won the Presidency and was trying to wrap up the Korean War in 1952, it was perhaps only natural to assign the mission to Clark.

All that should be a sufficiency in any man's life. For Clark, it was only a prelude to winning "the battle of The Citadel," taking the helm of a military college with a sagging enrollment and a football team unfamiliar with victory and pushing both to new peaks. Clark's distinguished career at The Citadel will never cause more than a footnote in history; any Citadel cadet will regard that as a negligent pity.

Kim and a smiling maid met me at the door to the "Top of the Mark" when I punched the buzzer to his top-deck apartment—Charleston's only penthouse—capping the Francis Marion Hotel. The maid invited me in while Kim rubbed Pekinese fur on my left pants leg.

I walked into a museum, otherwise decorated with soft places to sit. A pair of one-pounders dating to Oliver Cromwell points at visitors from floor level just inside the door. A collection of international trophies, gifts and souvenirs, from Chinese screens to a brass replica of a woman's dainty hand, embellish the general's latter-day holdings. Photographs are everywhere, picturing Clark with world-famed figures whom school kids will read about 200 years from now. A five-foot-wide glassed frame on a wall protects some 100 decorations he has won on the battlefield or has been presented by heads of state.

The 76 years of Gen. Clark moved onto the scene, not an inch out of the perpendicular I remembered from Korea. A Gary Cooper shape of a man, he strides like an athlete accustomed to walking up to five miles a day around downtown Charleston. I immediately was convinced he lies about his age. Despite what his four-page biography from The Citadel's press office reads,

you tell yourself this man is not a whisper over 56. I was also impressed that the right-face photo orders we had gotten in Korea had been somebody's imagination at play. The cut of him on either side is as handsomely chiseled as the profile on a well-kept coin.

We went into the bar, complete with three or four stools, again surrounded by photos, souvenirs and remembrances of American victories around the world. A lot of Citadel cadets have shared something stronger than cola with him here. When Clark took command of the state's 130-year-old military college as president in 1954, he was appalled that "when I'd go into a Charleston restaurant and have a cocktail, I'd see Citadel cadets at the next table having theirs out of a teacup." Believing that knowing how and when to drink is the mark of a gentleman, Clark eschewed the bone-dry regulations of The Citadel. Cadets were sneaking the stuff into the barracks and drinking it because they weren't allowed to tinkle, anywhere, period. "A young man is going to drink," Clark insisted, and he modified a cadet regulation so his charges could have a friendly nip or two off campus without risking expulsion. Booze in the barracks nose-dived.

Clark's career at The Citadel began quite casually. "Would you be interested in being president of The Citadel?" the late Gov. James F. Byrnes wired him in 1953, as Clark planned to bring his 40-year army career to a close. The invitation was but one of a deluge of job offers which inundated Clark. Industry dangled fat bait in front of him; "one offered me more money than I'd dreamed of," he said. The University of California at Los Angeles asked him to become their chancellor. By comparison, The Citadel's pay was a pittance: \$12,000.

Clark chuckled all other offers when the bid from Byrnes came through. "I'd always been impressed with the way a Citadel cadet stood out as a soldier," he recalled. (Anyway, he considered in retrospect, he would have been ill at ease in industry.) He and Eisenhower talked it over at the White House. The President, in something less than half jest, asked if Clark could not be retained in uniform, whatever his pleasure. Finally, Eisenhower conceded victory to The Citadel: "I don't know anything better," he told Clark. "You'll like it."

Although Clark aspired to The Citadel, he was unsure it was the place for him. "The scholastic handcuffs might be too tight," he argued with himself. All apprehension, he noted, was dumped when The Citadel's officialdom "promised I could run the place and nobody would be second guessing me every minute." It was to be a post he would happily hold for 11 years, calling it "one of my finest commands." He retired in 1965 when he tipped 70 "because I thought somebody ought to set that as an age precedent for a Citadel president."

His Citadel record:

Almost immediately, his acceptance of the post made national news. People read about The Citadel's new president in publications from Spartanburg to Spokane. *Life* magazine saluted him with a pictorial spread. Ralph Edwards surprised him before tens of millions with a *This Is Your Life* television edition.

He took over a student enrollment which had dipped to 1,318 and in three years boosted it to 2,071, capacitating facilities.

He began personally supervising student recruitment. Edward M. Blight, son of a soldier friend and the first cadet he procured in his hunt for new faces, chalked up straight A's for four years and set a record no student at The Citadel has ever equaled.

Citadel athletic teams, which had apologized for being alive, found a great ally who detested mere "moral victories." Clark immediately organized an experienced coaching staff and sent it forth to beat the bushes for players who could find the goal line and still

meet The Citadel's exacting demands. Good players who were lousy cadets soon found the red carpet jerked from under them. "No matter how great a star he is, he is supposed to be a Citadel cadet first," Clark said. And he meant it. Today's Bulldogs have both growl and teeth.

He was appalled that one of the nation's elite military colleges lacked an honor code. He left it to a student vote and won support by a 97 percent majority. To enforce the code, Clark set up a student court which tried cadets charged with infractions. If expulsion was recommended, Clark normally complied. (And he personally sought to place The Citadel's rejections in other colleges.)

"Because a commander has to know what is going on," he said, he instituted a cadet advisory system which met routinely to post him on problems, gripes and shortcomings as they saw them. "We won't wink at regulations. Let's change them if we can't enforce them," he proclaimed.

He established an "open door" policy; cadets who couldn't get satisfactory answers anywhere else had a four-star ear to talk into.

To tune in his corps of cadets to world affairs, Clark launched a "Greater Issues" platform program and brought some of the nation's leaders—including ex-boss Ike—to address the corps. Students were encouraged to recommend guest speakers. "but don't suggest some stripteaser come here!"

He inaugurated a summer camp program on campus to introduce high school students with a talent for leadership to his "God and Country Environment," as the cadets hailed it. Emphasis was placed on sports and physical fitness. Summer classes were also phased in, so the college no longer spent hot weather in the doldrums.

When he learned The Citadel had been collecting "war trophies" from its cadets for more than a century and hiding them behind cobwebs, he ordered a museum opened. One wing now houses his own irreplaceable World War II and Korean War memorabilia. The attraction has become one of the college's prime tourism lures.

And he proved to the student body that a star-spangled war hero could laugh as loudly as any cadet. There was the time, for example, when one of his cadets freed a boa constrictor in a dormitory, then gleefully notified the press. "No such thing," responded Clark when the media queried him. Then both he and the press chortled when the snake was dragged forth into the national eye. Fond of fishing, one of his favorite cartoons published in the campus newspaper shows him in full dress with a cane pole behind his back.

When the time for self-inflicted second retirement came in 1965, Clark toyed with the idea of moving to San Mateo, California. But his first wife, Renie, joined him in opting for Charleston. "We had a lot of friends here, and we liked what the people here stood for," he reflected. Renie died a year later, ending a 43-year love affair, but not before the management of the Jack Tar hotel chain invited them to take perpetual lease on its 12th floor, sharing space with a ballroom across a hallway. "No one has a better view of Charleston," Clark reported. He spends fractional idle time at a magnifying glass which points toward Ft. Sumter and the harbor.

If old soldiers are supposed to fade away, somehow Clark missed the message. He has cranked out two books on his experiences, and he now mentally catalogs notes he is considering for a third volume. When the movie *Patton* came to the parlor screen, it was Clark that *TV Guide* asked an article on his wartime friend. He is at his desk constantly, a sheaf of papers before him. He is military consultant to *Encyclopedia Americana* and is reviewing authority of military manuscripts for a bevy of publishers.

For years now, he has successfully beaten back political suggestions to run for governor

or senator. "I don't like nor admire politics one bit, I'm too unbending to be a politician," he argued.

Nonetheless, he headed up President Nixon's campaign in South Carolina in 1968—"because I admired him." He was also a fund raiser in one campaign for U.S. Senator Strom Thurmond, served as honorary state chairman of Nixon's bid for reelection in 1972, and was adviser to the house armed services committee during the reign of the late U.S. Rep. L. Mendel Rivers of Charleston.

When congress sought advice on killing the draft, the solons turned to Clark to head up a reporting committee. More recently, he became chairman of the American Battle Monuments Commission, touring areas overseas where a quarter million U.S. servicemen are buried. He is particularly absorbed by the latter mission because some foreign governments which erected monuments to slain Americans have allowed these hallowed fields to become dilapidated and overrun by weeds. "Too many visitors thought they were our responsibility, I told them," he said.

He and the second Mrs. Clark, Mary, a pretty blondish woman somewhere near the mid-century horizon were married in late 1967. The general has found that between daily walking stints and the fishing he loves, they have little time to talk about real retirement.

RETAIN PRESENT CAPITAL GAINS TREATMENT OF INCOME IN CUTTING AND DISPOSAL OF TIMBER

Mr. COTTON. Mr. President, emphasizing the importance of the timber industry to the State of New Hampshire, the legislature passed Senate Concurrent Resolution No. 2 "memorializing Congress to retain the present capital gains treatment of income in the cutting and disposal of timber."

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

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

SENATE CONCURRENT RESOLUTION No. 2

Memorializing Congress to retain the present capital gains treatment of income in the cutting and disposal of timber.

Whereas, the State of New Hampshire is eighty-seven percent forested and over eighty-five and eight-tenths percent of the commercial land in New Hampshire is owned by private woodland owners and farmers, and

Whereas, the capital gains treatment of timber has been an incentive to grow timber in spite of the many risks involved such as fire, wind, insects, and disease, and

Whereas, the forest lands of New Hampshire provide many jobs and support many industries and communities in our state.

Now, Therefore, Be It Resolved by the Senate of the general Court of New Hampshire, the House of Representatives concurring:

That the general Court of the State of New Hampshire recommends the retention of the present capital gains treatment of income from the cutting and disposal of timber under Internal Revenue Code 631(a) and 631(b) and

Be It Further Resolved, That a copy of these resolutions be forwarded by the Clerk of the Senate to the congressional delegation from the State of New Hampshire and to the Honorable Wilbur Mills, Chairman of the Committee on Ways and Means of the United States House of Representatives.

THE RETIREMENT OF GIL ROWLAND

Mr. THURMOND. Mr. President, for the past 25 years, the people in and

around Greenville, S.C., have been served in the finest journalistic tradition by Mr. Gil Rowland. During his distinguished career with the Greenville Piedmont, Gil Rowland used the power of his pen not only to report on matters of great concern fairly and objectively, but also to better the lives of those in his community.

His recent retirement from the newspaper ended a quarter century of public service. But those who know Gil Rowland have no doubt that he will continue to take an active interest in the Greenville community and the State of South Carolina.

I ask unanimous consent that two articles from the Greenville News and the Greenville Piedmont entitled "Newspaperman Gil Rowland Retiring From Piedmont After 25 Years," April 26, 1973; and "Good Afternoon Unpreachified," April 26, 1973, be printed in the RECORD.

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

NEWSPAPERMAN GIL ROWLAND

(By Jack Norris)

What stands out most vividly in a man's mind after 25 years as a columnist and news reporter?

A handful of unusual people and significant local events, said Gil Rowland, who is retiring Monday from the staff of The Greenville Piedmont.

High on his list of unusual persons, Rowland placed a Greenville man; a woman, who is a sort of female Johnnie Appleseed; and a young Japanese who traveled over much of the world on a bicycle.

Of Dr. L. P. Hollis, longtime superintendent of Parker District Schools, Rowland said:

"In my lifetime he was Greenville's great innovator. So many people will look back over good things that have happened here and say, 'Pete Hollis did that.'"

"In the field of education Hollis worked to eliminate rigid curriculum requirements as far back as the 30s. He pioneered in adult education, in getting students out of the classroom to see the actual thing they were studying about; he was one of the first locally to develop vocational education in the public schools; and although continued education for teachers was not a new concept, he was innovative in this, too," Rowland said.

"Peace Pilgrim," was the woman who came first to Rowland's mind. He first interviewed her when she walked into The Greenville News-Piedmont building one night years ago and was shown to his desk.

After the interview he telephoned a prominent Greenville woman who gave the Peace Pilgrim lodging for the night.

"Nobody knows why this woman got on this peace kick. She gave up her home, her family, and her friends and would never talk about them again. She went everywhere with the clothes on her back and nothing but a comb and toothbrush in her pocketbook. If anybody offered her food she ate; and if anybody offered her a night's lodging she would sleep in a bed. Otherwise she'd just sleep in a car somewhere if she could find one," he said.

"She maintained that she was not afraid to walk anywhere at any time because she loved all things and all persons. She was either very smart or a very big nut," Rowland said, adding that she has passed through Greenville a number of times in her travelling about the United States.

Also vivid in Rowland's memory was the Japanese youth, "Shum" who travelled with a modest budget even more widely than Rowland, himself, has in recent years.

Shum was in his early 20s when he arrived

in Greenville by bicycle, after spending six months traveling about the United States, Rowland said.

Mr. and Mrs. Rowland and Shum are members of SERVAS, a group of persons who like to travel and give other travelers a night's lodging, and this is how Rowland met Shum.

After the young Japanese left Greenville he traveled up the Atlantic Coast to New York, went by boat to Plymouth, England, and then toured Europe by bicycle for three years.

"When he finally got into Afghanistan he was pretty tired out and he went on back home by train," Rowland said, adding that, two years ago, when he was visiting Japan he visited Shum.

"Shum was very worried about world conditions. He told me he was going to travel to Tibet, live in a monastery, meditate, and seek truth," Rowland said.

Rowland recalled that, while on his round-the-world journey two years ago a student from India who had stayed frequently with the Rowlands while attending school in America, arranged for him to visit the Dalai Lama of Tibet, who had fled that country before the Communist takeover and was living in exile in northern India.

"My friend arranged the trip with officials by telling them that I was a very well known American journalist employed by the Associated Press, and I was given a chauffeur, and a limousine. I remember I had a pass through four checkpoints to get to the Llama, and I was given a 15-minute interview but it didn't amount to very much."

Rowland thought that the interview might have turned out better if the Dalai Lama had used an interpreter instead of insisting on speaking English.

"He said things like: 'we glad you came,' I asked, do you think your people will ever get back to Tibet, and he replied: 'yes, we will eventually triumph over all our enemies,'" Rowland said.

Looking back over significant local events of the past 25 years, Rowland said one was certainly the much publicized Willie Earle lynching trial in 1947 which got much attention nationally.

"This was the first time in many years that white men were brought to trial in the South for lynching a Negro and even though all were acquitted it showed that attitudes were changing dramatically," Rowland said.

A significant event occurred in 1945 when Greenville City Council voted against urban renewal—"It was one of the most negative things that happened here in the 40s and it set the stage for our getting pretty badly behind the times in the years that followed," Rowland said.

Rowland said another milestone was when the Rev. J. S. Hall, then pastor of Springfield Baptist Church, led a march to the airport when baseball player Jackie Robinson came to Greenville to protest segregation of public waiting rooms.

"When the issue to eliminate sub-standard housing here got the backing of the Greater Greenville Chamber of Commerce I did everything I could to help it along. The chamber deserves a great deal of credit for what has been accomplished in reducing the amount of such housing," Rowland said.

Rowland, who was at one time a teacher at Parker High School, said he got into newspaper work almost by accident because Parker High was submitting a weekly column of school events being published by the Piedmont.

"Another teacher was doing it and when he went to work at Furman University I was asked to take over putting out the column which I did somewhat reluctantly. I brought the column down every Thursday and I began to get interested in newspaper work. Early in the 40s I began part-time and in 1945 I became a full-time reporter," Rowland said.

Commenting briefly on his daily column which has run in The Piedmont for years, Rowland said it grew out of his interest in people, and the fact that people generally are interested in the thoughts and activities of others.

"I never had any carefully laid out plan—if one thing didn't work out I tried another and the editors gave me extremely free rein. They left me alone. They never said, 'This is good stuff do more of it; or 'I think I'd go easy on this topic if I were you.'"

Rowland said he was sometimes telephoned by individuals who had been angered by one of his columns, but that he was never threatened with physical violence.

He said his position was that if a person believed something erroneous had appeared in the column he was entitled to make a comment to set the record straight.

He said his most depressing chore in recent years has been having to tell a person with a friend or neighbor who had experienced a series of misfortunes that he couldn't just write a column publicizing the situation and start a fundraising campaign.

Except for a year spent doing public relations work for the South Carolina Human Relations Council, Rowland remained in journalism from 1945 until his retirement this week.

"Had other organizations presented me with enticing offers I might have considered them, but my work has been both interesting and satisfying," he said.

There is both routine and novelty in news reporting, as in most other work, Rowland believes.

GOOD AFTERNOON "UNPREACHIFIED"

(By William C. Morris)

This is the story that nobody wanted to write, least of all Gil Rowland who resigns from the Greenville Piedmont staff after this week.

"Do we have to?" Gil asked when told that he would be the subject of one of those resignation features that almost always accompanies a veteran employe who has reached his 65th birthday.

Relaxed at the desk where he's produced nearly 3,000 "Good Afternoon" columns, Gil said he was ready for the ordeal.

"It all began when I was teaching at Parker," he said.

In the early 1940s, Wendell Fletcher was teacher of a Parker high school class that produced stories for publication in The Piedmont. "When Wendell left to go to Furman, the principal came to me and asked me to take over," Rowland recalled.

That was the sketchy beginning of a career that spanned nearly every aspect of the news media, including photography, sports writing, desk work, a managing editor's position and finally as columnist and dean of staff writers.

The fulltime career comes to a close this weekend, but Gil's familiar by-line will continue once-a-week after that. "I'm not quitting," he said, "but it'll be a change of direction."

At Parker, Gil admits he knew little about writing, but he possessed a natural curiosity about people that today is evident in his writing—even his telephone conversations with them.

City Editor George Chaplin of The Piedmont influenced Gil with his suggestions and tips about the ingredients of a story.

"Pretty soon I got interested and became a part-time employe of The Piedmont," Rowland said. The career has stretched over 30 years, less a year that he spent with the South Carolina Human Relations Council.

"My first job on a newspaper was as a photographer," said Gil, who once received an Associated Press award for a feature picture.

What has changed most over the years? "The most significant thing is the speeded

up process. We didn't have as many competing things in those years. Today we want things in more capsule form," he said.

The years of writing have convinced him of the readers' appetite for news. "People are interested in people," he summarized. "They are interested in the failures, struggles and frustrations of other people."

In recent years, Gil Rowland has tried to write more and more of what the trade calls a "human interest story." He also has added another ingredient to his column.

"I never could get the old teacher idea out of my noggin," he explained, "that in addition to being entertaining, there might be a worthwhile idea."

The worthwhile ideas have broadened his writing subjects to embrace community projects, particularly those affected by standard conditions and low-income groups.

"The world has changed so radically in 30 years," Gil mused. "Greenville's problem has been to keep up and adjust. In doing that, people have become more separated in attitudes, life style and interests." Some of this has been spurred by the influx of management-level people from other sections.

As for his formal retirement, he says: "No matter how much you love a job, there comes a time when a change of jobs is desirable—to get out of a rut."

So, beginning next week, Gil Rowland will have his desk cleared to begin "wandering around a bit." He's still not sure what he'll do with all the leisure time.

His two children (Howard, 30, and Miriam, 25) are on their own. There's a VW camper in the yard and a whole new life ahead of him and his wife Clay.

Finally, Gil said of the interview, "Isn't that enough? I want to avoid being preached."

Good afternoon—for awhile.

THE ODYSSEY OF HARRY TRUMAN IN MONTANA

Mr. METCALF. Mr. President, accolades have been paid to ex-President Truman for his courage, his forthrightness and his inherent honesty and he has been widely praised and extolled. I concur. However, Montana's claim on Harry Truman has not been completely presented.

The story of his appearance in Butte and his inspiration the "Give 'em Hell, Harry" shouts from the audience gave to President Truman's campaign have been frequently told. Likewise, his statement at the dedication of Hungry Horse Dam in Kalispell admonishing the people to go out and look at the dam because it would be the last river and power project if the Republicans were elected was prophetic and often quoted.

But to complete the record, the Montana Historical Society in February of this year summarized the odyssey of Harry Truman in Montana. This account of his early years explains why Mr. Truman as Senator, Vice President and President was especially beloved by Montanans. I ask unanimous consent that the Montana Historical Society article be printed in the RECORD.

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

ODYSSEY OF HARRY TRUMAN IN MONTANA

It is nearly 60 years ago that a 29-year-old farmer named Harry S. Truman, from Grandview, Missouri came out to Glasgow, in Northeastern Montana, to register for a homestead. It was the first of six known visits which this irrepressibly "common man" was to make to Montana. Except for

the 1913 trip, during which he was one of thousands, most of them nameless now, Mr. Truman's visits were well publicized. Indeed, his campaign of 1948, following which he triumphed so surprisingly over Thomas E. Dewey, reached a high-water mark in Montana. Until his life ended the day after Christmas, 1972, Truman himself maintained there was no doubt that his famous "Give 'em hell' Harry" style got its start when he addressed a crowd of nearly 10,000 at Butte's Rancho Stadium on June 8, 1948.

Well known, and sometimes criticized, for his flat, midwestern delivery, President Truman's remarks in Butte were anything but dull. He defended his programs and blasted the 80th ("No Nothing") Congress. His hard-hitting, no-punches-spared style was set from then on. Moreover, Butte became one of his favorite cities, and he never forgot it.

But in September, 1913, these things were far in the future for Harry Truman. World War I, a haberdashery in Kansas City, a judgeship, the U.S. Senate, the vice presidency and the shattering death of Franklin D. Roosevelt were worlds removed from the life of a young man trying to establish a livelihood to support his younger brother and sister and someday make it possible for him to marry his childhood sweetheart, Elizabeth Wallace.

In that September of 1913, some 1,600,000 acres of the Fort Peck Indian Reservation near Glasgow were thrown open to homesteaders. To avoid the land speculators and "musclemen" land grabbers who dominated many earlier land openings, a drawing was held for the Fort Peck land.

No record remains describing young Truman's thoughts as he visited the small Montana town between September 1 and 21 to register for a chance for land. Over 12,000 people registered for the 8,405 homesteads of 160 acres each.

Apparently an unsuccessful registrant, Truman went back home to Grandview, where, in the same year, he bought a second-hand Stafford touring car to make it easier for him to court the golden-haired Bess, who lived in Independence.

It was over three decades later, in 1944, that he made his next visit to Montana, in behalf of Franklin D. Roosevelt, whose death soon after he began his fourth term in 1945 propelled the farm boy from Kansas to the presidency.

In 1944, Vice President Truman began his love affair with Butte. He donned a hard hat and descended, along with the four reporters covering his trip, into the Leonard mine. He and this group formed the "Hard Rock Club," to which he referred many times on subsequent visits to the state. The presence of only four reporters, however, suggests the lackluster news value of the trip.

But June, 1948, was a different story. Now Truman came to Montana as President of the United States and drew an estimated 40,000 people along his parade route in Butte. This time, he was accompanied by 58 newsmen.

It was in 1948 that Truman lashed out at the 80th Congress and defended himself and the policies he had begun. "They have been telling you a lot of things about Harry Truman," he said, "but the country has been pretty well run in the last three years. . . ."

President Truman returned to the Big Sky Country in 1950 and again spoke in Butte, before a crowd of 6,000.

He defended U.S. government involvement in business and other areas, pointing to low cost housing and unemployment insurance, on which many miners in Butte had recently been forced to depend.

Introduced by Montana's U.S. Senator Mike Mansfield as a "man of the people," Truman said his 1950 trip was not political, but was to "report to my boss—the people."

In 1952 President Truman was back in Montana to set off the dynamite charge that moved the first earth for the Tiber Dam Project near Chester and later to put Hungry

Horse Dam at Columbia Falls into production by throwing a switch in the Kalispell gym.

In his speech, he backed Montana democratic candidates for office, and spoke warmly for the Adlai Stevenson-John Sparkman ticket. But the Eisenhower-Nixon team won in Montana by 51,181 votes.

In 1956, Harry Truman came out of his "retirement" to again travel the campaign trail, this time for Stevenson and Estes Kefauver. He made only one speech in Montana, and requested that it be given in his favorite city. It was a nostalgic visit, a remembrance of old days and old glories. To Montana's U.S. Senators Mike Mansfield and James Murray, the former President said, "It's like old times. I'd give my right eye to be back in the Senate with you."

He told his audience, "It was in Butte where I began telling people about that do-nothing Republican Congress. You know what happened after that. The people took proper care of the Republicans when election day rolled around. . . . A lot of people were surprised at the outcome of the 1948 election. I think the same people are going to be surprised this year—because I think Stevenson and Kefauver are going to win." But they lost, and in Montana, Eisenhower and Nixon won by 38,695 votes.

Harry S. Truman, with whom historians are expected to deal kindly, apparently sensed, in Montana, and especially in Butte, that people knew him for what he was, a "common man" with uncommon courage. An interesting supposition, now that he is gone, is what history might have had to say about him had he drawn a good number that day in Glasgow, Montana, nearly six decades ago.

REPORT ON WIRETAPPING AND ELECTRONIC SURVEILLANCE

Mr. McCLELLAN. Mr. President, court-ordered wiretapping and electronic surveillance authorized by title III of the "Omnibus Crime Control and Safe Streets Act of 1968" is playing a key role in the war against crime. As the Attorney General testified on April 5 before the Senate Committee on Appropriations:

The provision for . . . [wiretapping] by Congress has been the most significant, most important weapon that our country has had to deal effectively with the problem of organized crime. . . . Now after four and a half years we have more than one-half of the leadership of organized crime in the country under indictment.

His testimony was also underscored by that of the Assistant Attorney General for Narcotics:

I would say wiretapping is one of the principal tools needed and necessary to develop major conspiracy . . . cases. It is expensive. It is time-consuming. It is very tedious investigative work. It takes an awful lot of manpower to operate taps and surveillance devices. But it is an absolutely effective and necessary tool.

Mr. President, during 1972, there were 855 orders for intercepts issued by Federal and State judges, and 2,861 arrests flowed from the information obtained. So far, 402 convictions have already resulted, and more are expected. This is compelling evidence of the effectiveness of wiretapping and electronic surveillance in combating organized crime.

In order to protect the public and keep it informed, title III of the act provides that prosecutors who seek surveillance orders and judges who issue them are required to file detailed reports each year to the Administrative Office of the U.S.

Courts. The Administrator is required to transmit to Congress a summary and analysis of this information.

These public disclosure provisions reflect the judgment of Congress that complete and regular public accounting is essential to any system requiring the use of electronic surveillance techniques—no matter how limited its use. Public support for the power to wiretap and bug—even under authorization—can only be obtained where the citizenry is responsibly informed as to the extent and character of its use.

The Fifth Annual Surveillance report which has just been released by the Director of the Administrative Office indicates that 18 of the 21 jurisdictions which have laws authorizing courts to issue surveillance orders used their statutes in 1972.

In these 18 jurisdictions, Federal judges signed 206 orders for intercepts and 649 were signed by State judges. Of the 649 State orders, 294 or 45 percent were issued in New York, while 235 or 36 percent were issued in New Jersey.

The 855 applications filed during 1972 compares with 596 applications filed in 1970. On the Federal level, the decrease from 285 in 1971 to 206 in 1972 results from a shift in emphasis by the Department of Justice from gambling to narcotics and other offenses. In narcotics cases, it is usually more difficult to establish the probable cause required to authorize the tap.

In 1971 and 1972, the Justice Department mounted an extraordinary effort to deal with syndicated gambling, relying principally on electronic surveillance. In 1971, 251 of its 285 applications were in the gambling field. Only 22 were for narcotics. In contrast, 146 of its 1972 orders were for gambling, while the narcotic figure rose to 35.

During 1971-72, eight known or suspected organized crime figures were convicted, including the head of the New Jersey syndicate and high ranking members of the Genovese-New York and Detroit syndicates. Twenty-eight more such figures, including the heads of the Brooklyn, Kansas City and Florida syndicates, and two high-ranking members of the Cleveland syndicates were indicted.

Mr. President, I am hopeful that the shift in emphasis to narcotics cases will now carry with it a similar record of achievement.

On the State level, the rise in surveillance orders from 531 in 1971 to 649 in 1972 represents an increasing pattern of utilization of State statutes authorizing surveillance by States other than New York and New Jersey. I am confident that when all of the States begin to use the authority concurred by the 1968 act, they, too, will have a record of success in combating crime through the use of electronic surveillance techniques.

On the Federal level, of 206 authorized intercepts, 205 were installed and 48 extensions were granted. The 205 authorizations were granted for an average length of 16 days; the extensions were granted for an average of 15 days. The State picture varied. In New Jersey, for example, of the 68 authorized intercepts of the attorney general's office, 67 were installed and 13 extensions were granted.

The 67 authorizations were granted for an average length of 18 days; the extensions for 21 days.

Of the 841 devices installed in 1972 on the Federal and State level, 779 involved a telephone wiretap. Twenty-nine applications specified a microphone device, and 28 requests specified both a telephone tap and a microphone.

The offenses specified in the 841 applications covered a wide range of criminal activity, but several broad categories of crime predominated: gambling 497; narcotics 230; homicide and assault 35; larceny 22; loan sharking 13; and receiving stolen property 31.

In 1972 the average intercept involved 51 persons and 600 intercepts, of which 303 or 50.5 percent were incriminating. In contrast, in 1971 the average wiretap involved 40 persons and 643 intercepts, of which 399 or 60 percent were incriminating. In Federal cases during 1972, the average intercept involved 66 persons and 1,023 intercepts, of which 614 or 60 percent were incriminating. In 1971 the average intercept involved 53 persons and 916 intercepts, of which 648 or 71 percent were incriminating.

The increase in the number of persons involved in surveillance and corresponding decrease in the percentage of incriminating intercepts is attributable to the shifting character of the offenses under surveillance. In 1971, gambling led the list with 570 ordered; while in 1972 the gambling figure dropped to 497. In 1971, there were only 126 narcotics cases. In 1972, the narcotic's figure had increased to 230. Experience has shown that it is relatively easier to focus on incriminating telephone calls in the gambling area, while in the narcotics field, it is necessary to conduct surveillance over an increased number of conversations to obtain incriminating evidence.

Nevertheless, to show the extraordinarily limited character of even this surveillance, statistics furnished by the American Telephone & Telegraph Co. to the Subcommittee on Criminal Laws and Procedures, which I am privileged to chair, show that there are approximately 119 million telephones, including extensions, in the United States and that they are used to make more than 159 billion calls each year. The percentage of calls, therefore, subject to surveillance in 1972 is almost too small to calculate. It is less than .0000039 percent. The privacy of the average citizen, in short, is not threatened by the court ordered surveillance authorized by title III.

Indeed, the 1968 act prohibits wiretapping not authorized by the courts. And these provisions, too, have been used with significant effect.

The first conviction obtained under title III, for example, was that of Enid Roth, an NBC program director, who pleaded nolo contendere to a count alleging illegal interception of proceedings of the platform committee of the National Democratic Party during the 1968 convention by means of a microphone concealed behind a curtain in a conference room. The most important case yet developed under the 1968 act, however, has been the Watergate affair. The investigation, prosecutions, and convictions in this case were all made possible by the 1968 act. Without it, we would not have

had available on the books a Federal felony punishable by 5 years imprisonment and a \$10,000 fine (18 U.S.C. 2511). As tragic and regrettable as this whole affair has been, I am glad that the 1968 act could be used to bring these men to justice. The Senate can know that it did its part in strengthening this aspect of the law, too.

The total cost of each intercept—manpower and equipment—ranged from a low of \$5 to a high of \$82,628, with the average intercept nationally running \$5,435, and the average Federal intercept running \$9,795. The figures should do a great deal to relieve the fears of some citizens of an excessive use of these techniques by legitimate law-enforcement agents. Most police departments, including the Federal law-enforcement agencies, simply do not have the manpower and other resources to conduct widespread or indiscriminate surveillance.

Most of the cases in which there were intercepts reported are, of course, still under investigation or are awaiting trial. Indeed, the studies of the Subcommittee on Criminal Laws and Procedures indicate that the average delay from indictment to trial in organized crime cases is 22.5 months. Consequently, conviction results will always lag behind arrests. Nevertheless, the 1972 annual report, as I have said, indicates that as of December 31, 1972, 2,861 arrests had resulted from intercepts made during last year. In addition, 402 convictions have been obtained.

Recognizing that arrests and convictions would lag behind surveillance, title III required supplementary reports to be filed on the results of past year's surveillance. According to these supplementary reports, during 1972, there were 732 arrests and 1,193 convictions as a result of intercepts installed in previous years. Taken together with the data from previous annual reports, this indicates from June 1968 to December 1972, there have been 2,742 orders which have yielded 6,956 arrests, and 2,495 convictions. These are indeed impressive figures, and certainly should put to rest any suggestion that wiretapping is ineffective in combating crime.

Mr. President, to gain a sense of the concrete results of electronic surveillance, it may be helpful to look at the facts of several cases in which intercepts brought otherwise elusive lawbreakers to justice.

On June 1, 1971, a Federal jury found Martin and Jesse Sklaroff guilty of transmission of gambling information.

This was the first Federal wiretap under title III. It was in operation 6 days—171 conversations were involved, of which 161 were incriminating—94 percent. The telephone was in a public booth in the Miami International Airport; visual surveillance was maintained on the booth, so that the tap was in operation only when the suspect entered the booth. When Sklaroff, one of the Nation's leading layoff men—the underworld figure who reinsures bets—was convicted, he told the Atlanta Journal on June 1, 1971:

You can't work with a telephone—I'm gonna have to find another business. The Federal wiretaps are going to put us all out of business.

The case is now on appeal in the Fifth Circuit.

On October 13, 1971, the Tenth Circuit Court of Appeals decided *United States v. Cox*, 449 F. 2d 679 (10th Cir. 1971), cert. denied, 406 U.S. 934 (1972), in which it sustained the constitutionality of title III and affirmed the conviction in the appeal before it.

The case involved four bank robbers whose conversations were overheard during the course of a wiretap issued in a narcotics investigation. The wiretap was installed for 19 days on a residential telephone; 1,216 intercepts were involved, of which 157 were incriminating—12 percent. This one wiretap has resulted in 19 convictions: 14 for narcotics, 4 for bank robbery, and 1 for assault on a Federal narcotics agent. In addition to uncovering the scope of the narcotics ring and solving the bank robbery, the officers were able to prevent a murder with information overheard on the tap.

Finally, when Cox's narcotics conviction was appealed, the Eighth Circuit Court of Appeals in *United States v. Cox*, 462 F. 2d 1293 (8th Cir. 1972), followed the lead of the Tenth Circuit and sustained the constitutionality of title III and affirmed that conviction, too.

Indeed, only one district court to date has upheld a challenge to the constitutionality of the various provisions of title III. In *United States v. Whitaker*, 343 F. Supp. 358 (E.D. Pa. 1972), Judge Joseph Lord III held title III unconstitutional. I am pleased to report, however, that his decision was reversed by the Third Circuit on February 27, 1973.

More recently, on April 5, 1973, in *United States against Tortorello*, the Second Court of Appeals sustained both the constitutionality of title III and a New York State statute modeled on title III, in affirming the stock fraud conviction of Arthur Tortorello.

Tortorello's criminal record began in 1929—more than four decades ago. A member of the Gambino syndicate in New York City, he collected arrests

ranging from burglary, assault and battery, and forgery to a 1-year sentence for kidnaping. The New York County District Attorney's Office obtained in 1969 a series of wiretap and surveillance orders in connection with an investigation of stolen property and forged instruments. The execution of the orders uncovered a complex fraudulent scheme in which Tortorello conspired to dispose of thousands of unregistered and worthless stock to the unsuspecting public.

Tortorello has now been convicted and sentenced to 5 years in jail and a \$10,000 fine. As in the Sklaroff and Cox cases, the indispensable key to his conviction was the surveillance orders authorized by title III.

Mr. President, I am proud to have been associated with the effort that led to the enactment of title III of the 1968 act. I am pleased, too, that the effort of the Senate to strengthen law enforcement with this necessary tool has met and passed its constitutional tests in the courts. It vindicates, I think, the Senate's judgment to include title III in the 1968 act.

Mr. President, I ask unanimous consent that the following exhibits appear in the RECORD at the conclusion of my remarks.

Exhibit No. 1, jurisdictions with statutes authorizing the interception of wire or oral communications, January 1, 1972, to December 31, 1972.

Exhibit No. 2, court-authorized Federal electronic surveillance.

Exhibit No. 3, summary report on authorized intercepts granted.

Exhibit No. 4, known or suspected organized crime figures prosecuted under Federal antigambling laws.

Exhibit No. 5, gambling operations indicted by Organized Crime and Racketeering Section during fiscal year 1971.

Exhibit No. 6, conviction of persons involved in major gambling rings, fiscal year 1972.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXHIBIT 1.—JURISDICTIONS WITH STATUTES AUTHORIZING THE INTERCEPTION OF WIRE OR ORAL COMMUNICATIONS EFFECTIVE DURING THE PERIOD JAN. 1, 1972 TO DEC. 31, 1972

State	Statutory citation ¹	Reported use of wiretap in 1972
Federal	18:2510 to 2520	Yes.
Arizona	13:1051 to 13:1059	Yes.
Colorado	40-4-26 to 40-4-33	Yes.
Connecticut	Public Act No. 68	Yes.
Delaware	11:XLII, 757	Yes.
Florida	934.01 to 934.10	Yes.
Georgia	26-3001 to 26-3010	Yes.
Kansas	22-2513	Yes.
Maryland	35-92 to 35-99	Yes.
Massachusetts	272-99	Yes.
Minnesota	626A.01 to 626A.23	Yes.
Nebraska	86-701 to 86-707	Yes.
Nevada	200.610 to 200.690	Yes.
New Hampshire	570-A-1 to 570-A-11	No.
New Jersey	2A:156A-1 to 2A:156A-26	Yes.
New York	813-1 to 813-M; 814 to 825	Yes.
Oregon	141.720 to 141.900	Yes.
Rhode Island	12-5.1-1 to 12-5.1-16	Yes.
South Dakota	23-13A-1 to 23-13A-11	No.
Washington	9.73.030 to 9.73.080	No.
Wisconsin	968.27 to 968.33	Yes.

¹ Excludes jurisdictions which enacted legislation in 1973.

EXHIBIT 2
Court Authorized Federal Electronic Surveillance

During the years 1969 through April 24, 1973, a total of 889 court orders (including 183 extensions) have been obtained and executed in connection with Federal investigations.

The categories of offenses in which the 889 court orders have been obtained and executed are as follows:

Gambling	653
Narcotics	152
Extortionate Credit Transactions	38
Counterfeiting	12
Interstate Transportation of Stolen Property	15
Bribery	5
Theft and Robbery	3
Racketeer Influenced and Corrupt Organizations	6
Obstruction of Justice	2
Kidnapping	1
Interstate Transportation of Explosives	1
Interference with Commerce	1
Total	889

EXHIBIT NO. 3

SUMMARY REPORT ON AUTHORIZED INTERCEPTS GRANTED PURSUANT TO TITLE 18, UNITED STATES CODE, SECTION 2518 JUNE 20-DEC. 31, 1968, JAN. 1-DEC. 31, 1969 THROUGH 1972

Summary item ¹	Reporting period					Summary item ¹	Reporting period				
	1968	1969	1970	1971	1972		1968	1969	1970	1971	1972
Intercept applications authorized	174	301	596	816	855	Robbery	8	24	13	17	9
Federal	33	182	182	285	206	Other	15	35	33	31	38
State	174	268	414	531	649	Intercept applications installed ²	147	270	582	792	841
Average length of original authorization (days)	20	23	22	22	22	Federal	30	179	281	281	205
Number of extensions	128	200	237	228	246	State	147	240	403	511	638
Average length of extensions (days)	20	21	20	24	24	For authorized intercepts installed:					
Location of authorized intercept:						Actual number of days in use	³ NA	9,018.0	11,190.5	14,582.5	15,561
Residence	67	134	203	342	351	Average number of persons involved	29	53	44	40	51
Apartment	49	68	163	211	218	Average number of intercepted communications	454	544	656	643	600
Multiple dwelling	10	14	39	45	56	Average number of incriminating intercepted communications	98	265	296	399	303
Business	45	71	121	134	120	Number of authorizations where cost reported	120	262	569	776	805
Business and living quarters	5	5	30	40	48	Average cost where cost reported	\$1,358	\$2,634	\$5,534	\$4,599	\$5,435
Not indicated or other	3	9	40	44	62	Number of orders costing:					
Major offenses specified in application:						\$1,000 or less	75	127	178	241	206
Arson and explosives	1	1	13	2	2	\$1,001 to \$2,000	21	45	88	163	156
Bribery	5	11	16	16	9	\$2,001 to \$5,000	18	54	139	162	185
Drugs	71	89	127	126	230	\$5,001 to \$10,000	6	24	88	114	124
Extortion (includes usury and loansharking)	13	10	17	5	13	\$10,001 and over		12	76	96	134
Gambling	20	102	325	570	497						
Homicide and assault	22	19	21	18	35						
Larceny	19	10	31	31	22						

¹ See reverse side for minor revisions of previously published data.

² Installed intercepts includes only those intercepts where a report was received from a prosecuting attorney.

³ NA—Not available.

EXHIBIT 4

KNOWN OR SUSPECTED ORGANIZED CRIME FIGURES PROSECUTED UNDER FEDERAL ANTIGAMBLING LAWS, 1971-72¹

Name	District	Comments	Name	District	Comments
Indictments, 1971:			Indictments, 1972:		
Michael Astarita ^{2,3}	D.N.J.		John Pasquale Tronolone ⁴ (U.S. v. Dade Marder, et al.)	S.D. Fla.	
Gaetano Musto ³	D.N.J.		Frank Cerone ⁴	N.D. Ill.	
Arthur Belli ⁴	D.N.J.		Alexander "Pope Dee" Dalessio ⁴	E.D.N.Y.	
Anthony Astore ⁴	D.N.J.		Henry Trafficante ⁴	M.D. Fla.	Boss of the large Florida Syndicate.
Raffael Sabbato ⁴	D.N.J.		Peter Valente ⁴ (U.S. v. Ernest Mario, et al.)	S.D.N.Y.	
Eugenio Stephano Campo ³ (U.S. v. Nicholas Nardone, et al.) ⁵	D.N.J.		Convictions 1971:		
Frank Joseph Caracci ⁴	E.D. La		Samuel Rizzo De Cavalcante ³	D.N.J.	Boss of the New Jersey Syndicate.
Vincent J. Marcello ⁴	E.D. La		Charles Majuri ³		
Salvadore J. Marcello ⁶ (U.S. v. Mfg. Co.)	Bail		Joseph Ippolito ³		
Nicholas Civella ³	W.D. Mo.	Boss of the Kansas City Syndicate.	Anthony De Pasque ³		
Anthony Thomas Civella ³	W.D. Mo.		Alessio Barrasso ³		
Frank Tousa ³	E.D.N.Y.		Nick Zarro ³		
Joseph Colombo, Sr. ⁴	E.D.N.Y.	Boss of the Brooklyn Syndicate; Colombo has been incapacitated by an assassin's bullet.	Ralph Masciola ³		
Thomas Amato ⁴	E.D.N.Y.		Joseph Anthony Ferrarra ³		
Albert Di Stephano ⁶	S.D. Ohio	Later committed suicide.	Pasquale Monzelli ³	E.D. Pa.	
Jack Herman ⁴ (U.S. v. Sam Winer, et al.)	S.D. Fla.		James Michael Pignetti	S.D.N.Y.	
John James LaGorga ³ (U.S. v. Charles Ager, et al.)	W.D. Pa.		Nicholas Ratteni (U.S. v. William Alter, et al.)	S.D.N.Y.	High-ranking member of the Genovese Syndicate.
Joseph Louis Lanza ⁴	N.D. Fla.		Convictions, 1972:		
John Nardi ³	N.D. Ohio	Nardi and Delsanter are high-ranking members of the Cleveland Syndicate.	Nicholas Fino ⁴ (U.S. v. Joseph Fino, et al.)	W.D.N.Y.	
Anthony Delsanter ³ (U.S. v. Joseph James Lanese, et al.)	E.D. Pa.		Jack Anthony Lucido	E.D. Mich.	
Frank Thomas Narducci ⁴	E.D. Pa.		Peter Cavataio (U.S. v. Donald Dawson, et al.)		
Louis Ruggirello ³	E.D. Mich.		Francis Santo (U.S. v. Al Mones, et al.)	S.D. Fla.	
Anthony Imbrunone ³	E.D. Mich.		Anthony Joseph Zerilli	C.D. Calif.	Zerilli and Polizzi are high-ranking members of the Detroit Syndicate.
			Michael Santo Polizzi		
			Anthony Giardano		

¹ This list does not include persons who have been acquitted or persons whose convictions have been reversed on appeal.
² Persons named in the same indictment are listed together.
³ Case involved utilization of court-ordered electronic surveillance.
⁴ Case involved both the utilization of court-ordered surveillance and a violation of 18 U.S.C. 1955.
⁵ Unless otherwise noted, the defendants listed were also the defendants named in the title of the indictment, e.g., the case in which Michael Astarita was prosecuted was filed as U.S. v. Astarita.
⁶ Case involved utilization of 18 U.S.C. 1955.

EXHIBIT NO. 5

GAMBLING OPERATIONS INDICTED BY ORGANIZED CRIME AND RACKETEERING SECTION DURING FISCAL YEAR 1971

	Indictments	Estimated annual
Total gambling operations indicted	129	\$867,465,000
Indictments involving use of court-ordered electronic surveillance	89	766,871,000
Gambling indictments involving violations of 18 U.S.C. 1955	55	440,160,000
Gambling indictments involving both the use of court-ordered electronic surveillance and violations of 18 U.S.C. 1955	45	420,565,000

¹ This total includes only the indictments of gambling operations doing a significant annual business; the total comprises 76 percent of the 169 indictments returned by the section during fiscal year 1971.

EXHIBIT NO. 6

CONVICTIONS OF PERSONS INVOLVED IN MAJOR GAMBLING RINGS, FISCAL YEAR 1972

Case	Number of defendants convicted	Size of operation	Case	Number of defendants convicted	Size of operation
U.S. v. William Alter, et al. S.D.N.Y. (1971)	6	Handled over \$50 million annually.	U.S. v. Vincent Cafaro, et al. S.D.N.Y. (1972)	4	Handled \$65,000 a week.
U.S. v. David Marder, et al. S.D. Fla. (1971)	2	Handled \$150,000 a week.	U.S. v. Vincent Peter Pisacano, et al. S.D.N.Y. (1972)	6	Handled \$2.9 million annually.
U.S. v. Sol Titkin, et al. N.D. Ohio (1971)	2	Records showed \$200,000 business in a 5-day period.	U.S. v. Earl Benton, et al. S.D.N.Y. (1972)	7	Handled \$5,000 a day.
U.S. v. Raul Jimenez, et al. S.D.N.Y. (1971)	7	Handled \$5 million a year.	U.S. v. Norman Simon, et al. D.C. Calif. (1972)	6	Grossed \$10,000 a day.
U.S. v. Joseph Colombo, et al. E.D.N.Y. (1971)	14	Annual gross of \$10 million.	U.S. v. Richard Becker, et al. S.D.N.Y. (1972)	7	Grossed approximately \$125,000 a day.
U.S. v. Petter Tenore, et al. S.D.N.Y. (1972)	5	Handled \$10,000 a day.	U.S. v. Ronald Sacco, et al. N.D. Calif. (1972)	13	Annual gross of over \$15 million.

¹ Court-ordered electronic surveillance used in investigating the case.
² Case involved violation of 18 U.S.C. 1955.
³ Prosecution of case involved both the utilization of court-ordered electronic surveillance and a violation of 18 U.S.C. 1955.

WORKER ALIENATION

Mr. KENNEDY. Mr. President, recently, the Urban Research Corp. sponsored a seminar in New York on the changing work ethic. Previously a similar conference was held in Chicago and soon the final session will be held in San Francisco.

These conferences have produced a tremendous response from corporate management, from government management, and from labor union leadership. I believe the key element underlying this interest is a belief that we cannot afford to disregard the implications of job dis-

satisfaction and worker alienation in America today.

Many ask whether there is a great difference between today's worker and his predecessor, whether the more modern factory is more or less authoritarian, whether the connection between job satisfaction and absenteeism, work turnover, poor product quality, and even alcoholism or drug use among the workers can be proved.

At the very least, it is becoming generally accepted that these questions deserve our attention and our concern. Last year, 2 days of hearings of the Sub-

committee on Employment, Manpower, and Poverty which I chaired, demonstrated the need for further information on this subject. For that reason, I introduced legislation on this subject. A similar bill, S. 736, the Worker Alienation Research and Technical Assistance Act of 1973 has been reintroduced with 17 cosponsors.

In December, HEW issued its report on work in America. Despite the rigorous analysis of existing research completed in that effort, it was the view of most observers, including Secretary Richardson, that more data was needed, more

experimentation required, and more concern demanded of business, labor, and government in this matter.

The Urban Research Corporation has played an important role in stimulating discussion and focusing attention on this problem. I was privileged to attend the recent conference and was impressed with the workshops and with the addresses by the distinguished Senator from Illinois, Mr. PERCY, by George Gallup, Jr., of the American Institute of Public Opinion, and by Mr. Robert D. Lilley, president of American Telephone & Telegraph Co.

I would call particular attention to the report by Mr. Gallup on the latest job satisfaction surveys conducted in late January 1973, by the Gallup poll. This survey showed a 10-percent drop in the level of job satisfaction among American workers over the past 4 years and a drop of 7 points in the past 13 months alone. According to Mr. Gallup, if that trend continued in the next 4 years, half of all American workers would be dissatisfied with their jobs.

Because of the importance of this issue, I ask unanimous consent that the four addresses to the conference, including my own, be printed in the RECORD.

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

ADDRESS BY SENATOR EDWARD M. KENNEDY TO THE URBAN RESEARCH CORPORATION CONFERENCE ON THE CHANGING WORK ETHIC, NEW YORK, N.Y.

I appreciate the opportunity to address this distinguished gathering this evening.

Also, I want to commend the Urban Research Corporation for undertaking this series of seminars into "The Changing Work Ethic." The United Auto Workers, AT&T, Corning Glass Works, and General Electric Company also deserve public recognition for their role in sponsoring this conference.

Since Sunday, you have heard from academic, union and business leaders who have been spending time, resources and energies in exploring the degree of worker alienation in America, its relation to productivity and its relevance to the quality of American life.

The reason for this rising concern with the quality of work extends far deeper than a knee-jerk response to headlines of blue collar blues. For the nation today is engaged in a series of tests; a test whether it can maintain a steadily rising standard of living for its citizens, a test whether it can extend its economic bounty to those who have never enjoyed economic comfort, a test whether it can maintain the strength of the powerful economic machine that fuels our growth, and, finally, a test whether it can achieve a continuing enrichment of the quality of life in this land.

And you leaders meet today because you have the foresight and vision to know that improving the quality of life includes improving the quality of work.

The direct concern of industry and management in improving the quality of work is all too evident. For the very future of American economic growth depends on our ability to withstand the intense pressure from foreign competition. And the failure to recognize the debilitating impact of job dissatisfaction could prove to be a lethal defect in the effort to increase productivity and to maximize our competitive ability.

As former Price Commission Chairman C. Jackson Grayson Jr. said, "There is an illusion that you can get higher productivity by speedups and cost-cutting, and simply by turning out more things, more goods and

services. This is not enough. Some new realities are emerging about the quality of things we produce, about work and the quality of work, and about the quality of our lives. We must learn about and explore these realities."

Those realities are showing up in a host of studies and surveys.

George Gallup Jr. yesterday reported to this group the latest poll which showed a 10 percent drop in the past four years in the number of workers who are satisfied with their jobs.

Workers under thirty ranked the interesting nature of the work, their opportunities to develop their own special abilities and their chances for promotion higher even than more pay in a 1970 nationwide study by the University of Michigan Survey Research Center.

A survey of white blue-collar union members by the W. E. Upjohn Institute for Employment Research showed a 20 times greater willingness to change jobs among workers in monotonous and unchallenging jobs even though they were making high wages and had substantial job security.

These attitude surveys are backed up by other reports. A Bureau of Labor Statistics study showed a 36 percent increase in the average daily rate of absenteeism between 1961 and 1971. In one industrial giant, absenteeism rose 50 percent; worker turnover rose 70 percent; worker grievances rose 38 percent; and disciplinary layoffs rose 44 percent between 1965 and 1970, according to the National Commission on Productivity.

While these data do not appear directly on a company's balance sheet, we know that they mean higher costs, higher prices and ultimately lower prospects for surviving a competitive market.

There are other reasons for the nation's industrial managers to be concerned. For job discontent and dissatisfaction unquestioningly have marked effects on the quality of the product.

During 1972, while 11.2 million cars, buses and trucks were sold, 7.8 million vehicles were ordered recalled to American manufacturing plants for corrections. In other industries, spoilage in some plants is reported as high as 29 percent. And if there is one across-the-board conclusion of recent experiments to reduce worker alienation, it is that the quality of the product improves when job dissatisfaction decreases.

All over the industrial world—in Sweden, in Norway, in Italy, in Germany—industries are experimenting with ways to give workers greater participation in the work and decision making, and greater opportunity, to use and reward the skills of their heads and hands. In the United States, too often our efforts are all in the other direction. Are we improving the quality of life in this nation by paying industry enormous tax subsidies to replace workers with machines, and making the work that remains more routine and monotonous than ever?

Technology is only one part of the economic equation, an important part, but inadequate without the cooperation and collaboration of labor. In the past, industry has spent most of its capital and most of its energies to refine and polish the machine, and it has forgotten all too often that there is a human being struggling to keep pace with that machine. But the realities of modern competition and the search for ways to improve productivity and to improve quality now are producing a rising corporate awareness of the dangers and costs of worker discontent.

Labor unions have at least an equal concern with the rising evidence of this discontent. For beyond their own interest in the ability of American industry to withstand foreign competition, they have a special responsibility and a special right to represent and to speak for their members.

Through the past 35 years, unions have achieved a marked change in the status of the American worker. In job security, in wages, in fringe benefits, in working conditions—vast numbers of American workers clearly have moved beyond even their own expectations of a generation ago.

Those improvements have not come without struggle and conflict; neither have they been fully secured—particularly for non-unionized workers. Nor, in our dynamic society, are they goals that can be achieved once and for all and then forgotten.

Any discussion of the quality of work must be premised on the recognition that improvements in these aspects of the conditions of work must continue.

Workers not only have a legitimate right to expect their paychecks to outdistance the spiral in the price of the food they eat and the rents they pay, they also have a right to expect to share in the gains of productivity. And they have a right to the security of a job and to due process in any decisions affecting that security. Finally, they have a right to demand that industry observe and Federal authorities enforce occupational safety and health regulations. The killing of 15,000 workers a year and the disabling of another 2.2 million must come to an end.

Today a major oil company is facing a strike of its workers because of a threat in their work environment to their quality of life. Their strike is over more than dollars and cents. In their view, it is over life and death.

No worker is going to be satisfied with his job if he believes the machine he operates or the industrial fumes he breathes threaten his health. Meeting these needs are first on anyone's priority list of how to improve the quality of work and of how to reduce job dissatisfaction.

But today, we are finding that improvements in these primary aspects of the job are only part of the answer.

For studies have shown that job stress clearly has an effect on the mental and physical well-being of the worker. Heart disease and high blood pressure are not confined to the board room but affect other jobs as well, right down to the assembly line. Nor can we avoid the disturbing number of workers whose addiction to drugs is tied in some way to their revulsion for their job.

A U.A.W.-sponsored study showed one in every three workers under 30 surveyed used "Speed," marijuana and other drugs—many of them on the job. Other studies show similar high rates of drug use among dissatisfied white collar workers. For many of them, it is their way of coping with robot-like and repetitive jobs.

A work force that is becoming younger each year, with 22 million now under the age of 30, a work force where 80 percent have a high school diploma compared to the eighth grade average of a generation ago, and a work force that comes from a society where choice and independent thought are more highly prized than ever before—that work force no longer is going to accept dead-end jobs. Nor is that work force going to accept without protest a compulsory overtime at those jobs.

Workers want a chance to use their better education. They want a chance to contribute and to have that contribution recognized. They want a chance to be treated as free-willed human beings and not as steel-plated production tools.

Union leaders have more than studies and surveys to cause them concern. For the most forceful expression of job dissatisfaction comes from the workers themselves. They seem to be saying, as eloquently as Dostoevsky that: "To crush, to annihilate a man utterly, to inflict on him the most terrible of punishments so that the most ferocious murderer would shudder at it and dread it beforehand, one need only give him work of

an absolutely, completely useless and irrational character."

How can one mistake the cry of the worker who testifies: "... All we are left with is the dead-end job—jobs that offer little challenge to the more educated worker, little chance for advancement, and hardly any chance to participate as a worker."

Can we expect satisfaction from the worker who recalls that when a friend of his was killed in a car accident, and he took the day off to attend his funeral, he was disciplined for two days because this was an unexcused absence?

Are our institutions responsive to the complaint of a high union official who says: "The most attention the worker gets is when they sign him up. And then he is swallowed up, placed on a treadmill to oblivion, smothered by the corporation."

Or an assembly line worker who says, "Sometimes you get the feeling you want to stop this goddamned machinery... that happens all the time. You're nothing but a tool. But there's nothing you can do about it..."

Just as management and labor have specific interests in the problems of the quality of work, so too does government. For government today is the largest single employer in the country. Last week, at Airlie House, a seminar of top Federal managers met on this issue and its relationship to productivity in the public sector. The first tentative efforts to explore ways of relieving dissatisfaction in the 3 million member Federal bureaucracy will begin shortly in the Social Security Administration under the sponsorship of the National Commission on Productivity. The Commission's activities and the now well-known task force report on work in America prepared for H.E.W. are further evidence of the mounting attention being paid to the worker and to work itself in our society.

Aside from its responsibilities as an employer, government has a primary responsibility in meeting the challenge of improving the quality of life in this country.

Therefore, to try and find more definitive answers to the questions still remaining about the extent of job dissatisfaction and its relationship to economic productivity and to the quality of life, I introduced last August, with three cosponsors, the Worker Alienation Research and Technical Assistance Act. It has been reintroduced in the 93rd Congress with 17 cosponsors.

It authorizes the Secretaries of Labor and Health, Education, and Welfare to:

Conduct research to determine the extent and severity of job discontent throughout the land;

To examine methods being used here and abroad to decrease worker alienation;

To disseminate the results of this research to unions, companies, schools of management and industrial engineering and the general public;

To provide technical assistance to workers, unions, companies and state and local governments for experimental and demonstration projects in improving the quality of work;

To conduct pilot projects in Federal agencies to try and relieve worker dissatisfaction; and

To make recommendations for further legislation if necessary by December 31, 1974.

What it attempts to do is provide, on a national basis, some way of coping with the difficulties of generalizing from the information we now have available.

Government clearly can best act as a catalyst, providing a central clearinghouse of information, providing models, and providing some seed money for undertaking pilot projects in collaboration with unions and management.

But management and labor bear the major responsibility for grappling with the prob-

lems of dissatisfaction and for finding solutions.

This assembly is a heartening sign that you recognize those responsibilities. I know that numerous corporations and unions already have begun to move in this direction. The American Society for Personnel Administration reported last week that of 600 firms studied, one-fourth have tried job enrichment. How far they have pushed these experiments and with what results is not fully known. But it is clear that some managers have recognized the problem and begun to take steps to resolve it. Unfortunately they are in the minority.

While many of the experiments have produced unassailable benefits, single-shot solutions will not be the answer. Different industries will require different answers. Frederick Winslow Taylor thought scientific management was the one sure way for all plants to solve all problems. We know now that there is no sure way.

But the more prominent experiments of General Foods, A.T. & T., Corning Glass and others do offer hope that significant gains in reducing absenteeism, in reducing turnover, and in achieving moderate productivity gains can be accomplished if worker dissatisfaction is decreased.

For what workers want, as over a hundred studies have shown, is to feel that they and the work they do is important and has meaning.

Labor unions also are examining how they can respond to the problems of job discontent, and they are demanding rightfully that they be part of any management plan to seek ways of easing job pressures. It must be obvious that the least friction will result if management and labor work together in devising new work arrangements, flexible hours or other innovations.

The steelworkers participation in productivity councils, the host of progressive steps taken by the U.A.W., the job pressures committees of the Communications Workers of America—these are only three examples of progressive labor movement activity in this area.

The process for dealing with job dissatisfaction may be directly through the collective bargaining process. But other methods also may develop outside the bargaining tables as management and labor seek the benefits that reduced job dissatisfaction can bring to them both.

Perhaps one of the most promising displays of what can be accomplished when the potential of the worker is tapped occurred last fall in Fontana, Calif.

Japanese competition threatened a Kaiser Steel plant there with closing. As a last resort, management finally decided to give the union free rein in coming up with a solution. The workers rearranged the production flow; the workers altered the production schedule; the workers re-shaped the tools. The result was astonishing. Production jumped by 32 percent in three months and the quality of production jumped as well, with faulty products dropping from 29 percent to 9 percent.

In how many places can that be duplicated? No one knows. But it proves that the humanization of work is not only an end in itself. It can also be a fruitful means toward unleashing the greater potentials of our work force to meet the realities of a tough, competitive, industrializing globe.

In the future, more managers may discover that offering the worker an opportunity to participate in decisions affecting his job, an opportunity to increase his self esteem, and an opportunity to receive greater satisfaction, may prove economically beneficial to both the company and the nation.

For we must never forget that in addition to our technological genius, it is to the creativity, the commitment and the energy of American workers that our nation owes its pre-eminent role in the world. The men and

women who comprise the American work force are still the nation's greatest resource. And we forget that fact only at our own risk and at the risk of failing in our pursuit of a richer, more durable and more satisfying quality of life for all Americans.

Camus wrote: "Without work all life goes rotten. But when work is soulless, life stifles and dies."

We must act and act soon to restore the soul to work and to raise once more the spirit and quality of life in America.

ADDRESS BY SENATOR CHARLES H. PERCY BEFORE THE NATIONAL CONFERENCE ON THE CHANGING WORK ETHIC

I am honored by your invitation to speak here today on the theme of quality of work in America. I know that in this audience are the men and women who have been most adventuresome and most creative in this challenging new field. For you are helping to chip away—through experimentation, research and innovation in the American workplace—at an entrenched, authoritarian industrial system that has taken decades and decades to build.

I have asked myself why such change is so difficult, why many people have tended to resist the simple proposition that by improving the nature of jobs we can both make people better satisfied and become a more productive society.

I think the central reason why change of this kind is so difficult is that our industries have been so enormously successful. With the jobs, income and products created by America's industrial machine we have created very great prosperity and enormous economic muscle. And so we encounter the problem of institutional rigidity. If it works, why change it? And even if it doesn't seem to be working as well as it used to, we are accustomed to established ways of doing things, and have difficulty taking the mental leap that is often necessary to break our old habits and find new solutions.

We continue, for example, to think in terms of the idea that work should be broken down into increasingly finer details of specialization and that people should be organized in formal, pyramidal ways, all in the name of efficiency. But if such ideas of organization have now become obsolete because of their adverse effects on people and on the quality of output, efficiency becomes a myth. Then it is time to change.

I would like to suggest four separate but interrelated reasons why I think we are now on the brink of a major breakthrough in the effort to change our ideas about work.

First, we find we are suddenly an educationally affluent society. In quantity, if not yet in quality, Americans must be the best educated society on earth. A short generation ago, 40 percent of all American workers were high-school graduates, up from five percent in 1900. Today, almost 80 percent of the men and women under 34 have at least a high-school diploma, and a third of those go on to a year or more of college.

Second, there has been a collapse of respect for our traditional values and institutions, as documented both by our own observations and national surveys. A Harris poll revealed, for example, that public confidence in the executive branch of government fell from 41 percent to 27 percent between 1966 and 1972; confidence in Congress dropped from 42 percent to 21 percent; confidence in corporations, from 55 percent to 27 percent.

Third, we are becoming perhaps a more conservative, individualistic society. President Nixon's call for a return to individual responsibility finds a response in all levels of the contemporary public, perhaps as a reaction to the fact that many of the Great Society's programs have—unfortunately—not delivered what they promised.

Fourth, I perceive an acute feeling that some parts of the giant, all-powerful industrial machine that we built in the great pe-

riod of American industrial expansion since the Civil War have developed profound shortcomings. There is a strong feeling that managerial and labor institutions have sometimes grown too rigid. Too often they have become selfish, insensitive to the needs of consumers and blind to the broader needs of our society. There is a growing feeling that American productive know-how is no longer considered, —and might never again be—the last best hope for solution of the earth's pressing problems.

These forces have measurably changed almost every social institution in the country from marriage and family through community, church and school. In some cases—for example, the educational establishment—they have been transfiguring.

But, for the most part, the forces visibly whipsawing our society have operated, and continue to operate, outside the plant gate and office door.

As a social institution, the American workplace has stubbornly remained virtually the last redoubt of yesterday's values.

This is the key to the need now for a new awareness of work quality: Americans who work have significantly changed. But the work they perform and the way they are organized to perform it have not changed.

In the way we structure and organize work, we frequently seem to apply the old paternalistic notions that father—or management—knows best; and that the children—or employees—should be neither expected nor permitted to ask how or why. A question-asker is frequently considered a troublemaker because his questionings seem to challenge the institution itself. In many of our organizations, the suggestion box is considered proof of enlightenment. Both management and labor tend to view the worker as a person whose value stems only from his function as a fractional part of the vast productive machine.

These attitudes, and the systems that are built on them, are now under serious attack, and I wholeheartedly join in it.

Outside the plant gate or office door is the new American: A future-oriented, demanding, expectant, educated, freedom-loving individual. Inside that gate or door this interesting, creative, inventive American is required to conform to a past-oriented, authoritarian, hierarchical, class-based, freedom-fearing social system.

Is there any wonder then that, in the past two years, the national media have given us example after example of the grinding effects of old-style jobs on new workers? Two *Washington Post* investigative reporters, Haynes Johnson and Nick Kotz, wrote in a major series of articles based on months of interviewing that:

"The worker's complaint is simple. He says he hates the job, particularly the monotonous factory job. At times he hates it so much that he deliberately will throw a monkey wrench in the machinery, or turn to drugs to escape the boredom. To him, whether the job is better than it used to be or pays more and gives greater benefits is beside the point."

Again and again the same theme is stressed: In spite of more pay and benefits than ever before, all kinds of working men and women, "blue collar" and "white collar," are unhappy in their work, and thus unhappy and unfulfilled in a large and very important part of their lives.

In my recent Senate campaign in Illinois this fact was brought home to me again and again. In countless encounters with people in their places of work, it was acutely clear to me how frustrated people seem to be in their jobs.

To me, the fact of job dissatisfaction and the need for a new quality in work is a very clear, very compelling problem.

To my surprise, this conclusion is not as widely accepted as I had thought. I find that the idea is often labelled a fad; it is derogated as pop sociology, or sidewalk psychol-

ogy. It is even called a threat to free enterprise.

These attitudes are echoed in government, where I have discovered there is a stronger urge to study the problem of worker alienation and job dissatisfaction than there is to do something about it.

We already have a great deal of knowledge—enough to warrant action. We have the results of successful quality of work experiments, some of which are being discussed in this conference. To me, they are proof enough both that there is an immediate and perceivable problem, and that there are available techniques of solving the problem.

A negative way to analyze this problem is to view the cause as worker alienation, to believe that there is something wrong with the American worker—that he is newly prone to alcoholism and drug abuse, that he is innately rebellious, that he bears an in-born grudge against the industrial organization, rather than against the nature of the work he is asked to do. I believe that this is just plain wrong. I believe Americans want to express themselves in creative, valuable ways and that we can so structure their work. Simply measuring how alienated or dissatisfied we have become is nothing more than a superbly bureaucratic way to avoid facing and solving the problem.

The costs to our society of increasing worker frustration are only beginning to be studied, but there is some evidence that profound dissatisfaction with work has a kind of polluting effect on the larger society.

The dissatisfied worker doesn't just shrug off the bad psychological effect of his frustration. It is often expressed in anti-social, harmful, unproductive ways—in absenteeism, high quit rates, wildcat strikes, sabotage, poor quality; in drugs and alcohol addiction, aggression, and delinquency; in a decline in physical and mental health, family stability, and community participation and cohesiveness.

For all these reasons government has a stake and must take part in changing the conditions of work in America. Government can help by creating demonstration projects that reorganize work on the basis of quality of work principles. The Quality of Work Programs of the National Commission on Productivity is gearing up to provide such assistance through advice and seed-money.

But the primary responsibility for improving the quality of work lies with the private sector. What can labor and management do together to implement job satisfaction programs?

I suggest the following kinds of initiatives, both for companies and unions:

Question old ways of organizing work.
Find ways to put highly fragmented, fractionated jobs back together into whole jobs.
Use the workers' own knowledge and insights to design work so that they can begin to participate in the management of their jobs, and thus have a personal stake in good job performance.

Look especially closely for unnecessary levels of supervision: There is nothing more damaging to a responsible individual than the lack of trust constantly shown by subjecting his work to unnecessary oversight. Instead, find ways to permit the employee and his co-workers to check their own work.

Most important, stop thinking that you, the manager, the industrial engineer, the fellow with the degree, know all there is to know about the job, the plant and its people. The more you ask the people who do the work how to improve it, the more you'll learn from them.

And finally, share the rewards of increased productivity. Design incentive pay plans based on worker teams or identifiable worker groups, so that the people who work together to increase productivity get the rewards of their group effort.

I am pleased that an amendment I offered to the 1971 Economic Stabilization Act

Amendments to provide an exemption from wage controls for incentive pay plans seems to have worked: 75 such plans have been approved for 85 companies in the nine full months since the plan has been available. Though pay alone has been shown to matter increasingly less, particularly to younger workers, it is still an important motivator.

These types of quality of work techniques have worked. One of the leading corporations of my state, Motorola, has dismantled one of its old assembly lines and put jobs back together. One worker now assembles a complex piece of electronic equipment. This has required patience and it has not been cheap, but the experiment has paid off in terms of higher quality and a more satisfied work force.

The NBC-TV *First Tuesday* program on March 6 impressed me deeply because it showed first-hand how workers involved in quality of work efforts respond to their experience. I've taken this statement by an installer for Chesapeake and Potomac Telephone Company in Northern Virginia from the program's transcript:

"I was ready to quite at one time, 'cause I felt the telephone company had no use for me: I was just another body that came in daily, did what I was told to do, and gave them their answers just the way they wanted them. Now I've got my own area I take care of, and as far as I'm concerned I'm the telephone company, the whole telephone company, in this certain area. It really develops a sense of responsibility and pride in your job, something that I didn't have before."

To me, this is a perfect example of a human response to responsibility and trust. It shows the persistent, obstinate hunger a man has for pride in his work.

I know that many of you can provide similar examples from your own immediate experience. I can only reiterate that it is in your interest—and in the national interest—that we build on these successful experiences and accelerate our efforts to expand them.

We have wonderful raw material to work with: A work force that is well-educated, creative, vigorous, and willing—when motivated. The result will be better use of our human resources—which benefits everyone. Quality of work is as effective for affluent whites as for poor minorities. Its goal is to improve work and utilize American human potential. It is an everybody-wins effort because it improves the quality of working life and at the same time makes us a more productive, more competitive, better fulfilled society.

Quality of work is an idea whose time has come. You represent the groups that have the power to implement it. Your survival and our future national economic strength may well depend upon your decisions and the extent of your commitment.

HOW MUCH IS THE AMERICAN WORK ETHIC CHANGING?

(By George Gallup, Jr., President, American Institute of Public Opinion)

Mr. Naisbitt, Ladies & Gentlemen. At the investigation of Mr. Naisbitt and the Urban Research Corporation, the Gallup Organization sought to seek fresh insight regarding the current status of the work ethic in America. I think we've come up with some important findings and I'm pleased to report these to you tonight for the first time.

Our findings lead to the conclusion is that there are absolutely no problems—so there will be no conference and you can all go home.

Much valuable information has been produced by the flood of books and article about worker dissatisfaction and productivity—about the so-called "blue collar blues" and the "white-collar woes". At the same time, however, the conclusions are frequently contradictory and range from the belief that work has suddenly become a four-letter word in this country to the belief that the problem of worker dissatisfaction exists only

in the minds of sociologists looking for something to worry about.

The fact remains, however, that our nation in recent years has faltered in making real gains in productivity. Actually, since 1965, the U.S. has demonstrated the worst productivity record of any major power. Attitudes on work clearly differ from country to country. There are certain very obvious signs. In Japan, workers lustily sing songs which ring with the praises of their company or employer. Can you imagine American workers marching along, with voices raised in unison, singing "Fight on for United Conglomerate"?

At any rate, the U.S. government for some time has been worrying about how to increase productivity in this country, which would help relieve inflationary pressures and make American products more competitive in world markets.

I think all of us would agree that there is much to be learned about the mood of workers in the United States—about attitudes on the "work ethic"—and that we should do all we can to gain this knowledge. If, as some observers feel, worker dissatisfaction is limited to a vocal minority, it is still true that, in the case of a nation's workforce, "a little dissatisfaction goes a long way."

As you know, a government task force recently produced a report entitled "Work in America". This conclusion was drawn:

Because work is central to the lives of so many Americans, either the absence of work or employment in meaningless work is creating an increasingly intolerable situation. The human costs of this state of affairs are manifested in worker alienation, alcoholism, drug addiction and other symptoms of poor mental health. . . . A great part of the staggering national bill in the areas of crime and delinquency, mental and physical health, manpower and welfare are generated in our national policies and attitudes toward work.

Trying to increase productivity is an extremely difficult task since many factors are involved—technology, economic controls, social welfare programs, and "make-work" projects or "feather-bedding"—which is, as you know, the practice of some labor unions of requiring more men than are actually needed to do a particular job.

The practice of feather-bedding is currently under fire from some quarters since it runs head-on into the drive to increase productivity in this country.

A recent Gallup Poll shows that a majority of Americans, 55 per cent, would like to see a law passed which would outlaw feather-bedding. Of particular interest are the views of persons in labor union families. The results show as many union people against feather-bedding as in favor of it.

While many factors are involved in the attempt to increase the productivity rate in the United States, one factor of vital importance is, of course, the attitudes of workers. Newsweek in its recent excellent cover article, "Who Wants to Work", said:

"The mood of this vast work force is obviously of tremendous importance to the country as a whole as well as to the individuals themselves. Worker attitudes affect productivity—how competitive the nation is versus nations such as Japan and how high America's standard of living can go. On a more philosophic but no less significant level, a nation's attitude toward work is a reflection of its sense of itself. The work ethic President Nixon is so fond of celebrating involves not only a job but a way of life."

We at the Gallup Organization have only begun to research the problem of worker dissatisfaction and productivity. However, in a recent nationwide survey, which I am reporting for the first time, we sought to turn over new ground. Specifically, we attempted to:

1. Take an up-to-date reading on worker satisfaction, using a social indicator which

we first used nearly a quarter of a century ago.

2. Measure the degree of satisfaction or dissatisfaction.

3. Find out among which groups dissatisfaction is concentrated.

4. Determine as nearly as possible the reasons people have for being dissatisfied—or satisfied—with their work.

5. Learn what we can do about how hard Americans are working and to find out why they don't work harder.

6. And, finally, to gain some insight into the relationship between job satisfaction and productivity.

The survey reached 1,520 adults, 18 and older, in personal interviews conducted in late January in more than 300 scientifically selected localities across the nation. The findings can be projected to the total adult civilian non-institutionalized population which now numbers approximately 136 million.

Before presenting our latest findings, I would like to comment briefly on the Gallup Poll findings presented in the *Newsweek* article. The article said:

"But in actual fact, the thesis that most Americans are indeed contented with their jobs finds powerful support among public-opinion specialists and some thinkers.

"For example, a Gallup Poll reports that, contrary to what HEW and the others say, eight out of ten Americans are satisfied with the work they do. And the situation is getting better, not worse, says Gallup. Back in 1949, 'three out of ten whites and nearly half of blacks said they were dissatisfied or had qualifications about the work they were doing' vs. the two out of ten for today, according to Gallup."

While this statement is indeed true—there is a big difference between 1949 and today in terms of job satisfaction—we have a still later figure than the proportion quoted in *Newsweek* and it shows a change.

Now I would like to give our latest survey results. The first finding that stands out is the finding that job satisfaction in the U.S. remains extremely high—77 adults in every 100 say they are satisfied with the work they do. This is not only a high proportion in itself, but it is high when compared to data from other nations. For example, job satisfaction in Great Britain, according to a Gallup Poll taken last year, was at 68 per cent.

In addition, nearly half of all persons interviewed (48 per cent) in our latest survey say they are "very satisfied". Only 11 per cent say they are dissatisfied and a very small proportion say they are "very dissatisfied"—only 3 per cent.

But the next point is equally important. While job satisfaction remains high, the trend over the last four years merits close attention, inasmuch as it shows a 10 point drop in job satisfaction over the period of four years. Between the two latest surveys, only 13 months apart, the decline has been 7 points. Projected to numbers of people, this means that roughly three-quarters of a million people left the ranks of the satisfied each month during this 13 month period. If this rate were to continue, the job satisfaction index would be at about the 50 per cent level in only four years time.

But before becoming overly alarmed, we should examine the trend more closely. It will be seen that, while the satisfaction percentage has dropped 7 points in just a little over a year, there has not been a corresponding increase in the percentage who say they are dissatisfied. In fact, more than half of those who have left the ranks of the satisfied during the last 13 months can now be found among those who express "no opinion" or uncertainty.

This, I think, can be considered good news, since it should be easier to win back those who are wavering than those who are firmly dissatisfied.

And it is this group of persons who are

presently neither definitely satisfied nor definitely dissatisfied who, presumably, would be particularly susceptible to recent efforts to improve the mood of workers and promote productivity.

A survey, of more than 600 firms, recently conducted by Prentice-Hall and the American Society for Personnel Administration, and reported in the *Wall Street Journal*, shows that almost half have formal work-measure plans and 20 per cent of those plan to expand them. One-fourth of the firms have tried job enrichment, and two out of three are pleased with the impact on output. Many say they will expand efforts to improve employee job satisfaction. About 46% of the companies tie incentive pay to work measurements.

Analysis of the survey findings by occupation groups, sex, education, age and race reveal this important finding: the decline in job satisfaction since 1969 has been "across-the-board." This would indicate that the sources for this dissatisfaction—or uncertainty—must be looked for not only on the production line but behind the sales counter and in the board room.

At the same time, however, the decline in job satisfaction has been particularly marked in the case of Blacks and young persons.

A possible reason for the sharp decline in job satisfaction among Blacks is the fact that they are particularly hard hit by inflation, since many have relatively low incomes.

The trend among young people should be examined carefully. It is vitally important to look at the attitude of young persons in the work force, since they will provide much of the energy and creativity behind productivity for the remaining quarter of this century.

It is perhaps to be expected that young adults in their twenties would not be as bullish about work as older persons, since many are in the process of trying to settle into a job that suits them. Yet the tables show an accelerated trend. While job satisfaction has declined 8 points since 1969 among persons 30 to 49 years old, and 9 points among those 50 and over, the drop has been 14 points among adults under 30 years of age.

Job satisfaction has declined somewhat over the last four years, but this trend should not be read apart from other trends.

Since 1949 the Gallup Poll has employed social indicators which reveal satisfaction levels in terms of housing, income, education, and so forth. When satisfaction with housing, income and education were on an upswing, between 1949 and 1969, job satisfaction showed a comparable uptrend. And the decline in job satisfaction since 1969 has been accompanied by downtrends in terms of housing, income and education.

In addition, a close relationship between job satisfaction and other satisfactions is found when the views of those who are satisfied with their work are compared with those who are not, as revealed by the table in the report. In the case of every item there is a wide difference in views—satisfaction with income, quality of life, housing, standard of living, the future facing one's family, the education of one's children, the way the nation is being governed.

Another important factor related to a decline in job satisfaction could be worry over inflation. Recent Gallup surveys show six in every ten persons naming inflation as one of the nations' two top problems. The public's current concern about high prices is underlined by a recent Gallup survey on the cost of living. The median estimate of what a family of four needs per week to make ends meet has climbed dramatically to a record high of \$149 today, representing a nearly 50 per cent increase since 1967, when the estimate was \$101.

Now, let's examine the key background characteristics of the "very satisfied" worker versus the "very dissatisfied" worker. A profile of the person who is "very satisfied" with his job reveals that he is likely to be white,

middle-aged, with a college background, and in business or the professions.

In sharp contrast is the "very dissatisfied" worker. Here is his profile: He is likely to be non-white, young, with less than a college background and an unskilled manual worker.

Those who said they were satisfied were asked to give their reasons.

The chief reason is "enjoyment of their work", named by 39 per cent, followed by "good pay", named by 17 per cent and the belief that their work "helps society", offered as a reason by 15 per cent.

Of particular significance is the fact that, among persons who have a college background, as many give as their main reason the belief that their work "helps society" as name enjoyment of their work.

More than one observer has expressed the belief that the fastest cure for worker dissatisfaction is a fat pay check. Yet when we examine the reasons given by wage earners who are dissatisfied with their jobs, non-pecuniary reasons are seen to outweigh the money factor. I must stress, however, that the sample base is small for this table and the results are therefore subject to considerable sampling error.

A key question is—what is the relationship between job classification and productivity? One doesn't need a survey to draw the conclusion that a happy worker is going to be more active and a better producer than a disgruntled and unmotivated worker. The question is, to what extent is there a relationship?

A cross-tabulation of survey findings is most revealing on this score. Among those in the survey who say they are "very satisfied" with their jobs, 22 per cent say they could accomplish thirty per cent or more per day. In sharp contrast, among those in the survey who say they are "very dissatisfied" with their jobs, 38 per cent say they could accomplish thirty per cent or more per day.

Fifty-one per cent of persons in the latest survey think Americans are not turning out as much work each day as they should, with the proportion six in ten among persons in business or the professions.

When asked if they themselves could accomplish more each day if they tried, a majority of 54 per cent said yes. Among young persons the figure is 67 per cent.

Asked how much more they could accomplish, 4 in 10 in the national sample said 20 per cent or more.

Why don't people work harder? Good solid clues as to the appropriate steps that should be taken, both by business and government, are seen in the answers people give for not trying to accomplish more each day.

Some workers apparently feel they would not benefit from making a greater effort and increasing their productivity. Some, particularly young adults, cite "lack of incentive". Others say they would not get paid for accomplishing more, while still others indicate a lack of interest in their work.

The findings I have presented here tonight seem to me to give clear indication that worker morale in the United States is not on the verge of collapse—that the typical American in both white-collar and blue-collar jobs, is, by and large, content.

But I think it is also true that there is a greater degree of discontent today than we have found for a number of years—particularly among young persons. I think it is safe to say that young workers dissatisfied with their jobs pose a growing threat to U.S. industrial output.

With the steady rise in formal education in this country, youth have come to expect more—and so they will increasingly be asking questions such as: What is my company doing to help society as a whole? Where do I fit into the picture—will my efforts contribute to the greater good of society? Unless the young worker of today can answer these

questions to his own satisfaction, he will not be putting his best effort into his work—and the productivity level in this country can be expected to slide.

JOB SATISFACTION

"On the whole, would you say you are satisfied or dissatisfied with the work you do?"

NATIONWIDE

[In percent]

	Satisfied	Dissatisfied	No opinion
January 1949.....	67	20	13
July 1963.....	85	11	4
September 1965.....	82	13	5
November 1966.....	86	8	6
-10 pts.:			
April 1969.....	87	7	6
December 1971.....	84	9	7
January 1973.....	77	11	12

Job satisfaction—Degree of satisfaction and dissatisfaction

Percent

Very satisfied.....	48
Somewhat satisfied.....	22
Undecided.....	7

Total satisfied..... 77

Very dissatisfied.....	3
Somewhat dissatisfied.....	7
Undecided.....	1

Total dissatisfied..... 11
No opinion..... 12

Grand total..... 100

JOB SATISFACTION—MANUAL WORKERS

[In percent]

	Satisfied	Dissatisfied	No opinion
1949.....	61	26	13
1963.....	67	31	2
1965.....	80	14	5
1966.....	86	9	5
-5 pts.:			
1969.....	86	10	4
1971.....	84	12	4
1973.....	80	13	9

JOB SATISFACTION—CLERICAL AND SALES (WHITE-COLLAR)

[In percent]

	Satisfied	Dissatisfied	No opinion
1949.....	70	19	11
1963.....	78	19	3
1965.....	82	13	5
1966.....	89	8	3
+11 pts.:			
1969.....	92	5	3
1971.....	86	12	2
1973.....	81	13	6

JOB SATISFACTION—PROFESSIONAL AND BUSINESS

[In percent]

	Satisfied	Dissatisfied	No opinion
1949.....	80	11	9
1963.....	76	20	4
1965.....	92	7	1
1966.....	94	5	1
-8 pts.:			
1969.....	93	4	3
1971.....	93	4	3
1973.....	85	10	5

JOB SATISFACTION—BY SEX

[In percent]

	Satisfied	Dissatisfied	No opinion
MEN:			
1949.....	67	19	14
1963.....	87	10	3
1965.....	84	11	5
1966.....	86	8	6
-10 pts.:			
1969.....	88	7	5
1971.....	83	12	5
1973.....	78	12	10

	Satisfied	Dissatisfied	No opinion
WOMEN			
1949.....	66	22	12
1963.....	84	10	6
1965.....	80	14	6
1966.....	86	8	6
-11 pts.:			
1969.....	87	7	6
1971.....	84	7	9
1973.....	76	10	14

JOB SATISFACTION—EDUCATION

[In percent]

	Satisfied	Dissatisfied	No opinion
COLLEGE			
1949.....	78	11	11
1963.....	92	6	2
1965.....	89	8	3
1966.....	91	6	3
-7 pts.:			
1969.....	91	6	3
1971.....	88	7	5
1973.....	84	10	6
HIGH SCHOOL			
1949.....	70	21	9
1963.....	86	11	3
1965.....	86	10	4
1966.....	87	9	4
-14 pts.:			
1969.....	89	7	4
1971.....	84	10	6
1973.....	75	13	12
GRADE SCHOOL			
1949.....	59	23	18
1963.....	80	12	8
1965.....	71	19	10
1966.....	81	9	10
-10 pts.:			
1969.....	81	8	11
1971.....	78	10	12
1973.....	71	9	20

JOB SATISFACTION—BY AGE

[In percent]

	Satisfied	Dissatisfied	No opinion
UNDER 30 YEARS			
1949.....	66	24	10
1963.....	79	14	7
1965.....	79	14	7
1966.....	87	10	3
-14 pts.:			
1969.....	86	10	4
1971.....	82	12	6
1973.....	72	20	8
30-49 YEARS			
1949.....	73	20	7
1963.....	87	11	2
1965.....	86	13	7
1966.....	87	11	2
-8 pts.:			
1969.....	91	6	3
1971.....	87	9	4
1973.....	83	9	8
50 AND OVER			
1949.....	58	19	23
1963.....	83	9	8
1965.....	80	9	9
1966.....	85	5	10
-9 pts.:			
1969.....	83	7	10
1971.....	81	8	11
1973.....	74	7	19

JOB SATISFACTION—BY RACE

[In percent]

	Satisfied	Dissatisfied	No opinion
WHITES			
1949.....	69	19	12
1963.....	90	7	3
1965.....	87	8	5
-8 pts.:			
1969.....	88	6	6
1971.....	85	9	8
1973.....	80	10	10

	Satisfied	Dis-satisfied	No opinion
NONWHITES			
1949.....	55	33	12
1963.....	54	33	13
1966.....	69	18	13
-23 pts.:			
1969.....	76	18	6
1971.....	68	21	11
1973 ¹	53	22	25

¹ Results for nonwhites for 1973 based on only 1 survey and therefore subject to wide sampling error.

Profile of the person "Very Satisfied" with his job

	Percent
National.....	48
Whites.....	50
Non-Whites.....	26
College.....	53
High school.....	47
Grade school.....	43
18-29 years.....	41
30-49 years.....	53
50 and over.....	47
Professional and business.....	55
Clerical and sales.....	51
Manual labor.....	48
Skilled.....	52
Unskilled.....	45
\$15,000 and over.....	55
\$10,000-\$14,999.....	47
\$7,000-\$9,999.....	59
\$5,000-\$6,999.....	47
\$3,000-\$4,999.....	37
Under \$3,000.....	26

Profile of the person "Very Dissatisfied" with his job

	Percent
National.....	11
Whites.....	10
Non-whites.....	22
College.....	10
High school.....	13
Grade school.....	9
18-29 years.....	20
30-49 years.....	9
50 and over.....	7
Professional and business.....	11
Clerical and sales.....	13
Manual labor.....	14
Skilled.....	8
Unskilled.....	18
\$15,000 and over.....	10
\$10,000-\$14,000.....	11
\$7,000-\$9,999.....	10
\$5,000-\$6,999.....	15
\$3,000-\$4,999.....	15
Under \$3,000.....	10

Job satisfaction—Reasons satisfied (wage earners, nationwide)

	Percent
1. Enjoy my work.....	39
2. Good pay.....	17
3. Helps society.....	15
4. Like people work with.....	11
5. Interesting work.....	8
6. Good working conditions.....	7
7. Challenging job.....	5

Job satisfaction—Reasons satisfied (wage earners, college)

	Percent
1. Helps society.....	30
2. Enjoy my work.....	30
3. Good pay.....	15
4. Interesting work.....	13
5. Like people work with.....	10
Challenging job.....	10
6. I work my own time.....	5

Job satisfaction—Reasons satisfied (wage earners, 18-30 years)

	Percent
1. Enjoy my work.....	37
2. Help society.....	17
3. Like people work with.....	16
4. Good pay.....	15
5. Interesting work.....	13
6. Challenging job.....	6
Good working conditions.....	6

Job dissatisfaction—Reasons dissatisfied (wage earners, nationwide)

	Percent
1. Poor wages.....	34
2. Boring job.....	20
3. Not doing what I want to.....	17
4. Have to work too hard.....	10
5. Being held back.....	9
6. Hours too long.....	8
7. Not many benefits.....	5

JOB SATISFACTION RELATED TO OTHER SATISFACTIONS¹

	Those satisfied with job (percent)	Those dissatisfied with job (percent)	Difference (pts.)
a. Satisfied with income.....	68	34	34
b. Satisfied with quality of life.....	79	48	31
c. Satisfied with housing.....	77	51	26
d. Satisfied with standard of living.....	81	55	26
e. Satisfied with future facing you and your family.....	61	36	25
f. Satisfied with education children are receiving.....	62	45	17
g. Satisfied with way Nation is being governed.....	39	22	17

¹ Based on 1971 surveys.

Relationship between job satisfaction and productivity

(NOTE.—Percent saying could accomplish 30% or more per day.)

	Percent
Those "very satisfied" with job.....	22
Those "very dissatisfied" with job.....	38

Productivity

"Some persons claim that American workers are not turning out as much work each day as they should. Do you agree or disagree with this?"

	Percent
National.....	51
Men.....	57
Women.....	47
College.....	58
High school.....	51
Grade school.....	42
Under 30 years.....	45
30-49 years.....	53
50 and over.....	54
Professional and business.....	60
Clerical and sales.....	63
Manual workers.....	45

Productivity—Self appraisal

"In your own case, could you accomplish more each day if you tried?"

	Percent
Percentage of saying Yes:	
National.....	54
Men.....	53
Women.....	55
College.....	64
High school.....	55
Grade school.....	40
Under 30 years.....	67
30-49 years.....	60
50 and over.....	39
Professional and business.....	66
Clerical and sales.....	67
Manual workers.....	52

Productivity

"How much more could you accomplish each day if you tried?" (asked of those who say they could accomplish more)

	Percent
Ten percent.....	14
Twenty percent.....	16
Thirty percent.....	10
Forty percent.....	4
Fifty percent.....	5
Over 50 percent.....	3
Do not know/no answer.....	2
Total.....	54

Productivity—Why not try to accomplish more? (Wage earners, nationwide)

	Percent
1. No incentive.....	6
2. I do not push myself.....	5
3. I lack initiative.....	4
Too many things to do at once.....	4
4. Do not get paid for accomplishing more.....	3
5. No one else does—why should I?.....	3
6. Disinterested in work.....	3
7. Get too tired.....	3
8. Health problems limit me.....	3

Productivity—Why not try to accomplish More? (Wage earners, 18-32 years)

	Percent
1. No incentive.....	11
2. I lack initiative.....	8
3. Disinterested in work.....	6
Don't push myself.....	6
4. Too many things to do at once.....	5
Get too tired.....	5

DESIGN OF THE SAMPLE

The design of the sample is that of a replicated probability sample down to the block level in the case of urban areas and to segments of townships in the case of rural areas. After stratifying the nation geographically and by size of community in order to insure conformity of the sample with the latest available estimates by the Census Bureau of the distribution of the adult population, about 320 different sampling locations or areas were selected on a strictly random basis. The interviewers had no choice whatsoever concerning the part of the city or county in which they conducted their interviews.

Approximately 5 interviews were conducted in each such randomly selected sampling point. Interviewers were given maps of the area to which they were assigned, with a starting point indicated, and required to follow a specified direction. At each occupied dwelling unit, interviewers were instructed to select respondents by following a prescribed systematic method and by a male-female assignment. This procedure was followed until the assigned number of interviews was completed.

Since this sampling procedure is designed to produce a sample which approximates the adult civilian population (21 and older) living in private households in the U.S. (that is, excluding those in prisons and hospitals, hotels, religious and educational institutions, and on military reservations), the survey results can be applied to this population for the purpose of projecting percentages into number of people. The manner in which the sample is drawn also produces a sample which approximates the population of private households in the United States. Therefore, survey results can also be projected in terms of number of households when appropriate.

SAMPLING TOLERANCES

In interpreting survey results, it should be borne in mind that all sample surveys are subject to sampling error, that is, the extent to which the results may differ from what would be obtained if the whole population surveyed had been interviewed. The size of such sampling errors depends largely on the number of interviews.

The following tables may be used in estimating the sampling error of any percentage in this report. The computed allowances have taken into account the effect of the sample design upon sampling error. They may be interpreted as indicating the range (plus or minus the figure shown) within which the results of repeated samplings in the same time period could be expected to vary, 95 per cent of the time, assuming the same sampling procedure, the same interviewers, and the same questionnaire.

Table A shows how much allowance should be made for the sampling error of a percentage.

The table would be used in the following manner: Let us say a reported percentage is 33 for a group which includes 1500 respond-

ents. Then we go to row "percentages near 30" in the table and go across to the column headed "1500." The number at this point is 3, which means that the 33 per cent obtained in the sample is subject to a sampling error of plus or minus 3 points. Another way of saying it is that very probably (95 chances out of 100) the average of repeated samplings would be somewhere between 30 and 36, with the most likely figure the 33 obtained.

In comparing survey results in two samples, such as men and women, the question arises as to how large must a difference between them be before one can be reasonably sure that it reflects a real difference. In tables B and C, the number of points which must be allowed for, in such comparisons, is indicated.

Two tables are provided. One is for percentages near 20 or 80; the other for percentages near 50. For percentages in between, the error to be allowed for is between that shown in the two tables.

Here is an example of how the tables would be used: Let us say that 50 per cent of men respond a certain way and 40 per cent of women respond that way also, for a difference of 10 percentage points between them. Can we say with any assurance that the 10-point difference reflects a real difference between men and women on the question? The sample contains approximately 750 men and 750 women.

Since the percentages are near 50, we consult Table B, and since the two samples are about 750 persons each, we look for the

number in the column headed "750" which is also in the row designated "750." We find the number 6 here. This means that the allowance for error should be 6 points, and that in concluding that the percentage among men is somewhere between 4 and 16 points higher than the percentage among women we should be wrong only about 5 per cent of the time. In other words, we can conclude with considerable confidence that it amounts to at least 4 percentage points.

If, in another case, men's responses amount to 22 per cent, say, and women's 24 per cent, we consult Table B because these percentages are near 20. We look in the column headed "750" and see that the number is 5. Obviously, then, the 2-point difference is inconclusive.

TABLE A.—RECOMMENDED ALLOWANCE FOR SAMPLING ERROR OF A PERCENTAGE

	In percentage points (at 95 in 100 confidence level) ¹ sample							In percentage points (at 95 in 100 confidence level) ¹ sample						
	1500	1000	750	600	400	200	100	1500	1000	750	600	400	200	100
Percentages near 10.....	2	2	3	3	4	5	7	3	4	4	5	6	8	11
Percentages near 20.....	2	3	4	4	5	7	9	3	4	4	4	6	8	10
Percentages near 30.....	3	4	4	4	6	8	10	2	3	4	4	5	7	9
Percentages near 40.....	3	4	4	5	6	8	11	2	2	3	3	4	5	7
Percentages near 50.....	3	4	4	5	6	8	11	2	2	3	3	4	5	7

¹The chances are 95 in 100 that the sampling error is not larger than the figures shown.

TABLE B.—RECOMMENDED ALLOWANCE FOR SAMPLING ERROR OF THE DIFFERENCE

Size of the sample:	In percentage points (at 95 in 100 confidence level); ¹ percentages near 20 or percentages near 80			
	750	600	400	200
750.....	5	5	6	8
600.....	5	6	7	10
400.....	6	6	8	10
200.....	8	8	8	10

¹The chances are 95 in 100 that the sampling error is not larger than the figures shown.

TABLE C

Size of the sample:	Percentages near 50			
	750	600	400	200
750.....	6	7	8	10
600.....	7	8	10	12
400.....	7	8	10	12
200.....	10	10	10	12

It's THEIR COMPANY, TOO
(By Robert D. Lilley, President, American Telephone and Telegraph Co.)

The participation in a meeting such as this by representatives from business, labor, government and education is, I feel, a clear demonstration that America is genuinely concerned about its working people. If there is a single theme that has prevailed here, it is this: we are serious indeed about finding—and implementing—responsive, innovative means of meeting the changing needs and expectations of working men and women.

It is imperative for all concerned that we reach a fuller understanding of what can be done to provide an environment in which employees can perform to the best of their ability, and, when they go home at night, feel that it was worth it.

Needless to say, this isn't an easy task we have assigned ourselves. In the Bell System, for example, we have one million employees, and they range from the messenger who dropped out of high school to the scientist from M.I.T.; from the installer with six months' service to the foreman who has four decades of experience; from the programmer who works in a comfortable office to the splicer who must be outside in all kinds of bad weather. Our efforts, whatever they are, need to be directed to all of them.

How successfully we meet the challenge will bear strongly on how well we, as a corporation or a government agency or whatever, perform our function. For the Bell System, that function is service. Each business day of the year, some 400 million messages are carried on our nationwide telecommunications network. That means 400 million contacts a day with our customers, and that isn't counting the many, many face-to-face contacts that occur every day of the year. Not everyone making a call actually talks to a telephone employee, of course, but one way

or another the question of whether customers get the kind of service they want depends to a large extent on how well our people have done their job.

So the attitudes—the work ethics, if you will—of employees is of particular concern to us, as it is to any organization with service responsibilities.

A couple of months ago I talked to a group of retired telephone people, and I knew that one of the things they most wanted to hear about was today's telephone employees. What kind of people are they? What kind of job do they do? Do they have the same spirit of service that their predecessors had? These are reasonable questions, especially when there seems to be an increasingly popular notion that young Americans don't like to work and they make cantankerous, rebellious employees who do a slipshod job.

I'll tell you what I told them: Most of the young men and young women coming into the telephone business today—like most of our longer-service employees—are good workers. What's more, they display a very real desire to serve the public well. I assured the audience that these are people who take pride in their work—and who we can take pride in.

We ended 1972 with only about 400 more employees than we started the year with. Yet at year's end we were handling a volume of business fully 10 per cent higher than we were at the beginning. Taking a closer look at this, the traditional measure of productivity in the telephone business is the number of employees it takes to serve 10,000 telephones. In 1971 it took 77 employees to serve 10,000 phones. Last year it took 73. We could not have accomplished that kind of increased productivity if our younger employees—who account for more than 50 per cent of our total work force—were lazy or non-productive.

There is no question, however, that there

are important differences between yesterday's and today's employee, and that some of these differences are revealed in the attitudes and priorities that young people bring to the job.

They tend to reject jobs that are menial, unpleasant or boring. They resent arbitrary displays of authority. They are turned off by policies or work rules which seem to unduly restrict their freedom or undermine their individuality. Yesterday's employee felt the same way, but today's employee is quicker to let you know about it.

Where once it was thought that good wages, job security and attractive fringe benefits were enough to insure hard work, high productivity and employee loyalty, we are witnessing the emergence of a new dimension in employer-employee relations. It isn't that economic priorities aren't still important to working people, but an increasing number of employees now want—and expect—more from their jobs. They want to derive some sense of satisfaction from work. They want their hours spent on the job to be interesting and challenging. They want a chance to get ahead.

It is factors such as these—and a good many more—that are creating what we are now calling the changing work ethic. While some of the changes taking place may cause us some fitful hours, I see no cause in the long run for either alarm or dismay.

That young people don't want jobs that are unsatisfying to them doesn't reflect unfavorably on their attitude toward work. Just the opposite. It indicates that they care what they do with their lives. They don't want to feel that they are wasting their lives. Nor should it be disturbing that they question old ways of doing things and demand to try new ways. That's what we need. We stand still if we don't experiment, if we don't innovate.

On the basis of what I see in the Bell Sys-

tem, I agree with those who argue that the younger generation does take work seriously. There are exceptions, of course, but most recognize that work is a necessary part of life and they want to make the best of it. Or, as our contemporary "Adam Smith" puts it: "... people like to work, as opposed to not working or hanging around the house. . . . Given any degree of pleasantness, encouragement and satisfaction, they would go to work even without the exhortations of the Ethic."

As with any change, there are bound to be some growing pains. And so it is with the changing work ethic. We see signs of dissatisfaction on the assembly line as well as among some young, college-educated managers who are finding the transition into the world of work to be harder than they expected.

Frankly, I'm not sure we can—or could ever hope to—eliminate dissatisfaction in all cases. The expectations of young people in our society are exceedingly high—for some, I suspect, unrealistically so. I am told, for example, that we are graduating more students from colleges than we have jobs that truly require college degrees. We have led our young people to believe that a college diploma was their pass to the good life, and some are deciding—or have discovered—that it ain't necessarily so.

Dissatisfaction, whatever its cause, is often expressed in absenteeism, poor workmanship, disinterest and so on—sometimes in alcoholism and drug use. But, as you have heard here these past two days, it can be substantially diminished, even eliminated in many instances, if we structure and restructure jobs and the organization of work in such a way that competent people will find work a challenging, rewarding and involving experience.

What I am leading up to, of course, is job enrichment. Bob Ford, who has been AT&T's guiding genius in these matters for some years now, had a workshop here yesterday; so I know some of you are familiar with our efforts in this direction. I'm not going to get into it very deeply or throw out a lot of examples, but I thought I would at least offer you our rationale for moving ahead with this concept.

In many craft jobs, for example, we found the work arranged in such a way that just about everything was keyed to the average person. We also found that there was overlapping of job modules between the various craft levels, and that this was causing craftsmen to take a passive, tell-me-what-to-do approach to their work. Under this sort of arrangement, above-average and outstanding people weren't achieving as well as they could. It was obvious that if we didn't bolster the jobs of these high-potential employees—i.e., give them a good module of work with control over it and effective feedback—we stood to lose them.

We are still a long way from fully implementing this concept throughout the Bell System, but I think there is a general agreement that the old theories about fragmenting jobs to achieve efficiency, cost reductions and productivity can have just the opposite results.

Two other points about this ought to be made, I think. One is that you have to expect some problems. For instance, not all workers have the aptitude to handle improved job modules and not all managers are eager to give up any of their supervisory prerogatives. The other thing is that this is not the total answer. It has to be used in conjunction with other management techniques and other management programs—in addition, I hasten to add, to good wage and benefit schedules.

I'm well aware, as I know you are, that the labor movement has been raising serious questions about industry's intentions. Some labor spokesmen, as the Wall Street Journal

pointed out recently, view job enrichment as a scheme for getting more work out of fewer workers.

Managing people involves a whole range of interrelated objectives. One is communicating to employees those kinds of information that are of real interest to them. Survey after survey of employee communications media turns up requests for more information that employees can relate to their own jobs, to their part of the business. The other side of the coin is upward communications—making certain that avenues are available for employees to, in effect, talk back to management.

A sustained effort also must be made to take human needs into consideration when industry develops new kinds of equipment. It isn't enough to ask whether employees can operate a piece of gear. We have to ask ourselves, will they? AT&T and Bell Telephone Laboratories recently set up a task force to dig into this problem, to make sure that human needs are considered at the design stage. It's too late when new equipment is introduced into a central office or an operating center to find that it will dehumanize or bore the person who must use it.

One of our best success stories to date has been in the northern operating area of the Chesapeake and Potomac Telephone Company of Virginia. Chip Pfautz and Wendell Kenyon from the C&P Company talked about this program at a workshop yesterday afternoon. This was a situation where the Company took a full human resources approach that cut across departmental boundary lines and where key managers threw their full support behind the program.

Along with a few people from our Human Resources Development group at AT&T, I spent a day down there not too long ago talking to employees who were involved in the program. It was an encouraging day.

When the employees talked about, the Company and their jobs, they did so in terms of my customer, my directory, my Company. They talk about the Company standing behind them and treating them as individuals. On the plane back to New York, I thought, "Now if we can only get all one million to feel like that."

That's not a bad goal to reach for.
Thank you.

DISASTROUS IMPACT OF BUDGET CUTS IN MINNESOTA

Mr. MONDALE. Mr. President, the President's proposed cuts in the social services area will have a profound impact on the people in my State of Minnesota. I have received many letters concerning these cuts and I would like to share just two of them with my colleagues today.

The first letter, from Mr. Hannis Smith, director of the office of public libraries and interlibrary cooperation, points out the great accomplishments of the library program in Minnesota. He talks about the damage that would be done if the administration's request is upheld by Congress.

The second letter comes from Howard B. Casmey, commissioner of education in Minnesota, who points out the hardships that would occur if title III and V are terminated in the upcoming budget.

Mr. President, I share the concerns expressed by these Minnesota education leaders and I ask unanimous consent that their letters be printed in the RECORD.

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

IMPACT OF ESEA TITLES III AND V TERMINATION

Pursuant to your request, the following information details the consequences in Minnesota of the Nixon administration's anticipated termination of ESEA Titles III and V.

TITLE III IMPLICATIONS

Intended to support educational innovation and reform, Title III has had decided impact on education in this state. The following list is descriptive of but a few categories of practices which have been stimulated and nurtured in particular communities through this program:

1. Education for the handicapped (Crookston, St. Paul, Minneapolis, Willmar, Marshall, Morris).
2. Technology utilization (TIES in the Seven County Metro. Area, Owatonna, Bloomington, Hopkins, St. Cloud, Montevideo, Osseo).
3. Individualization of Instruction (19 Southwestern counties, Stillwater, Lakeville, Staples, St. Paul, Winona, Roseville, Duluth).
4. Arts and Humanities (Minneapolis, Marshall and the entire Southwestern portion of the state, Alexandria, St. Paul, Mankato).
5. Human Relations (Minneapolis, Duluth, Rochester, Rosemount, Albert Lea).
6. Pre-school education (St. Paul, St. Cloud, Brainerd, Fridley).
7. Vocational Education (St. Paul Career Support Center, Minneapolis Work Opportunities Center, Little Falls, North St. Paul).
8. Accountability and Cost Effectiveness (Mora, Osseo, Kennedy, Staples, Duluth).
9. Environmental Education (Grand Marais, Albert Lea, Golden Valley, Windom).

This admittedly fragmentary list hopefully provides some intimation of Title III's responsiveness to educational needs specific to certain communities. It, furthermore, is our contention that the impact of this program may be displayed in numbers of pupils and educators served. During the 1971-72 school year 42,679 public elementary and secondary Minnesota pupils were directly enrolled in a Title III supported program. Additionally 4,151 non-public Minnesota pupils were enrolled in such programs. Public and non-public Minnesota educators who were directly involved with and affected by Title III activities numbered 3,153. If one is concerned regarding the dissemination of Title III practices, it is possible to demonstrate that some 466,000 Minnesota pupils were indirectly affected by Title III programs operating in schools or districts other than their own. Title III has also made significant contributions to educators' capabilities to perform needs assessments, to evaluate individuals and programs, and to develop some basic acquaintance with the concept of cost-benefits.

In the event that Title III is terminated as of June 30, 1973, some 28 projects will be obliged to conclude their activities between one and two years short of the three year financial life span which they had reason to expect if project evaluations were favorable. A total of 374 full and part-time individuals at the local district level will have to be terminated if already strapped district budgets cannot absorb them.

Perhaps, most significantly, a catalytic agent which has caused educators, laymen, and students to rigorously conceive and test new solutions to educational problems and opportunities will be replaced by a return to conventionalism and a reluctance to strive for educational improvement.

TITLE V IMPLICATIONS

Unlike some legislation of the last decade which has responded to limitations of certain agencies by simply establishing new agencies to assume non-performed or ill-managed functions, Title V was historic in its assertion of a belief in and a financial willingness to invest in State Departments of Education. Coming at a time when suspicion and mis-

trust of federal involvement in State and local educational affairs was substantial, the effort to strengthen State Departments was insightful and statesmanlike. Now, in the eighth year of their acceptance of such assistance, state agencies have demonstrated the capacity to perform a "bootstraps" operation.

To cite some output measures descriptive of products of the Federal investment in the Minnesota Department of Education, I present the following abbreviated list:

1. Establishment of a Planning Division responsible for short, intermediate, and long range developmental planning.

2. Installation of a State Educational Assessment Section responsible for determination of pupil performance in selected curriculum areas by development and administration of testing instruments for Minnesota pupils.

3. Implementation of the Minnesota Right to Read program, designed to reduce illiteracy to the one percent level by December 31, 1975, and now regarded by HEW officials as a national model.

4. Furtherance of the goal of equal educational opportunity for all Minnesota children and youth, regardless of racial or socio-economic condition, by establishing an Equal Educational Opportunities Section to serve as an advocate for such pupils.

5. Establishment of a Federal Program Coordinator's office which has resulted in Minnesota maximizing its access to Federal funds and has contributed to harmonious blending of resources from diverse funding agencies and programs.

6. Development of evaluation expertise in the agency by the establishment of such a section and the coordination of evaluation throughout the agency, as well as the installation of evaluative practices in school districts formerly devoid of such.

7. Provision of improved service to state agency and local district personnel by establishment of a full time Legal Services Section, staffed by an Assistant Attorney General.

8. Improvement of Management capabilities by secular of systems analysts, Program Budgeting Coordinators, and the provision of training to staff to commence utilization of improved procedures resulting in greater effectiveness and efficiency.

9. Provision of improved recruitment, selection and training activities for State personnel.

10. Establishment of greater responsiveness to internal management, the Federal government, the Legislature, the Governor's office, school district personnel and the public at large through development of a Data Systems Section responsible for the collection, processing, analysis, recording, and dissemination of a broad array of educational information.

11. Introduction of improved teaching practices and aspirations through support of efforts dealing with environmental education, summer school programs, the community school, foreign languages, education for the gifted, science, social studies, and mathematics.

12. Improvement in leadership provided to teacher training institutions by developing programs making their and the Department's expectations more responsive to pupil and community need.

13. Establishment of a Publications Section which has made the Department more consumer-oriented by allowing it to communicate directly with 60,000 educators, 435 local boards of education, and Minnesotans generally.

I prefaced this list by referring to it as abbreviated, and it is as compared to the range of Title V inspired and supported activity in which this Department has engaged since I assumed responsibility for the program's general direction in April of 1966.

Additionally, I have compressed many individual activities to secure the generality of the 13 preceding statements. Nonetheless, the fact remains that much remains to be done before many would acknowledge this agency to be really effective in discharging the Minnesota Constitution's mandate to provide "a general and uniform education." However, a further fact exists that the President's budget calls for termination of Title V as of June 30, 1973. While some of the Title V initiated activities have been, and may be financially assumed by the Legislature, the expectation that it could immediately assume a near \$700,000 obligation as of that time is absurd. Consequently, we face the prospect of seeing the merits of our Title V program threatened, its programmatic functions terminated, and some 50 highly trained, dedicated personnel lost.

As a more specific explication of the problem, I am attaching an enclosure which has been used to detail portions of the problem for the Senate Education Committee. Also, I have included a Department organizational chart descriptive of functions which will either be terminated or severely impaired if the President's intentions are realized.

IMPACT OF TITLE V ESEA SUPPORT

Pursuant to your request, I shall briefly detail in this memo the impact of Title V ESEA support within the Minnesota Department of Education. As you recall, this is one of the several education programs which President Nixon has recommended for zero funding in F.Y. '74.

1. Organizational Component: Division of Planning and Development:

Function: Short, intermediate, long-range planning; management of a variety of Federal and State grant programs; Equal Educational Opportunities.

Number of Positions: Eight (budgeted); four filled.

Financial Support Required: Salaries: \$152,000 (for full staffing); Other: \$85,000 (contracted services, largely).

2. Organizational Component: Federal Programs Coordinator Function: Generation of federal educational revenues; liaison with Federal agencies and Congressional delegation.

Number of Positions: Three.

Financial Support Required: Salaries: \$40,066. Other: \$23,757.

3. Organizational Component: Publications Section.

Function: Dissemination of State Board and Department of Education activities, regulations, service provisions, etc.

Number of Positions: Four.

Financial Support Required: Salaries: \$42,877; Other: \$38,850 (largely printing).

4. Organizational Component: Information Systems Section:

Function: Development and provision of data processing services for entire Department; collection and processing of data from school districts and school personnel.

Number of Positions: Eight (two vacant).

Financial Support Required: Salaries: \$89,658; Other: \$40,800 (largely to Division of Computer Services, Department of Administration).

5. Organizational Component: Administrative Services Section:

Function: Financial management, systems analysis, procurement, general Department support.

Number of Positions: Ten (three vacant).

Financial Support Required: Salaries: \$80,893 (for current staffing); Other: \$3,126.

6. Organizational Component: Certification Section:

Function: Processing of teacher certification requests; monitoring of school district teacher assignment practices.

Number of Positions: Two.

Financial Support Required: Salaries: \$15,000.

7. Organizational Component: Research and State Aids:

Function: Processing of school district financial and statistical reportage; development of information for planning purposes.

Number of Positions: Four (two vacant).

Financial Support Required: Salaries: \$16,000.

8. Organizational Component: Professions Development Section:

Function: Development of entry level and developmental standards for teachers and administrators; implementation of legislative statutes and State Board Regulations.

Number of Positions: Two.

Financial Support Required: Salaries: \$36,000; Other: \$10,000 (Task Force support costs).

9. Organizational Component: Elementary and Secondary Education Section:

Function: Implementation of monitoring functions of North Central and summer school programs.

Number of Positions: Two.

Financial Support Required: Salaries: \$23,040.

10. Organizational Component: Professional Library Section:

Function: Cumulation of professional educational materials; pursuit of information retrieval; liaison with other educational strata in development of common collections.

Number of Positions: One.

Financial Support Required: Salaries: \$12,984.

It should be noted that state salary support for these 44 positions would require roughly \$507,000 per annum if title V ESEA funds were to become unavailable and the State chose to continue these functions.

REVENUE 134863—ESEA TITLE V

Name	Position number	A/C I.D.	Percent
Federal programs coordinator:			
Gloria Rockne	205370	513440	100
Edwin Cain	205720	513440	100
Anne St. Pierre	205940	513440	100
Publications:			
James Lee	205610	518944	100
Ralph Berenger	205530	518944	100
Linnea Losa	205500	518944	100
Judith Schell	210781	518944	100
Information systems:			
Maureen Ferrin	205270	516583	100
Rachel Oerter	205390	516583	100
John Butterfield	205550	516583	100
Vacant (systems analyst)	205560	516583	100
William White	205570	516583	100
Lane Esswein	205580	516583	100
Richard Locke	205710	516583	100
Vacant (trainee)	210390	516583	100
Administrative services:			
Kathy Dahlman	205160	517409	100
Vacant (clerk typist)	205210	517409	100
Patricia Rahlien	205260	517409	100
Richard Johnson	205380	517409	100
Vacant (clerk-procurement)	205400	517409	100
Bette King	250430	517409	100
Pat Baggenstoss	205470	517409	100
Mildred Harvey	205510	517409	100
Robert Wilson	205540	517409	100
Vacant (auditor)	210341	517409	100
Certification:			
Minnie Baxton	205330	507046	100
Ilione Casper	205450	507046	100
Legal:			
Charles Mottl	205950	515114	100
Research and State aids:			
Deborah Peterson	210362	510057	100
Vacant (clerk typist)	210361	510057	100
Vacant (clerk typist)	210410	510057	100
Joyce Clague	210790	510057	100
Education professions development:			
William Allen	208940	487058	100
Thomas Filla	210010	487058	100
Instruction:			
Vacant (clerk typist)	205781	485524	100
William Papke	209020	485524	100
Planning and development:			
Judith Neudahl	205410	513515	100
Greg Waddick	205740	513515	50
Gayle Anderson	205810	502096	50
Walter Jones	205830	502559	25
Printice Engstrom	205840	501460	100
Donald Hadfield	205860	502559	25
Archie Holmes	205870	502559	25
Jerome Webster	205890	501197	50
Professional libraries: Patsy Tupper	205520	520072	100

STATE OF MINNESOTA,
DEPARTMENT OF EDUCATION,
St. Paul, Minn., February 7, 1973.

Senator WALTER F. MONDALE,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: When the American Library Association and the Minnesota Library Association gave the luncheon in Washington on last Thursday for members of the Congress, our office furnished a one-page brief on the accomplishments of the Library Services Act program in Minnesota. A copy of it is enclosed for your convenient references. I trust that it will be informative and helpful.

In a lengthy account of the proposed projects to be discontinued in the President's 1974 budget I found a statement that the projects being discontinued had either outlived their usefulness, or were failures. Since I have administered the LSCA program in Minnesota from its inception during the Eisenhower administration, and have been quite familiar with the program as it has developed both in Minnesota and in other states. I can only say that neither of these reasons applies to the Library Services and Construction Act. Anyone saying that they do is either totally ignorant of the program and its accomplishments, or has been totally misinformed.

A few years ago, one of the higher officials in the Office of Education Bureau of Libraries who is no longer connected with the Bureau, made a speech before a large assembly of state library agency directors. After the speech the group of state leaders spent nearly an hour correcting the incorrect statements made by that official. In the light of that event, there are many who think that the current widespread misinformation may actually be a deliberate distortion of known facts.

The enclosed information sheet demonstrates clearly that the program did not fail in Minnesota, and this kind of progress has been repeated in other states. That it has outlived its purpose is emphatically disproved by the fact that most states still have rural areas which are without public library services and urban areas where library services need substantial improvement. The program has not yet completed its stated purposes at the time of its passage.

The reasons for not yet completing its purposes are easy to identify:

(1) Local officials (city and county) who have the legal authority to establish library service and provide for its support have regarded the funding as haphazard (e.g. There is no set appropriation yet for the fiscal year which began over seven months ago!), and/or (2) Such officials have regarded the sums available for getting started are insufficient to establish quality service, and therefore do not justify the imposition of a new local tax.

The prospects of being funded too little and too late have served as serious handicaps in enlisting the active collaboration of local officials in many cases.

While the total amount of LSCA Title I (Services) funds used in Minnesota since 1957 is slightly more than \$6,000,000 and may appear large at first glance, it has been spread over 16 years. It averages out about \$200 per capita for the entire period, an average of 12½¢ per year! With the costs of good public library service averaging around \$5.00 per year for the time covered, it can easily be seen that the federal addition is not statistically meaningful. Please note the underlining, I will return to this later.

Many administration speakers, including the President himself, have emphasized over and over again that their proposals are to return decision making to the states and local governmental units. I believe that a careful examination of the programs which the President wishes to eliminate entirely will show that many, if not most, of them

are already returning the decision making to the states and local government. Certainly the LSCA is an example of such return.

There has never been any direction of this program from Washington. Every state makes its Plan according to the needs and peculiarities of its own situation, and there is no state in the Union where state government can force local government to establish public libraries.

I believe this makes it abundantly clear that the Library Services and Construction Act projects have been run by state and local government, on a voluntary basis, with only a benign form of guidance (regulations) from Washington. The law was well written, and in practice has proved an outstanding example of federal, state and local governmental partnership. For that reason alone, it is worthy of continuing until it accomplishes its purpose.

But there is another reason which reinforces the justification for continuing the LSCA programs. I stated earlier that the funds have not been statistically meaningful quantities. They have really been seed monies. As you know, Minnesota instituted its first state aid to public libraries under the impetus of the LSCA matching. We cannot make a percentage comparison between no money and \$500,000 a year in state aid, but we can compare the increase in local funds provided. While some of the increase is unquestionably due to inflated costs, the increase in Minnesota from 1956 to 1971 was from just over \$4 millions, to just over \$16 millions. Somewhat over half of the increase was due to inflated costs, the rest was new money largely stimulated by LSCA! The seed sprouted to a bountiful harvest.

Most of the United States will reflect this kind of growth from the seed planted by LSCA. Just one fact will illustrate this. In 1954 (the last year before LSCA for which figures are available to me) there were 25 states providing some state aid to public libraries. The total amount was just over \$5½ millions, or 3.76¢ per capita. In 1972, there were 38 states providing some state aid to public libraries with a total of over \$66 millions, or 32.69¢ per capita! I have served on various active committees and advisory committees over the years which have had a responsibility toward LSCA, and I found that the consensus of my peers is that a substantial part of this growth is directly attributable to LSCA!

Please do everything you can to insure that we continue to receive these "packets of seed." For public libraries, they have proved to be a "green revolution" producing a bountiful harvest. But the job is not yet complete, so the seed money still is badly needed if ever the job is to be completed.

Sincerely yours,

HANNIS S. SMITH,
Director.

ACCOMPLISHMENTS IN MINNESOTA UNDER THE LIBRARY SERVICES AND CONSTRUCTION ACT: 1957-72

Public Library Service: The Minnesota LSCA Program has, from the beginning, used a combination of federal, state and local funds for establishing and improving public library service.

Some results:

10 multi-county regional library systems, covering 39 counties.

14 county library service systems, for a total of 53 counties 100% served.

35 bookmobiles providing easy access to people in 41 counties.

1957 population supporting public library service: 2,215,025 (74%).

1973 population supporting public library service: 3,421,276 (90%). Increase (including population growth): 54.8%.

The 383,793 people not yet supporting public library service are all rural and small village residents of 34 counties, mostly in west-

ern and southern Minnesota. They have access to nearby libraries through payment of an appropriate non-resident fee.

Books:

1957 book stock of all public libraries: 4,330,572 (1.45 per capita).

1972 book stock of all public libraries: 7,184,935 (1.77 per capita).

Total new additions during period: 3,935,685, or 1.03 per capita.

The figure for per capita served by libraries was 1.95 and 1.98 for a growth of only .03 per capita for the 15-year period. Bookstocks barely kept pace with population growth and additions to service areas.

Films:

In 1957, only the two largest public libraries had 16 mm film service.

By 1973, all 26 of the larger public libraries and public library systems in the state have 16 mm film service; many with 8mm also.

Library use:

All of this is meaningless unless used by the public. Minnesota consistently scores well above the national average in library use, and it is growing.

Circulation of materials: 1957 11,624,799 (5.2 per capita served).

Circulation of materials: 1972 19,901,120 (5.8 per capita served).

Books-by-mail:

A special books-by-mail program is underway in 5 library systems serving 18 counties.

Public Library Buildings: The LSCA, Title II, funds have helped build 31 new public library buildings in Minnesota. All are strategically located, well-designed and usable by the handicapped. They have been planned to fit the long-range plan of state-wide development. Nine of them are headquarters of larger systems, the others branches of such larger systems.

Institution Libraries: Substantial improvements in physical facilities, furniture, and materials collections have been made in twelve of the welfare and correctional institution libraries in the state since the new Titles were added to LSCA.

Interlibrary Cooperation: Minnesota's outstanding achievement in this field is the highly successful Minnesota Interlibrary Teletype Exchange (MINITEX). In 1973 there are 17 public, 18 junior college, 24 senior college, and 8 special libraries collaborating with the University of Minnesota Libraries on this project. In addition to expediting requested information and published materials, MINITEX is completing work on a Minnesota Union List of Serials. This was given high priority because 70% of requests are being filled from serial publications.

PLUG IN HERE FOR KNOWLEDGE

Learn how you can . . . borrow more books from your library than it owns; benefit from tax monies made available only on a state-wide basis; enlist the talents of people not on your library's payroll; utilize services not provided for in your library's budget; be a more satisfied library user through the Minnesota well-read library network.

Perhaps you can already "plug into" part of the Well-Read Network. Of the eleven state library regions shown on the map, five already exist at varying points in their development. Also, there are several strong single-county libraries with the population and tax base necessary for good beginning development. In some of these the library income from local funds is at a reasonably high tax rate, but far from sufficient to support good service; this is where state and federal funds are used to help. The legislature has already established modest state aid to public libraries—a fund which will have to be expanded as more network segments are established.

The Network goal is being worked towards in several steps. Sub-regions may very well develop before local authorities are ready

to accept the larger, numbered systems. [The numbered systems are designed to serve 100,000 or more library users, and each would have a sound working relationship with all the school, academic and specialized libraries in its area.]

In every numbered region there would be at least one large collection of library materials having more than 100,000 titles; and a number of substantial, though smaller, collections strategically located in the surrounding area. In smaller community centers there would be branches stronger than the average small community library is today. There would be bookmobiles to serve as branches-on-wheels for people in rural areas.

Such a network would reach every citizen of the state. He would bring his request to the most convenient library, and through the network would receive any material he wanted from any library in the state.

That's how the Well-Read Network will serve you. Won't you serve it? Inform yourself concerning its particulars in your community—and then go to bat for a better library system for all of us!

This brochure is designed to tell you about a dream: Minnesota's dream for an expanded and improved library system for each of its citizens. It is called the Well-Read Library Network.

The Network is designed to serve you.

To meet the growing needs of its people for reliable and up-to-date information on an immense variety of subjects, and to provide the reading public with works of literary and artistic merit, Minnesota must both expand the territory served by minimum adequate public library service, and coordinate the services of its growing public libraries with the services of all other kinds of libraries in the state: school, academic and specialized.

When the first federal funds were made available in Minnesota for the development of public library service, the Library Division of the State Department of Education, with advice from the Minnesota Library Association, developed a plan for providing good library service to everyone in the state: a statewide network of libraries with service outlets close to every resident. The inside of this brochure describes this network and the present state of its development.

The total Well-Read Network is still a dream. But as parts of it are established, other sections go into experimental or early developmental form. There is progress to report, fortunately; the time is fast approaching when such a network will be a necessity.

How will Minnesota make its network a flourishing reality? The decision to have it and to take part in it must be made at the local level. Individuals like yourself in each of our state's communities, will—by their interest or apathy regarding the network—determine the extent of its success.

Just as each local library or bookmobile must feed into the network, so does local government feed into its development. Minnesota law provides that counties, cities and villages may establish and support library service—and that these units of government in contiguous areas may join together in supporting and operating such a service. The legal base of the network has already been laid by the legislature; now there must be official action at the local level to implement the law.

In dreams begin responsibilities. The prospect of a Well-Read Network outlet in his or her community should be of personal interest to every Minnesotan.

ENERGY AND THE ENVIRONMENT

Mr. BARTLETT. Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared by

former Secretary of the Interior, Mr. Walter J. Hickel, for the Sixth Public Relations World Congress, at Geneva, Switzerland.

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

ENERGY AND THE ENVIRONMENT

(By Walter J. Hickel)

I. ENERGY

"There is an unusual tie-in between energy and life, energy and poverty, energy and peace."

The controversy surrounding energy has to be seen in the context of world concern about the environment.

We've all heard that pollution is tarnishing the great civilizations of modern man. It is threatening to damage the life support system on which humans and all animals depend.

This is central to the energy question because the greatest amount of pollution comes from the production and use of energy.

People say the energy industry is "Public Enemy No. 1," but I say it is the great hope of mankind, and the hope of the environment.

Show me any area in the world where there is a shortage of energy, and I'll show you basic poverty.

There's no shortcut to human activity. It all takes energy. If you want to go to town from the countryside, there's no way to do it without using energy; even if you walk.

To achieve a standard of living as the Swiss enjoy in this great capital of Geneva requires the equivalent energy output of 200 adult slaves per person.

In many respects we are still only one step from slavery. But harnessing energy has helped us take that step away from the slavery of hunger, lack of shelter, disease and ignorance. It is a step toward freedom in its most basic sense.

It would be a tragedy if our concern about pollution turned us against this great emancipator called energy which is freeing and improving the lot of mankind.

With the awakening of environmental concern, a concern I share, certain people want to drive a Cadillac but not produce energy. These people, in nations such as my own, want to export pollution. They want other nations to do the drilling, pumping, refining and transporting of oil so that their own water and land be untouched by man.

This is no answer. In fact it is a new form of imperialism under the guise of the holy cause of the environment. In reality they are saying, "Let other people's children choke on smog and play in polluted streams. Let other nations' wildlife be destroyed. But we must protect our own."

This philosophy, however misguided, is gaining strength. Its advocates are currently attempting to prevent the vast oil reserves above the Arctic Circle in my State of Alaska from being used.

This is the worst kind of conservation. We are one world with one system. Ecologically, it is impossible to export pollution. We must clean it up.

Enemy No. 1, the energy industry, is in reality the answer.

We are not going to solve the problems of the world with less energy. I don't mean wasting it on senseless gadgets, but utilizing it to free mankind and clean up the environment.

With the leadership of the United Nations and strong government regulations this can be done. Energy doesn't have to disrupt. The answer lies in national and international guidelines for the use of energy without the abuse of the environment.

All companies are resented because of their economic power and their seeming disregard in the past for nature. But this hateful-

ness is now coming to haunt us. To punish is not the answer.

In our short history, America has many examples that hate is no answer to greed. At the turn of the century there was a public reaction against the men who had built America's railroads.

These so-called "Robber Barons"—Rockefeller, Morgan, and Vanderbilt—became the object of public hatred. Laws were passed designed to destroy these men, but in reality all they destroyed was the magnificent railroad system which had criss-crossed and united our untamed country.

If today we treat the worldwide energy industry like we did the U.S. railroads, we'll have a lost civilization.

In reality, there is no world energy crisis. The voices of doomsday are not real. The earth will not run out of resources. The only thing we might run out of is imagination.

Using modern computer technology, a well-intentioned group of men called the Club of Rome sponsored a report which has forecast doom for the human race.

The weakness of a computer is that it can only compute on the basis of what is known. This is a shaky way to predict the future. What if we had used a computer 200 years ago to forecast energy resources for 1973? At that time man depended on firewood, horses, water and wind. The conclusions would have been more disastrous than those of the Club of Rome today. We would have forecast doom and starvation because there are not enough forests and workhorses on earth to care for the needs of our growing population.

Computers have their place, but I have more faith in the creative capacity of man; and that is uncomputable.

Today we have fossil fuels and hydroelectric power. Tomorrow we shall use geothermal resources by tapping the heat deep beneath the crust of the earth.

We shall develop the art of gasification and liquefaction of the soft coals we have abandoned in the past. This will become a mammoth source of nearly pure power.

I see this liquefied natural gas as the answer to automobile pollution. By replacing the gas tank in your car with a propane-like bottle we can solve the majority of the world's man-made air pollution. The technology is there. All we need is to apply the new methods to produce natural gas.

Also awaiting us is the heat of the sun, and the tremendous energy of the hydrogen bomb. Man is already working on this. Some scientists predict breakthroughs within a decade or two. With fusion we can produce a pure energy which regenerates itself.

No, there is no world energy crisis. The crisis that exists is one of control. Fossil fuels are the major source of power now and will be for the remainder of this century. The nations which control petroleum will have great political and economic power in the decades immediately ahead.

Whether we have peace or war may well depend on how this new balance of power will be used. The Middle East nations, with their vast reserves, are being swept into the mainstream. Likewise, the Arctic will have an ever-increasing role in world affairs.

The ten million square miles on top of the earth contains a staggering wealth of fossil fuels left over from an earlier age when much of it was covered by tropical jungle. Canada, Alaska, the Scandinavian countries, and especially the Soviet Union and its mighty Siberia will all share in the new Arctic Age which is ahead of us.

There is no fear in the quantity of reserves waiting for mankind. The only concern is in the control of those resources. Will they be distributed to meet the needs of all men everywhere or will they be hoarded for the benefit of a small elite?

The 21st century, the world of tomorrow, will be a world of unlimited energy. With the new sources I have mentioned, espe-

cially geothermal power, solar heat and fusion, every nation will have its own supply. Gone will be the tools for energy blackmail.

I sometimes think that this area, which some of us in this room may see, is slow in coming only because the decision-makers are fearful of upsetting the total economic situation as we know it today. They are locked into the past.

There is an unusual tie-in between energy and life, energy and poverty, energy and peace.

The challenge of the moment is for both the developed and the developing nations to share our common needs and our common opportunities. Then we can usher in a millennium of peace which could be only one or two generations away.

II. ENVIRONMENT

"Humans are the most precious things on earth."

In our zest for cleaning up the environment, and I have that zest and that concern, we must not overreact to the point where we protect wildlife and nature while ignoring the needs of man.

People equate the using of nature with the destruction of the environment, when in reality man cannot exist without using nature. The secret for man's life on earth, in fact for all life on earth, is for man to be compatible with nature. We must not abuse it, but we must use it.

For example, God put a tree on earth to be used, not just to be cut down, but to be used; perhaps for birds to nest in, or simply to be looked at for mere enjoyment to restore the spirit and perspective of man.

If a tree grows somewhere unused by man or animal it is somehow wasted. Like a human being, it must be needed by someone. But likewise, like a human being, it should not be exploited. Man, being the only reasoning animal, has to be the one concerned about other life on earth.

There's a struggle going on in my country. I call it the civil war of priorities—neighbor against neighbor, man against need—overpreservation or use of our resources.

Bitter voices have been raised, on the one side pleading, "Give us work, give us energy for our homes"; on the other side shouting, "Stop the rape of our environment, protect our wildlife and our wilderness."

This same battle is going on between the rich and the poor throughout the world. Somewhere in between there's a still small voice that says, "If we work together we can do it right."

As far as pollution and environmental desecration go, we cannot undo all the wrongs of yesterday, but we can guide responsibly the needs of tomorrow.

We cannot condone exploitation of one resource at the expense of another resource, even if that resource has no dollar value, such as a sunset, a lonely stretch of beach, or the right to roam.

But neither can we preserve untouched all those resources that man needs. All human needs must be taken into consideration, those of everyday necessity such as food and energy, or those of lasting beauty, such as a wilderness. In evaluating the total situation, I am convinced we can make use and conservation compatible. For the good of the human, they must be made compatible.

With technology and the right attitude in our governmental leaders we can see the job well done, but only if we are guided by the fact that the most precious thing on earth is the human. The whole world can unite on that basis. I remember well when the leader of the Chinese delegation to the U.N. Conference on the Human Environment last June in Stockholm addressed himself eloquently to that theme.

I have no time for those who say they

are dedicated to the environment but disregard the needs of people. The question is not what kind of a world do we want for elephants, or reindeer, or pandas, or Sequoias, or tundra, but what kind of a world do we want for our children.

Wilderness is not the world. The world is both in wilderness and people, in animals of rich variety, in water and air, in the world of modern technology and the world of timeless nature.

Dr. Paul Brandwein put it well: a world which does not conserve its children, does not conserve its elephants. It does not conserve its environment or its resources or its knowledge or its values. It is neither competent nor compassionate. Its ends are neither human nor humane.

I am most happy to be here in Geneva at this time to moderate this panel at the Sixth Public Relations World Congress. Maurice Strong, the man who organized and led the United Nations Environmental Conference, asked me to participate on his behalf. He is in Nairobi, Kenya this week where he is setting up the headquarters for the new United Nations Environmental Agency. I have known Secretary Strong since 1970, before he was named to head the U.N. environmental effort. As U.S. Secretary of the Interior and afterwards, I have worked closely with him on his approach to making the environment a truly global issue.

From the beginning I have been a firm believer that the United Nations is the one hope the world has for effective environmental action.

Pollution knows no boundaries. Every major river eventually empties into the oceans. A river doesn't know whether it is flowing through a Socialist country or a Capitalist country; but if we pollute it, it will carry that pollution into our common seas.

I thank God that visionaries over 25 years ago succeeded in organizing the United Nations. Without it there would be no natural forum for mankind to confront the common dangers and opportunities of the environment. There would be no one to listen to the cry of life. The environment is going to do for the original intent of the United Nations what diplomacy and politics have failed to do. It will provide a common concern that bridges national self-interest.

You, who deal with the media, must tell that story. Many nations, including my own are falling into the mentality that it is time to let the world take care of itself. We want to look after only those problems within our own borders. Parliaments and congresses are cutting back their appropriations to finance United Nations activities.

But the realities of the environment cannot be ignored. No one nation can clean up only its own back yard and expect to have a clean environment. The urgent call of the hour is for all people to reach out to the others and help carry the responsibility of learning how to use nature and preserve her for the good of all mankind.

Do not narrow your thinking to those who propound a negative philosophy of doom. Those who want to turn off the lights of the world are not the true friends of the world or the future.

The human family is being drawn together by the environmental challenge, and this is a great and important event in world history.

My hope of the future is to concentrate on solutions, answers and imaginative approaches to the problems at hand rather than repeating the already shop-worn clichés of the doomsday philosophers.

I am fed up with those who profit in terms of fame and fortune by being negative. This is not doomsday; it is opportunity-day. We can look in a mirror and see if our face is dirty. If it's dirty, then let's wash it. Not talk about it.

There is an old belief in journalism that something has to be negative to be news. I'm tired of this attitude. Criticism is necessary, but with it should go responsibility. Man caused the problem we are looking at. Many can clean it up.

The best public relations, especially in the environmental area, is action.

When I was appointed as Secretary of the Interior for the United States, responsible for our natural resources and public lands, I was attacked by the press. False stories were written, and the people became afraid I would promote policies that would desecrate the land and its beauty.

I didn't get angry with the press. I didn't even hire a public relations firm. I set out to do a job believing that if I made a decision in the best interest of all two hundred million of our people, it would also benefit the special few. I began to clean up the relationship between industry and government.

Within only a few weeks, the press changed their attitude. Words are cheap, and they are being used by all sides. But action on behalf of the people is the best form of public relations I know.

Today we must generate a global demand for action on the part of our leaders in government and industry in all corners of the earth. If we do, it is not too late.

DEATH OF EMERY L. FRAZIER

Mr. HUDDLESTON, Mr. President, the Nation and my home State of Kentucky have suffered a very great loss with the death last week of Emery L. Frazier, who for many years served as chief clerk of the U.S. Senate, and who also served as a legislative clerk in the Kentucky House of Representatives.

Kentucky is a State rich in political history, and we have produced many great politicians and statesmen—from Henry Clay to Alben Barkley and my predecessor, John Sherman Cooper. Emery Frazier belongs in that select group because he too served his State and his country with devotion and honor.

Mr. Frazier was born in Woodford County, but he soon moved to Lawrenceburg, where he attended high school. After graduating from the University of Kentucky, he served a term in the State legislature and also served several terms as mayor of Whitesburg.

He then came to Washington with Alben Barkley in 1933 and started his career as a legislative clerk. He was later named chief clerk of the Senate and served in that position until 1966. Finally, Mr. Frazier served a brief term of less than a year as secretary of the Senate.

Emery Frazier was also a great member and leader of the Democratic Party, as evidenced by the fact that he was the chief reading clerk of every Democratic national convention from 1936 to 1965.

Today, we have a very strong Democratic Party in Kentucky. It is a party that serves the State and the Nation well—and it is because of hard work and devotion of men like Alben Barkley and Emery Frazier that this is the case.

Mr. President, our great country has lost an outstanding citizen. He will be impossible to replace, but we can pay tribute and honor to his memory. To that end, I ask unanimous consent that an article about Mr. Frazier, which appeared in last Wednesday's Louisville

Courier-Journal, be printed in the RECORD.

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

EMERY L. FRAZIER, KENTUCKIAN WHO SERVED AS U.S. SENATE AIDE, DIES AT 76

Emery L. Frazier, 76, the Kentuckian who called the roll of states at Democratic national conventions for many years and served the U.S. Senate as reading clerk, chief clerk and secretary, died at 4 a.m. yesterday at Louisville's Methodist Evangelical Hospital.

Frazier went to Washington in 1933 as a legislative aide and had worked as reading clerk and chief clerk. He was named secretary of the Senate in January 1966. He retired in October 1966.

He had called the roll of states at Democratic conventions since 1932.

Although born in Woodford County and reared in neighboring Anderson County, Frazier throughout his adult life regarded Whitesburg, the county seat of Letcher, as his adopted home.

A graduate of the University of Kentucky School of Law, Frazier served in the 1922 Kentucky General Assembly as state representative from Anderson County.

WORKED FOR COURIER-JOURNAL

He moved to Whitesburg the following year where he opened a law practice, became town clerk and was later elected mayor.

Although he lived in Whitesburg only 10 years—1923 to 1933—his terms as mayor were characterized by civic progress that included construction of the town's first paved streets and sewer lines, and the installation of electric and telephone lines.

Frazier also worked as a part-time correspondent for The Courier-Journal in Eastern Kentucky. In 1927, tipping a Louisville & Nashville Railroad porter \$5 to serve as his courier, Frazier sent out the first eyewitness account and pictures of the disastrous flood that year.

Before moving to Washington, Frazier also served as a clerk in the Kentucky House of Representatives and as secretary to state Democratic Party conventions.

He liked to recall in more recent years that he called the roll of delegates at the last state nominating convention, held in Lexington, which nominated Ruby Lafoon for governor and A. B. Chandler for lieutenant governor.

Although Frazier refrained from publicly discussing prominent politicians he came to know in his Senate job and at national conventions, he was acquainted with four Democratic presidents—Franklin D. Roosevelt, Harry S. Truman, John F. Kennedy and Lyndon B. Johnson.

The names of Truman, Kennedy, and Johnson rolled from Frazier's lips on numerous roll-call votes in the Senate before these three men ascended to the White House.

In private conversations, Frazier liked to spin yarns about colorful American political figures of the Roosevelt era, particularly Jimmy Walker, former mayor of New York, "Boss" Ed Crump, of Memphis, and Anton Cermak, the mayor of Chicago, who was killed in Miami during an assassination attempt against Roosevelt.

"They were all strong-willed men with aggressive personalities," Frazier would recall.

Frazier was a close friend of the late Alben Barkley, Kentucky senator and vice president under Truman. In conversations with Kentuckians, Frazier would recall Barkley's temporary split with Roosevelt in 1944—an event triggered by the president's veto of a tax bill that Barkley, then Senate majority leader, got the Senate to pass.

Barkley's denunciation of the Roosevelt veto, made in a speech from the Senate floor,

was said by Frazier to be the most dramatic event he ever witnessed in the Senate during his years in Washington.

"He poured out his entire soul in that speech," Frazier would say.

A modest person, Frazier was the bane of newspaper reporters. Although he witnessed momentous legislative events and was privy to the infighting that preceded congressional action, he would gloss over the intimate details.

"My only interest is in the mechanics of legislation and the conventions," Frazier would say to reporters, his eyes twinkling mischievously.

There are no immediate survivors.

The funeral will be at 2:30 p.m. tomorrow at Gordon Funeral Home, Lawrenceburg, Ky., with burial in Hebron Cemetery, Anderson County. The body will be at the funeral home after 11 a.m. today.

ROLLBACK OF BEEF PRICES—RESOLUTION OF OKLAHOMA SENATE

Mr. BARTLETT. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution of the Oklahoma Senate memorializing Congress to defeat legislation providing for a rollback of beef prices.

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

SENATE RESOLUTION No. 36

A resolution memorializing Congress to defeat legislation providing for a rollback of beef prices; and directing distribution

Whereas, agriculture is the number one industry in Oklahoma; and

Whereas, the livestock industry is the largest segment of the agriculture industry in Oklahoma by generating approximately \$800 million per year into the economy of this state, as well as being an important segment of the over-all economy and prosperity of Oklahoma; and

Whereas, House Bill No. 6168 will be considered in the Congress of the United States; and

Whereas, this bill would roll back meat prices to the January 10, 1973, level and would cost Oklahoma cattlemen about \$227.5 million dollars; and

Whereas, Oklahoma cattlemen have faced the most severe winter weather in history, in addition to paying higher prices for feed; and

Whereas, cattle feeders have been affected also by the withdrawal of use of D. E. S. January 1 of this year, which had the effect of adding ten percent (10%) to the cost of feeding cattle; and

Whereas, livestock producers and feeders contract for cattle months in advance of the actual delivery date and many would be facing bankruptcy by the effect of House Bill No. 6168.

Now, therefore, be it resolved by the Senate of the 1st session of the 34th Oklahoma Legislature:

That the United States House of Representatives be and hereby is respectfully urged to defeat any legislation designed to roll back beef prices and particularly to defeat House Bill No. 6168, which would have drastic effect upon the economy of Oklahoma and other primary agricultural states.

That the Oklahoma Congressional delegation actively oppose the passage of House Bill No. 6168 in the United States House of Representatives.

That duly authenticated copies of this Resolution be distributed to each member of the Oklahoma Congressional delegation.

Adopted by the Senate the 12th day of April, 1973.

ROBERT W. WOODRUFF, PRESIDENT OF COCA-COLA CO.

Mr. TALMADGE. Mr. President, 50 years ago Mr. Robert W. Woodruff became president of the Coca-Cola Co., and from that time forward he has wisely guided the company to great success throughout the United States and in every country of the world except China, Russia, and Portugal. As a businessman, Mr. Woodruff is a humanitarian who has contributed beyond measure to the well-being of his fellow man in Georgia and all across our country.

The April issue of Atlanta magazine contains a very fine profile of Mr. Woodruff, in which he is described as "a gifted and giving man." This is a well-deserved tribute to a great Georgian, an outstanding American, and a gentleman of the first order.

I bring this article to the attention of the Senate, and ask unanimous consent that it be printed in the RECORD.

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

ROBERT W. WOODRUFF

(NOTE.—Fifty years ago this month 33-year-old Robert Winship Woodruff accepted the presidency of The Coca-Cola Company. Warren Harding was President and Andrew Mellon secretary of the Treasury. Stalin and Trotsky were jockeying for power to succeed the ailing Lenin in Bolshevik Russia. Mussolini had just come to power in Italy. Internationally, currency was chaotic. Atlanta had just opened the Spring Street Viaduct, and was enjoying a building boom on Marietta Street and around Five Points.

(Woodruff's father Ernest was one of a group of businessmen who had bought the Coca-Cola Company in 1919 for \$25 million—at the time the largest transaction ever consummated in the South. But Robert Woodruff's selection was no silver platter gift. He already had demonstrated his independence and his business acumen.

(Restless with college life at Emory-at-Oxford, the eldest of the three living sons of Emily Winship and Ernest Woodruff had gone to work at 20 as an apprentice machinist at an Atlanta foundry (60 cents a day), then moved up, moved out, and at 24—a year after he was married—started selling White Motor Co. trucks. He did so well that after a World War I Army stint (as a major in Ordnance), he was vice president and sales manager of White when Coca-Cola offered him its presidency, a position he entered April 28, 1923.

(The first Coca-Cola syrup had been sold in Atlanta in 1886, four years before Robert Woodruff was born. Its steady growth into an international, diversified, prospering giant is linked intimately with Robert W. Woodruff.

(But this is neither a corporate history nor a personal biography. It is an anniversary portrait from the memory of friends of an extraordinary man.)

In a fulfillment beyond the deepest yearnings of most men, Robert Winship Woodruff has lived long enough and well enough to measure the length of his own shadow.

Very alert, and still incisive at 83, this restless, introspective man spends his days at his office on North Avenue, his home on Tuxedo Road, his River House apartment on 52d Street in New York, or Ichauway, his plantation-hunting preserve in Southwest Georgia, pondering alternatives, searching his intuition for the most productive employment of his ever-growing fortune to the betterment of his community.

This is today his most urgent and demanding task, for with all individuals of great

financial acumen, in time it becomes far easier to make money than to give it away with wisdom.

In ways dreamed by few—even those who smile knowingly when they read of multimillion-dollar gifts from an "anonymous donor"—Bob Woodruff has made stunning contributions to the greening of Atlanta; from his own resources, and from those of others whom he has helped make rich through his business judgment, and whom he influences through his assent.

He is a complex man of baronial extravagances and simple pleasures, a college drop-out of intuitive genius, an executive with an uncanny ability—attested by educators, businessmen, politicians—to listen, see the total picture quickly, and take constructive action.

"Good vibes" is what Woodruff's grandnieces and -nephews probably would call this essential electricity, this near-telepathic communication with men and women in all walks of life.

A venerable colleague and long-time friend put it in plainer English: "He listens to people," said John A. Sibley, honorary chairman of the board of the Trust Company of Georgia, and one of Woodruff's oldest friends. "He sees instinctively what they need, what troubles them. He gets to the kernel, the ultimate in his judgment. People know this. They feel affirmed and assured in his presence."

But not only people: "Watch Robert Woodruff with animals," Sibley suggests. "He is a fine horseman, a real outdoors man. He loves horses, dogs, all animals. There is an understanding between them. They trust him. He considers them, and they do their best, perform their utmost for him." (Woodruff has remarked over the years that the real duty of a hunter was to give his horses and dogs a day of pleasure.) This gift communication set his executive style.

From his beginning at Coca-Cola, he has been a man-to-man executive, avoiding "conferences," by-passing memos and paper work, instead talking to individuals, listening, deciding.

To say that his *modus operandi* works is magnificent understatement. As businessmen are wont to say: Look at the bottom line. One share of Coca-Cola stock bought in 1919 for \$40 is worth more than \$16,000 today, considering splits and dividends. Integrity of the stock was one reason why Woodruff abandoned the \$85,000-a-year vice presidency of the White Motor Company to accept the \$35,000 presidency of Coca-Cola. He had been scraping to buy Coke stock for several years. It had fallen from 40 to about 19, and he told friends he was going to see what he could do to recoup his losses.

Besides, he had a couple of aces in the hole. His former employer, Walter White, and his friend, Walter Teagle of the Standard Oil Company, each had assured him that he could have his choice of jobs with either company should he decide he had made a bad decision by coming home. He did go back to the White Motor Company in 1929 upon the death of White. He took over the interim presidency for one year, holding the presidencies of both companies, commuting between Cleveland and Atlanta.

"I want everybody associated with Coca-Cola to make money," Woodruff has said. As everybody knows, most of them have. Adding his own executive genius to the established Coca-Cola system of selling syrup and support in advertising, marketing and merchandising to locally owned bottlers, Woodruff transformed a national drink into a worldwide favorite, available in every country but China, Russia and Portugal. And the company that offered only one product until 1950 now is a multi-national corporation selling 250 products, including other soft drinks, flavors, citrus products, coffee and, through a subsidiary, water purification systems.

The concept of a cooperating group of independent local businesses rendering a fair profit at all levels is considered by many as an exemplary model of the American way of business. "The Company could never have achieved this acceptance and image (worldwide) with any other way of doing business," said present Board Chairman J. Paul Austin. "Nor could any company have afforded the breadth of expansion this has made possible."

So pervasive is Bob Woodruff's influence in all this flowering that even though he retired officially in 1955, and now is nominally only a director and chairman of the finance committee, his associates once adjourned an important meeting when he did not appear, declaring they lacked a quorum.

If it can be said that Coca-Cola and Bob Woodruff have been synonymous for 50 years, it also is true that his business and civic and personal life have melded until they cannot be distinguished.

In Nell Hodgson, one of the spirited daughters of a large and talented Athens, Ga., family, Woodruff met a woman to match his mettle, or better still, to complement it. From the beginning, she knew she was "married to a kite," but she adored him, was proud and protective of the Company, and found her greatest pleasure with him and with their friends and families.

Both Mr. and Mrs. Woodruff had a flair for sociability. Their lives became a swift succession of glamorous hospitality extended and received. They were invited everywhere, entertained in elegant ways. Mrs. Woodruff, whose face and manner had a petal softness, ran her households as efficiently as he ran his business. She sang well—ballads, lullabies, *lieder*. She rode and hunted, enjoyed birds and nature. She was a gifted raconteur, especially adept at dialect, her sense of comedy matching his more cryptic and astringent wit. When she was invited to the White House to be presented to the visiting Queen Elizabeth of England, one of her nieces carefully admonished her. "Now, Nana, do be careful. You must not turn on your British accent when you meet the queen."

The Woodruffs moved freely among four places of abode. Their spacious Georgian house in Atlanta was home. They acquired the 4,600-acre ranch of the late Buffalo Bill near Cody, Wyo. They had Ichauway with its 37,000 acres. And they had a stunning duplex in New York. Atlanta friends of Nell Woodruff remarked enviously that she could go to New York to entertain guests for luncheon in her apartment easier than they could make a trip to Buckhead. Every house was perfectly appointed, completely staffed. The refrigerators were stocked, brasses and silver polished, linen and flowers fresh.

A chauffeur in Atlanta whisked her to their waiting private plane (one of which she decorated herself, principally with beautiful paintings of mourning doves by Athos Menaboni.) The plane floated down at a private airport where a car awaited to whisk her to River House.

"It was like moving around with royalty," says Mrs. T. Erwin Schneider, "yet the Woodruffs gave themselves no airs at all. All paths were smoothed ahead of them. It was as if they had a brace of equerries preparing the way."

Mrs. Schneider traveled often with her beloved friend, including a trip to Geneva, where Mrs. Woodruff had been appointed by President Dwight D. Eisenhower a member of the American delegation to the World Health Organization of the United Nations, an appointment to which she brought a graceful and informed effectiveness. One time when the two ladies were traveling by train to the Woodruff ranch in Wyoming, the conductor knocked on their compartment to give them a message. The president of the railroad had called, he told them, to order the train halted at a point near the

ranch to save them several hours of tedious travel. When he had gone, Nell Woodruff smiled at Mrs. Schneider. "Have you ever had a train stopped for you before?" she asked in amusement. "Isn't it wonderful what a little five-cent drink can do?"

The late Ernest Woodruff, Robert's father, was known for his prudent handling of money. One day he observed to his son that from his point of view, four homes seemed a conspicuous extravagance. "But, Pa," his son cajoled him, "Have you ever heard of any other man with four houses and the same wife in all of them?"

Mrs. Woodruff had finished two years of nurse's training when she married the "city slicker from Atlanta" as she sometimes called her husband, and she kept a lifelong interest in that healing ministrations. During World War II, she served as a nurse's aide in Washington, D.C. and held credentials permitting her to serve in that capacity in any hospital in the United States. She never missed a chance to take over the nursing of their friends in their illnesses. Mrs. J. Elliott Scarborough, whose late husband was head of the Winship Memorial Clinic at Emory and Mr. Woodruff's personal physician and devoted companion, recalls gratefully that Mrs. Woodruff was in the room with her, at her side upon the birth of each of her three children.

In 1968, Emory University named its new nursing school the Nell Hodgson Woodruff School of Nursing. Mrs. Woodruff was on hand at the groundbreaking. Her husband, in one of his very rare public pronouncements, took the opportunity to bespeak his pride in his wife and her quality of human compassion. Mrs. Woodruff delightedly telephoned a friend later. "I've never been so thrilled," she said. "Wasn't that the nicest thing you ever heard of?"

Within a week she died suddenly at Ichauway. They had celebrated their 55th anniversary a few months earlier.

In a reflective mood on one occasion, Mrs. Woodruff had remarked on her charmed existence, and declared that she had never really been tested in her whole life. "Ah, but you have, Nell," Mrs. Schneider remembers replying. "Great wealth and great power are the most demanding tests of anything in the world."

Bob Woodruff has been blessed with many happy family relationships. He was devoted to his mother, and spent much time with her until her death in 1939. One of his favorite places, even as a grown man, was at her knee as she read or talked.

With no children of their own, the Woodruffs showered affection on 30 nieces and nephews—the three children of Woodruff's brother George, and the 27 offspring of Mrs. Woodruff's eight brothers and sisters. These young folks poured in and out of all the Woodruff residences throughout the years. Mrs. Robert Watt, nee Nell Hodgson of Athens, was named for Mrs. Woodruff, and her childhood was somewhat divided between the households of her parents and her aunt and uncle. "All the nieces and nephews just worship them both," Nell Watt says. "I can't tell you how many things our Uncle Bob and Nana have done for us all and now for our children. He's just their Bimpa to the youngest ones."

A cross-stitched sampler at Ichauway says it well: "Happiness is a rich uncle."

Another niece, Mrs. Rutherford L. Ellis, the former Martha Hodgson, now widowed, has served as Mr. Woodruff's hostess from time to time since her aunt's death.

At the office, Mrs. Lucille Huffman has been Woodruff's personal secretary for 45 years, and every year, she says, has been busy, exciting, happy. Officially, Mrs. Huffman is assistant treasurer, one of the two women officers of the Company. She has been eligible for retirement for several years, yet stays on at

their mutual pleasure, voted extension each year by the Board upon Woodruff's motion. "He doesn't like change," she says. "He sticks to people and they stick to him." Mrs. Huffman knows his favorite friends, his irritations, his gratifications, all his ways. "He's done so much good that nobody has ever suspected. He's so soft-hearted. So kind. Some people bore him of course, and he avoids dreary characters like the plague. He never gets caught with tedious ones twice. He can stand ignorance, but he can't tolerate stupidity."

Though The Coca-Cola Company has built a new office structure, Woodruff's offices remain in the old building on North Avenue, adjacent to that of Joseph W. Jones, vice president of the Company and Woodruff's principal business assistant, and down the corridor from the offices of President Charles W. Duncan, Jr. and Board Chairman J. Paul Austin. The walls of the halls, the conference room, his office, and his private dining room are a virtual gallery of leaders of the 20th Century, all autographed affectionately. His office itself is a museum of memories. It contains the roll-top desks of his father and grandfathers, portraits of them all (Grandfather Woodruff with an ear trumpet in hand), hundreds of mementoes, gimcracks, knick-knacks, scrapbooks, and at the left hand of his writing pad, a black leather Bible. Facing him is an engraved reminder reading, "There is no limit to what a man can do or where he can go if he doesn't mind who gets the credit."

A Presbyterian by denomination, Woodruff is not much of a church-goer. His clergy friends come to him, and often bring copies of their sermons. Quietly, he has refurbished and restored many small churches that have fallen into need, and one congregation, knowing his dislike of trumpet-blowing for his benefactions, simply wrote a letter to God thanking him for letting such a fine man come their way when they needed him.

In the center drawer of Woodruff's desk in his office are five watches which Mrs. Huffman ceremoniously keeps wound. He always checks to see if they are running. They always are. It is a little game he plays with Mrs. Huffman. "What can anybody give a person like Mr. Woodruff, who has everything?" Mrs. Huffman asks. "Nothing of value. So you give him something of amusement or sentiment. He appreciates this. He don't let one of his little treasures be thrown away."

Woodruff himself is a discerning gift-giver. His favorite token is one fresh rose delivered at the significant moment. But his personal gifts range from swimming pools to silver to fresh vegetables from the country. He is particularly thoughtful of the widows of his old friends, and makes it a point not only to remember them at sentimental times but to plan special hospitality for them on other occasions. Before the start of each month, Mrs. Huffman presents him with a list of anniversaries of friends he wishes to remember—and he selects the gifts.

Of the many portraits painted of Woodruff, two of the finest are by Elizabeth Shoumatoff (who was working on President Franklin Roosevelt's portrait at the time of his death). The Shoumatoff portraits are almost identical, except that one does not have Woodruff holding a cigar. The ubiquitous cigar has become a personality signature.

Julian Harris, whose broad-shouldered, handsome bronze bust of Woodruff rests in the lobby of the Robert Woodruff Library for Advanced Studies at Emory, found him a surprisingly patient sitter in their seven meetings while Harris was doing the initial molding. At one time he asked his subject to look at a pine tree outside the studio. Woodruff obliged; then his attention wandered. Harris asked him again, and the same thing happened. Finally Harris blurted out: "Look at the pine tree, damn it!"

The artist immediately apologized. "Does anybody ever presume to give you orders?" he asked.

Woodruff laughed and retorted: "Yes; Luther." Luther Cain Jr. is Woodruff's black chauffeur, his valet, his constant attendant and his friend. Cain is admittedly indispensable to Woodruff, and with all due propriety and respect, knows it.

Woodruff has always had an easy country man's way with all his neighbors at Ichauway. Nell Watt remembers with nostalgic pleasure the lovely wedding of a pretty black girl in the big house, arranged by the Woodruffs. At Christmas time, she says, the screened back porch of the old white clapboard house sagged with strain when the black neighbors came to sing spirituals and get their "Santa Claus." Sometimes such guests as Morton Downey sang along with them.

While Dwight D. Eisenhower was President, he dropped in unannounced at Ichauway one time, pulling up at the green circle of winter rye grass centered with the live oak tree in front of the unpretentious house. Prepared for anything, the Ichauway staff were equal to this unexpected honor. They served the President quail and ham.

The President, a golfing buddy of Woodruff's (Ike said he was the only golfer he knew he could beat) loved to hear the spirituals at Ichauway. From time to time he telephoned impulsively during his years at the White House to say, "Bob, put my chorus on. I want to hear them sing 'Just a Closer Walk with Thee'."

During Mrs. Woodruff's lifetime, she had remarked that she scarcely remembered when they had had a meal alone. Even now, Woodruff is rarely without a guest in his household.

The ranch in Wyoming has been sold, but Ichauway continues to be one of Woodruff's favorite places. The bird dogs are there, descendants of the retrievers, pointers and setters—Preacher Dick, Lloyd George, Lady Maritana, Old Mattie—and the others who are buried in Ichauway's canine Valhalla, a private burial nook with appropriate headstones.

The house is picturesque and homey, and in the chill of the hunting season, the fireplaces crackle with fat "lightard" knots bursting with resin. The sideboard groans with food—good country food: fried chicken, string beans, turnip greens, black-eyed peas, sausage, guinea hens, catfish, barbecued ribs, venison steak. In season there are watermelon and berry cobbler, and always homemade cornbread, cane syrup, and fresh buttermilk.

People who fit this memory of the past, this appealing anachronism, are welcomed as much by the staff as by their host. Only trusting people are invited, and they are well known to each other. "Life is pleasanter lived among the people you were brought up with," Woodruff has commented. "That may sound sentimental, but it is true."

Dr. Philip Weltner, a bookish man, former president of Oglethorpe University, and one of Atlanta's respected social visionaries, served fruitful years as consultant to the Emily and Ernest Woodruff Foundation. In one of their discussions, Woodruff suggested that Weltner come to Ichauway to continue the conversation. Demurring, Weltner confessed that if one of the bird dogs pointed a covey of quail, he would not be able to pull the trigger of his gun. "I would be too interested in looking at them."

Woodruff searched his face quizzically. "You would, hmmm? Well, then I guess you have no business at Ichauway."

And Weltner has never been there. But hundreds of other people have: politicians, professional sportsmen, singers, educators, doctors, business magnates, including the Jack Adairs, the Ivan Allens, the Henry and

Robert Troutmans, the Sibleys, the Carl Sanders.

Much of Ichauway is wooded with miles of trails and roads threading through slender pines, great oaks, the draperies of Spanish moss along the banks of Chicawatchee Creek, and visitors cherish invitations for the refreshing company of their host as well as a chance to enjoy a spacious outdoor world that exists mainly in tender memory of vigorous Southern men.

"I admire no one more than Mr. Woodruff," Carl Sanders says. "He's a brilliant man with a peculiar gift of insight. He's a marvelous host. I learn so much from him. Everybody does. When I was governor, his advice and counsel meant so much to me. I'm afraid there'll never be anyone like him. He's one of a kind."

His friends visit him also in his Atlanta home, some of them dropping in as a kind of ritual, to discuss a problem or pass an hour or so in comradeship. Richard H. Rich, chairman of the executive committee of Rich's Inc., whose mercantile organization was building a major store on Alabama Street the year Woodruff took the presidency of Coca-Cola, considers himself fortunate to be one of these visitors: "He makes people feel he has just been waiting to see them individually, to greet them. It is flattering. He's a remarkable person, a man of strong contrasts. There is that hard-core exterior and soft interior in human relations. He has strong likes and dislikes. I find him very warm and friendly and I appreciate him."

Woodruff has always been the friend and advisor to Atlanta's mayors the Late William B. Hartsfield was his boyhood schoolmate, and remained close to him. Former Mayor Ivan Allen enjoyed Woodruff's social and business friendship long before succeeding Hartsfield, and had his support through his two eventful terms. Sam Massell, younger than either of his recent predecessors, inherited Woodruff's counsel as well. Massell has great respect for Woodruff, not only for his wisdom, but for his proven love of Atlanta. "I feel I could go to him for anything needed for the city," he says, "and I don't mean just money. I mean advice, help, direction. He's very bright. Brilliant, really. You hardly begin to fill him in, and he understands the situation."

Of all men, Boisfeuillet Jones, formerly special assistant to the secretary of Health, Education and Welfare and now president of the Emily and Ernest Woodruff Foundation, perhaps best sees the intensity of Woodruff's concern and devotion to Atlanta.

Actually there are five foundations, all of them interrelated through their growth from Coca-Cola investments: the Trebor Foundation, the Joseph B. Whitehead Foundation, the Lettie Pate Evans Foundation, the Lettie Pate Whitehead Foundation, and the Emily and Ernest Woodruff Foundation. Their assets total about \$553 million, most of it international stock of The Coca-Cola Company. Except for the Trebor Foundation (Robert spelled backward) with assets of \$38 million, none of these can be considered Robert Woodruff's own money.

The funds are controlled by a board including George A. Woodruff (Robert Woodruff's only living brother), J. Paul Austin, John A. Sibley and James M. Sibley. Joseph W. Jones is alternate member. But it is understood that Robert Woodruff "influences" the grants and gifts from all these sources.

These Foundations are at the heart of virtually every capital funds campaign in Metro Atlanta. Their general pattern of philanthropic interest centers on health, education, youth activities, culture, and in recent years, the problems of crime, job training, welfare services in the inner city, etc. In the past, grants have been made anonymously, respecting Woodruff's distaste for personal publicity, and his feeling that oper-

ating quietly gets more things done. "In any event, the people who really count know about the grants anyway," it is often remarked.

Anonymity has actually worn a very opaque veil. One of the "worst kept secrets in Atlanta," according to the late William B. Hartsfield, was the source of \$8 million given toward the construction of the Atlanta Memorial Arts Center. These gifts have since been identified by such publications as *The New York Times* and the Twentieth Century Fund Study *The Big Foundations*, compiled by Waldemar A. Nielsen and published in 1972 by the Columbia University Press.

Gudmund Vigtel, Director of High Museum, which is a part of the \$13 million Memorial Arts Center, says the new building has changed everything for the museum. Attendance tripled the year of its opening. Membership did likewise. Income from membership went from \$30,000 to \$146,000 last year. "While you may not think that is very dramatic," Vigtel says, "let me tell you it is one of the highest figures in the country."

Dr. Weltner, who helped focus Woodruff's attention on the city's need for an arts center, says Woodruff admittedly is no culture buff. "So the fact that he gave the arts the momentum he did is even more to his credit. He knew the city needed it."

This month, when the dogwoods are in full bloom, Atlanta's new Central City park in the environs of Five Points has opened in a preliminary way as a downtown oasis. This park is the result of a gift of stock valued at \$9 million marked "anonymous" a year or so ago. At the same time the park gift was made, a grant of \$1 million was made to the Martin Luther King memorial for a park to be developed across the street from the late Dr. King's church, the Ebenezer Baptist, and his burial plot.

For years Woodruff was a trustee and member of the finance, executive and nominating committees of Tuskegee Institute, and has been much involved with that institution's development. Three major capital grants amounting to about \$6 million have also been made recently to the Atlanta University complex. The Boys Clubs of America, Goodwill Industries, Y.M.C.A., Red Cross, dozens of other agencies have received grants, and in 1971, a gift of \$75,000 to Fernbank Center assured the purchase of 65 acres of crucial land. That was the year that the city received its Center City park grant, and \$28 million more was distributed in 28 gifts, including seven to Emory's Medical Center.

Last July, the Woodruff Foundation gave about \$36 million to Atlanta educational institutions, plus more than \$10 million to the Atlanta Arts Alliance as an endowment for the Memorial Arts Center's operation. A gift of \$1 million was made recently to the Atlanta Historical Society toward the construction of a new archives building.

But Emory University has received the lion's share of the Foundations' benefactions since 1937. Amounts in excess of \$100 million have found their way to Emory under the "influence" of the Woodruffs, most of them channeled to the establishment of the Woodruff Medical Center. The name was chosen to honor the Woodruff family, not an individual member, since much of the money represented the Woodruff family's wealth. The Woodruff Medical Center continues to expand. It now embraces 16 major medical and research units and related agencies.

Dr. Arthur Richardson became dean of the Emory Medical School 16 years ago. He declares that Woodruff has never made a demand on him. "He can take facts, many facts, put them in relationship and come to the right conclusion. He is not distracted by details. He is also not a man to second-guess, and you'd better not try. Once he is committed, he is committed 100 per cent."

For his part, Dr. Sanford Atwood, who has spearheaded a huge development program at Emory since he came 10 years ago as its president, considers Woodruff the "grandest man I've ever known. They way he thinks, acts, accomplishes, his feeling for his fellow man. . . . Of course one of his profound and lasting interests is Emory University. This has perspicacity behind it. Through scholarship and research and service activities, a university is one of the strongest forces for cultural advancement and the forward thrust of society. Mr. Woodruff and I have a perfectly wonderful association. We talk. He suggests. He makes no demands. He is a very great person."

More than 35 years ago, Woodruff's good friend, the late Ralph McGill, wrote him a long letter upon the death of his brother Henry. "So many men," McGill wrote, "never realize the hard fact that they are a part of mankind, and that they must be responsible to mankind. You have learned that the bell tolls for you, and you have answered it in measure greater than was required of you. You have given of your wealth and more important, of yourself."

McGill would not have written it better in 1973.

But can't old Dr. Weltner, the man who couldn't fire a gun at a quail, perhaps say it best: "I think of Woodruff and Augustus Caesar," he mused; "When Augustus Caesar came to Rome, the city was built of bricks. When he left it, Rome was a city built of marble."

DEATH OF THOMAS P. STONEY, FORMER MAYOR OF CHARLESTON, S.C.

Mr. THURMOND. Mr. President, Thomas P. Stoney of Charleston, S.C., who died April 21, 1973, at age 83, the victim of a hit-and-run driver, was an outstanding leader in his community and State for more than a half century.

His service spanned not only a long period of years but a variety of roles in public affairs. After graduation from the University of South Carolina Law School in 1911, he entered the practice of law in his home city. At the age of 26, Mr. Stoney was elected circuit solicitor, a post which he filled with distinction until being elected mayor of Charleston 7 years later.

His two terms at the helm of the city administration resulted in a number of outstanding accomplishments. During his administration the city's first airport was established, as well as a number of recreational and playground facilities.

Mr. Stoney's strong and progressive leadership has been felt through the years. Since leaving the mayor's office in 1931, his wise counsel was sought and followed in many areas of civic and public life. He was a champion of the underdog throughout his career, and never feared to fight for those principles which he felt were right.

His interest in politics and public life transcended local affairs, extending to a broad range of state matters and Presidential elections.

Mr. Stoney was an excellent speaker and a respected lawyer who contributed a lifetime of public service. His untimely death as the result of a hit-and-run automobile was a shock to all who knew him.

Mr. President, at the time of his death a number of newspaper tributes were

published about his life and career. I ask unanimous consent that four such articles be printed in the RECORD at the conclusion of my remarks. They are as follows: "Thomas P. Stoney Killed in Hit-Run," the News and Courier, Charleston, S.C., April 23, 1973, "Stoney Was Known as Man of Courage," Charleston Evening Post, Charleston, S.C., April 23, 1973; "Thomas P. Stoney," the News and Courier, Charleston, S.C., April 27, 1973.

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

THOMAS P. STONEY KILLED IN HIT-RUN

Thomas Porcher Stoney, lawyer and former mayor of Charleston, died Saturday night when he was hit by a car on U. S. 17 at Awendaw. He was 83 years old.

Charleston County Policeman Dan Lunsford said Mr. Stoney was struck by an unidentified automobile when he attempted to cross the highway.

Mrs. Stoney was in the family vehicle when the accident occurred, Deputy Coroner William Wood reported.

Wood said Mrs. Stoney had parked on the highway shoulder, headed south, at about 10:30 p.m. 20 miles north of Mount Pleasant.

Mr. Stoney got out and was struck by a car headed north, Wood said, as he walked toward a grocery on the other side of the road.

Charleston Mayor J. Palmer Gaillard ordered flags to be flown at half staff on city buildings until the funeral at 3 p.m. today at St. Philip's Episcopal Church.

Burial will be in Strawberry Chapel cemetery in Berkeley County, directed by Stuh's.

Mr. Stoney was born Dec. 16, 1889, at Medway Plantation in Berkeley County, a son of S. Porcher Stoney and Mrs. Eliza C. Croft Stoney.

Surviving are: his widow, Mrs. Beverly Stoney, a Charleston Realtor; Charleston County Judge Theodore DuBose Stoney, and Laurence O'Hear Stoney, a Charleston lawyer, and several grandchildren.

Mr. Stoney attended Catawba Academy at Rock Hill and Porter Military Academy at Charleston. After two years at the University of the South in Sewanee, Tenn., he entered the University of South Carolina Law School, graduating in 1911.

He began his law practice the same year with J. P. Kennedy Bryan. In 1916 he was elected solicitor for the 9th Judicial District.

Mr. Stoney served as solicitor until his election in 1923 as mayor. He was re-elected mayor in 1927 and completed his second term in 1931.

As mayor, Mr. Stoney was instrumental in establishing Charleston's first airport, a facility on James Island. It was transferred to the present site in 1929.

Under his administration, a municipal golf course was laid out on James Island; Johnson Hagood Memorial Stadium and Thomas P. Stoney field were built, and the Gen. William Moultrie Memorial Playground opened.

Throughout his life, he was known as a champion of the underdog. In 1931, he lashed out at the Federal Farm Board's proposal that cotton farmers destroy a third of their crops to prevent a surplus, calling the plan "preposterous on its face."

In talks to state and local groups, Mr. Stoney reversed his initial support of Franklin D. Roosevelt's administration and became an ardent supporter of states' rights. He lost a race for the U.S. Senate to James F. Byrnes in 1936.

Mr. Stoney broke philosophical ties with the Democratic Party in 1948 when he stumped for the Thurmond-Wright States Rights ticket.

In 1956, he was named an elector for South Carolinians for Independent Electors. Four years earlier he had traveled some 2,100 miles campaigning for Dwight D. Eisenhower.

He supported Barry Goldwater in 1964, saying that the Democratic Party was "set upon a course that is hell-bent for national socialism."

Mr. Stoney served as president of the Charleston County Bar Assn., the Charleston Chamber of Commerce and the University of South Carolina Alumni Assn. He had been a trustee of Porter Military Academy, Swanee and the College of Charleston.

He was a 32nd degree Mason, a Shriner, a member of the Charleston Rifle Club, the Huguenot Society, Elks, Moose and Knights of Pythias. He held membership in the St. Cecilia Society, and Alpha Tau Omega and Omicron Delta Kappa fraternities.

Mayor Gillard said in a statement yesterday:

"He was the most colorful and astute politician this city will ever have. He never wavered from what he believed to be right and would take on all comers and odds in any fight in the political arena.

"His leadership was recognized throughout the state and his opinions and advice were constantly sought by those with public responsibilities.

"Few, if any, achieved political success in this area without receiving the benefit of his counsel.

"The most pleasant experiences of my political life were those occasions when I would discuss with him a particular problem about our city. His understanding of the situation, his sincere desire to be of help and his unique ability to suggest a solution never ceased to amaze me. A conversation with Mr. Stoney was truly an education in itself.

"But his true greatness was in his love and devotion to his friends and his city. The greater part of his life was devoted to helping others with their problems. He was truly the friend of the little man.

"Charleston has lost a great man. I have lost a dear friend. And on behalf of all Charlestonians, I extend our heart-felt sympathy to his family."

U.S. Sen. Ernest F. Hollings, as Governor who appointed Mr. Stoney to the State Board of Corrections in 1959, credited him with having done a "tremendous job" in that post.

With Mr. Stoney on the board, Sen. Hollings said, the prison system gained a new camp, new rehabilitation programs, a new education system and a Jaycee chapter.

"We came from about the bottom of the ladder in reform," said Sen. Hollings. "And a lot of that was due to Mr. Stoney's leadership. He kept it up to the very end."

STONEY WAS KNOWN AS MAN OF COURAGE

(By Sally Lofton and Jack Leland)

Funeral services for Thomas Forcher Stoney, former mayor of Charleston, were to be held today at St. Philip's Protestant Episcopal Church.

Burial was to be in Strawberry Chapel churchyard in Berkeley County.

Mr. Stoney, 83, was killed in a hit-and-run accident Saturday night as he attempted to cross U.S. Highway 17 in Awendaw.

Flags on city buildings were flown at half staff today, upon order of Mayor Galliard. City Hall was to be closed during the funeral.

"He was the most colorful and astute politician this city will ever have," Galliard said. "He never wavered from what he believed to be right and would take on all comers and odds in any fight in the political arena.

"His leadership was recognized throughout the state and his opinions and advice were constantly sought by those with public responsibilities," he continued.

"Few, if any, achieved political success in this area without receiving the benefit of his counsel."

Galliard said Mr. Stoney's "true greatness" was in his love and devotion to his friends and the city of which he served as mayor from 1923 to 1931.

"Charleston has lost a great man. I have lost a dear friend. And on behalf of all Charlestonians, I extend our heart-felt sympathy to his family."

According to the Charleston County coroner's office, Mr. Stoney was struck by a car headed north on the highway as he tried to cross from his car to a grocery on the other side. Mrs. Stoney was waiting in their vehicle at the time.

An inquest is planned, according to Coroner Kenneth Chue.

Mr. Stoney was a farsighted thinker who predicted most of the political changes that have occurred in the last four decades. He never failed to speak up whenever an issue arose and was known as an aggressive and courageous fighter in all controversies in which he engaged.

He was born at Medway Plantation in Berkeley County Dec. 16, 1889, a son of Samuel Porcher Stoney and Eliza Chaplin Croft Stoney. He attended Catawba Academy at Rock Hill and Porter Military Academy at Charleston.

After two years at the University of the South (Sewanee) he entered the University of South Carolina Law School, graduating in 1911 and beginning law practice that same year. He was an ardent sports fan and played on the Carolina football team from 1909 to 1911.

In 1915, he married Miss Beverly DuBose of Columbia. They had three children, Charleston County Judge Theodore DuBose Stoney; Charleston lawyer Laurence O'Hear Stoney, and Randell Croft Stoney, a Charleston realtor.

Mr. Stoney entered the law firm of J. P. Kennedy Bryan in 1911, shortly after his admission to the South Carolina bar. In 1914-15 he was a member of the firm of Stoney and Cordes. He was elected solicitor for the 9th Judicial District in 1915, the youngest solicitor ever elected, serving until 1923 when he was elected mayor of Charleston.

He was re-elected in 1927 and served until 1931, when he returned to law practice as a member of the firm of Stoney, Pritchard and Crosland. That firm was to gain a reputation as one of the strongest law teams in South Carolina. It was dissolved in 1954. He was in practice with his son at the time of his death.

While mayor of Charleston, Mr. Stoney was instrumental in establishing Charleston's first airport, on James Island, and saw it transferred to its present site in 1929. In 1965, after the city gave the U.S. Air Force several thousand acres of land as a site for its present base. Mr. Stoney charged that the city was not adequately protected in the contract it signed and said: "The Air Force has traded the city out of its breeches."

He was credited with creating the first Johnson Hagood Stadium, and with the establishment of Harmon Field and Moultrie Playground. During his tenure as mayor, the first landfill program was initiated to create two playgrounds and a baseball field, which was named in his honor.

In 1931, when the Federal Farm Board proposed that cotton farmers destroy one third of their growing crops to prevent a cotton surplus, Mayor Stoney rose to defend the farmers. He said: "The proposal . . . is preposterous on its face. Why not propose that manufacturers and merchants destroy one third of their holdings in cotton goods. Prevention of surpluses can only be had by developing new uses for raw materials."

Throughout his life, he was a champion of the underdog. In 1932 reading that a Spartanburg Negro with the mentality of a nine-year-old child was to be electrocuted for murder, he wrote Gov. Ibra C. Blackwood and requested clemency.

He had misgivings about the Franklin D. Roosevelt administration from the first, although he supported the Democratic Party at the time. He warned the 1932 "lame duck" Congress against trying to institute Roosevelt's announced programs before FDR was inaugurated as President. However, he backed Roosevelt in 1933 and called for united support of the new regime in Washington.

In 1934, he expressed hopes of being named the U.S. district attorney at Charleston, a hope that never was realized. His political opponents later charged him with opposing Roosevelt because of the President's failure to name him to the post, an allegation Mr. Stoney denied.

By 1934, he was moving away from the national Democratic Party, chastizing its congressmen for supporting the National Recovery Act (NRA), because it continued high tariffs on Southern raw materials and benefited Eastern manufacturers.

In 1935, Mr. Stoney began speaking out against the growing strength of the federal government under the Roosevelt Fair Deal. He listed 10 powers he said the President had usurped and warned against further centralization of power in Washington.

Mr. Stoney was an early advocate of the tourist trade and made numerous speeches in the late 1930s urging more funds for tourist promotion in Charleston.

His disaffection with the New Deal grew and, in 1936, he said in a speech that "all of his spending is like giving a drunk some drinks in an effort to sober him up."

That same year, he became a candidate for the U.S. Senate against veteran James F. Byrnes, but Byrnes won by a 7-1 margin.

During his campaign, he became more and more critical of the leadership in the National Democratic Party which he said, "deserted its historic principles to follow those of Hot Dog Frankfurter, Little Tuggle Tugwell, Too Damned Dumb Hopkins, Mrs. Itches (Ickes) Moley and Cracked Down, now Cracked-Up Hugh Johnson". However, he made it clear he would remain in the party.

By 1939 Mr. Stoney was urging a build-up of the nation's military strength as Adolph Hitler's power grew in Europe. He suggested that American Communist Party Leader Earl Browder be jailed for saying he would side with Russia in event of a war with the Soviets.

During the war, Mr. Stoney headed the Charleston United War Drive but found time to warn Congress against passage of the Wagner-Murray-Dingle Bill, which would have socialized the nation's medical program. He warned that the nation was "drifting toward a socialized state".

In 1947, after Federal Judge J. Waites Waring ordered the Democratic Party primaries open to Negroes, Mr. Stoney thundered: "The Democratic Party is dead as of this date. If we cannot organize politically as a white party, then we are not free men." He staunchly opposed the abandonment of the two-thirds majority vote rule in the national party and warned that it would disenfranchise the South.

His break with the party appeared certain in 1948, when he stumped for the Thurmond-Wright "States Rights" ticket. He said: "You are either for Light-Headed Harry Truman and Dear Alben Barkley, or you are for Thurmond and Wright."

In 1952, he was a delegate to the state Democratic Party convention where he opposed support of the Adlai Stevenson—John Sparkman ticket. In an emotional speech he said: "Vote with your heads instead of your bellies." He described the Stevenson-Sparkman team as "spiritual children of Tumanism". He spoke out for Eisenhower and strongly urged a return to "strict constitutional government to prevent a takeover by any branch of the government".

By 1956, Mr. Stoney was a leader in the South Carolinians for Independent Electors.

He told audiences that the only way the people of this state could make their votes count was to vote independently and force the national parties to reckon with them.

In 1964, he supported Barry Goldwater for the presidency as chairman of the "Individuals for Goldwater Committee". At that time he charged the Democratic Party with being "set upon a course that is hell-bent for national socialism."

When it was announced that Highway I-95 was being routed away from Charleston, Mr. Stoney was named chairman of a group which unsuccessfully opposed the routing.

Mr. Stoney had served as president of the Charleston County Bar Association, the Charleston Chamber of Commerce, the University of South Carolina Alumni and other organizations. He had been a trustee of Porter Military Academy, Sewanee and the College of Charleston.

He held memberships in many organizations. Among them were the St. Cecilia Society, Alpha Tau Omega fraternity; Omicron Delta Kappa fraternity, the Huguenot Society, the Elks, the Order of Moose and Knights of Pythias. He was a 32nd degree Mason and a member of the Shrine and the Ashley Rifle Club.

THOMAS P. STONEY

Endowed with courage, vigor and a keen mind, Thomas Porcher Stoney was born to leadership. For more than half a century he was prominent, both in and out of political office, in the affairs of Charleston.

Descended from pioneer English and French families, he grew up at Medway Plantation in Berkeley County, went off to school and started practicing law in 1911 at Charleston. Within four years at age 25, he was elected solicitor of the 9th Judicial Circuit.

As prosecuting attorney, the starting place for many an American politician, Mr. Stoney made an instant public impact. In 1923 he ran for mayor against John P. Grace, for years a dominant political figure in Charleston, and won. He was reelected in 1927. After completing his second term in City Hall, he continued to play an influential role in the political and civic life of this community.

While he had the bearing and assurance of aristocracy, Tom Stoney also had the common touch and an abiding concern for the underdog that brought admiration and support from people in every walk of life. In later years, his deep faith in states rights caused him to leave the Democratic Party, first to support independent tickets and later Republican candidates for President. He retained the respect of citizens of all factions, and his counsel was sought in many circles.

Mr. Stoney's death at age 83 from a hit-and-run automobile is a tragic ending for a useful and distinguished lifetime of public service. Shrewd in business and politics, witty, wise and proud, he was quick to sense an affront but willing to forgive. Thomas P. Stoney will be remembered with affection, gratitude and esteem in the region of his birth.

THOMAS P. STONEY

To The News and Courier:

Thomas Porcher Stoney was the greatest man I ever knew. It was my high privilege to serve as his first executive private secretary when he became mayor of Charleston. In this position I had ample opportunity to study the characteristics of this great man. I came to understand as a very young person what a servant of the people should be in every sense of the word.

Mr. Stoney was every inch a patriot. He loved his country, his state, and his city, with utterly unselfish dedication. When I left Mr. Stoney to go to the theological seminary to study for the ministry of the Protes-

tant Episcopal Church I realized every day of my life that I had received splendid preparation for this exalted work as Mr. Stoney's secretary.

I have lost a friend and the people in every walk of life have lost a friend whose devoted love and loyalty could never be doubted.

LAWTON RILEY.

CANTERBURY HOUSE.

BEEF PRICES AT THEIR NATURAL LEVELS—RESOLUTION OF OKLAHOMA HOUSE OF REPRESENTATIVES

Mr. BARTLETT. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution of the Oklahoma House of Representatives memorializing Congress to prevail upon the President's Council of Economic Advisers to permit beef prices to seek natural levels until such time as there is a rollback of prices on items that directly affect cattlemen's cost of beef production.

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

HOUSE RESOLUTION No. 1049

A resolution memorializing Congress to prevail upon the President's Council of Economic Advisers to permit beef prices to seek natural levels until such time as there is a rollback of prices on items that directly affect cattlemen's cost of beef production; and directing distribution

Whereas, the wholesale price index compiled by the Department of Labor reflected a 2.2% inflation rate in March—the steepest monthly hike since January, 1951; and

Whereas, the near billion dollar per year cattlemen's beef industry in the State of Oklahoma is squeezed between inflated costs of machinery, livestock feed, and other essentials to beef production and the artificially limited sales returns imposed by the government on beef; and

Whereas, the aforesaid inflation ran unchecked until recent federal government attempts to curb it, and the curb now imposed on beef prices leaves the cattlemen in untenable financial positions; and

Whereas, the federal government's limit of prices on a selected product, like beef, is grossly unfair when there is no limit on important items directly affecting beef production; and

Whereas, the present policy of selective controls on beef is destructive of the cattlemen's beef production efforts and is one that, in the vernacular, "kills the goose" that has been laying the cherished egg of quality beef for the consumer.

Now, therefore, be it resolved by the House of Representatives of the 1st session of the 34th Oklahoma Legislature:

SECTION 1. The Congress of the United States is respectfully urged to prevail upon the President's Council of Economic Advisers to let the price of beef seek its natural level until such time as the Congress is prepared to roll back prices on items that directly affect the cattlemen's beef production.

SECTION 2. That a duly authenticated copy of this Resolution be distributed to each member of the Oklahoma Congressional delegation and to the office of the President of the United States.

Adopted by the House of Representatives the 16th day of April, 1973.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. CLARK). Is there further morning busi-

ness? If not, morning business is concluded.

VOTER REGISTRATION ACT

The PRESIDING OFFICER (Mr. CLARK). Under the previous unanimous-consent agreement, and the hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, S. 352, which the clerk will state.

The legislative clerk read as follows: S. 352, to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the 1 hour allotted before the Senate proceeds to vote on the cloture motion will be equally divided and controlled by the Senator from Wyoming (Mr. MCGEE) and the Senator from Alabama (Mr. ALLEN).

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCGEE. Mr. President, I yield to the Senator from Alabama for 15 seconds.

Mr. ALLEN. Mr. President, I yield such time as has been assigned to me to the distinguished Senator from Hawaii (Mr. FONG) who was absent from the Senate at the time of the assignment of the time, and yield control of the time to him in opposition to the cloture motion.

Mr. MCGEE. Mr. President, I now yield to the distinguished Senator from Massachusetts (Mr. KENNEDY) for 7 or 8 minutes.

Mr. KENNEDY. Mr. President, I give my strong support to S. 352, and I hope that the Senate will vote to invoke cloture this afternoon. I have had the opportunity to testify before the floor manager of this bill and the Committee on Post Office and Civil Service on two different occasions in support of the measure.

Now, the Senate has the opportunity to express its will on whether we shall, as the people's representatives, be able to vote on an issue which is probably as basic and as fundamental to our democracy and the cause of freedom as any issue which will be before the Senate in this session or perhaps in many sessions to come.

From the earliest days of the Republic, we find statements and the concerns over the importance of the right to vote. Yet, from the earliest days of the Constitution itself, on into recent times, we find that serious road blocks have been placed in front of the American people in the exercise of this most basic and fundamental of all rights, the right to vote.

In recent years, the Supreme Court and Congress have taken extremely important steps toward removing many of these roadblocks. The Voting Rights Act and the 18-year-old vote are two of the most recent landmarks of our concern in Congress.

Until fairly recently, the Nation endured a situation in which individuals who voted in sparsely populated areas often had their votes count many times as much as those who lived in the industrial areas. But the Supreme Court recognized the importance of one man, one vote as an important step in maintaining and improving and strengthening our free society and our democracy, and the Court's decision has been vindicated many times over in the new vitality given our political process.

So, particularly in recent times, there has been a constant effort by Congress and by the Supreme Court to make the right to vote available to all the American people.

The matter before the Senate this afternoon represents an effort to eliminate another major obstacle that restricts the franchise in our society—the enormous burden of unfair registration requirements that effectively deny the right to vote to millions of our citizens.

We do not have to look very far in any of our States, including my own State of Massachusetts, to realize the constant barriers that registration imposes on individuals seeking to express their views at the polls. The place where one registers to vote may be many miles from where he lives. The place where one registers is often closed at the times when persons would find it most convenient to register. Most people in this country are working people, and it just happens that most of the hours during which registration offices are open coincide with the hours when most people have to go to work to provide for their families. Typically, there is only a very limited period, shortly before an election, when adjustments are made to permit citizens to register more easily.

The fact is that the requirements of voter registration in most States have grown up only in the last 75 years or so. Their effect has not been to encourage people to participate in the election system, rather, the effect has been to harass the people who wish to vote. The burden of registration is the major reason why 62 million eligible voters failed to go to the polls on election day last November. The number of nonvoters has grown in each election since 1960. Certainly this is an unfortunate situation. No other free society in the world has such a low turnout of voters.

There are those who say that America's low voter turnout is a result of the malaise that exists among the American people; that the people do not wish to exercise their right to franchise; that they are not pleased with the candidates who are running.

But why can we not simply agree that voter apathy is a factor, too, and go on to deal with serious and immediate problems of voter registration? The effort being made here today is to eliminate registration as a barrier to voting. The bill before the Senate is a reasonable and

responsible measure which, at a single stroke, is capable of opening up the franchise to millions of citizens.

I think this legislation is constructive. I think it has been well thought through by the committee. It represents a major new effort by the Senate to build on the progress we have made in many other areas of voter participation.

I, for one, cannot understand what justification exists for Members of this body to try to filibuster a proposal that goes to the heart of our democratic process, or to try to prevent the issue from coming to a vote before the Senate this afternoon. At a time when there is considerable concern about the public malaise, I hope that the Senate will identify itself with the first right of Americans, going back to the first days of the Republic—the right to vote.

Mr. FONG. Mr. President, I yield 6 minutes to the distinguished Senator from Alabama.

Mr. ALLEN. Mr. President, I thank the Senator from Hawaii.

Some explanation is probably in order today about the cloture motion, which was filed on April 17 by the junior Senator from Alabama and 20 other Senators. The bill has been before the Senate since April 6 of this year.

There was no disposition apparently on the part of the leadership to bring the matter to a conclusion and there was no inclination on the part of the sponsor of the bill, the distinguished Senator from Wyoming (Mr. McGEE), so at the time that the cloture motion was filed, the Senator from Alabama correctly stated that in his judgment all 21 signers of the cloture motion would vote against the invoking of cloture, a vehicle available to Members of the Senate to show that a sufficient number of Senators wish to prevent a vote on the bill are opposed to passage of the bill.

It is the hope of those who signed the cloture motion and provided the vehicle for this vote that the cloture motion will be defeated, that it would be defeated by such an overwhelming margin that not only the leadership but also the distinguished Senator from Wyoming will be willing to withdraw this bill from consideration by the Senate.

They say the whole country wants this bill and that there is strong sentiment in the Senate for the bill. Where is the support for the bill, Mr. President? There are two Senators in the Chamber—three now—and two of those Senators are opposed to the bill and one is in favor of the bill. It would seem to the Senator from Alabama that if there is so much support for the bill every Senator would be in his seat clamoring for cloture to be invoked in order that consideration of the bill might be had.

Having postcards sent out—by the way, why send 240 million of these cards throughout the country by the post office system? Why do that? Why not have the cards picked up at a local office, the county tax collector's office, the place where automobile tags are picked up? Do not go to the trouble of sending out tens of millions of these cards throughout the country. They would be sent to residences whether there are adults in the house or not, and without regard to

who might live there. Why go to all that trouble? I suspect the reason it is proposed they go through the mail is so that the Committee on Post Office and Civil Service, headed by the Senator from Wyoming (Mr. McGEE) would have jurisdiction of the bill. The bill should be considered by the Committee on the Judiciary, as almost everyone concedes.

How much good does a postal card registration do? The great State of Texas has had registration not only by post card but also by coupon in the newspaper or by letter, any type notice to the registrar that the man wants to vote.

What is the registration percentage in Texas? According to the 1970 Census figures, 62.3 percent of voting age Texans are registered to vote where they had the post card system, and after 30 years. So the reason for a light vote is not the registration but rather the failure of people to go out and vote.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FONG. I yield 2 additional minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 2 additional minutes.

Mr. ALLEN. I thank the Senator.

Mr. President, let us look at another State that does not have post card registration, the State of Utah. How many voters are registered there without post cards? The percentage in the State of Utah is 98.4 percent. In the good State of Utah 98.4 percent of the people are registered to vote.

Yet under this bill they would send out two cards, or a card doubled over; the recipient would fill in a question or two and send it back to the registrar, and on that basis they would be registered. We would have a situation where a man registered by post card would never be seen by the registrar. Under this bill they would broadcast possibly a half million post cards throughout the State of Utah in order to get this remaining 1.6 percent of the people registered who are not now registered. What greater example of overkill could we have than to send out that many cards in order to register 1.6 percent of the people in the State of Utah.

In the State of Texas they have post-card registration and they have only 63.2 percent of the people registered.

This would cost \$50 million to \$100 million a year.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Birmingham News entitled "The Reluctant Voter," another editorial from the Birmingham News entitled "Protect the Vote," and an article by James J. Kilpatrick entitled "Postcard Registration Bill Is a Bad One."

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

[From the Birmingham News, Feb. 5, 1973]

THE RELUCTANT VOTER

Americans tend to register poor showings in elections, whether the elections are held for president or local school board member; particularly if they are for a local bond issue, in which case citizens rationally would be expected to be interested in how their money will be spent.

The voter turnout is especially poor when compared to the "democratic" elections of, say, the Soviet Union, where the only choice the voter has is to vote yes to the party's slate. Failure to vote in such countries could be injurious to the citizen's health.

The question, however, is whether the problem of low voter turnouts in this country is something the government should do anything about. Presumably there are no barriers to those who wish to register and put forth the effort to get their bodies into the proper voting machine on the appointed day.

The severity of the problem may, however, vary with the interests of the individual assessing the problem. To a politician belonging to a party which lost the last national election—such as Sen. Edward M. Kennedy of Massachusetts—the situation cries out for action.

Naturally the first step toward a solution of the problem entails finding a villain. "Registration is the villain," Kennedy has determined, "and 1972 is no exception." With this fanfare, Teddy K. proposes a federal law which would allow all those potential Democrats who so far have not registered to do so via postcard.

Kennedy's proposal may not solve the problem of citizen apathy, but the operators of machine politics will love it. In wards where residents of cemeteries mysteriously continue to "vote," think of the possibilities for the enterprising ballot box stuffer if a potential voter need not even present his body for official inspection before being conferred the privilege of casting a ballot.

Another point: If a voting-age citizen lacks the cognitive resources to comply with simple registration procedures, will he have the perspicacity to distinguish between a registration postcard and his junk mail? Further, will door-to-door federal registration field workers be needed to help the afflicted individual fill out his postcard?

Registration procedures are just not that complicated for those blessed with ordinary walking around sense. Kennedy himself is a registered voter, proving the point.

With the Democrats' luck, new registrants gained through a postcard system would vote Republican anyway—just as the celebrated "youth vote" went for Nixon despite prior Democratic illusions to the contrary.

If the Democrats keep giving the country candidates such as Sen. George McGovern, they will continue to lose sweepingly, despite all the "villains" they find on which to blame their misfortunes.

[From the Birmingham News, April 17, 1973]

PROTECT THE VOTE

Americans who have been around long enough to have seen national, statewide and local elections turn on the basis of a few stolen or questionable votes shudder at the prospect of the proposed postcard registration.

The bill would use the U.S. Census Bureau to identify potential voters and to prepare registration cards. The Postal Service would deliver them. The potential voter would in turn only have to mail the card to his proper board of registrars.

The motivation for the bill is the conviction that not enough Americans vote. Apparently the philosophy is that the more persons who are registered to vote the bigger be the turnout in elections.

This theory patently will not bear scrutiny. In the hotly contested 1972 presidential elections only 57 per cent of the eligible voters saw fit to cast their ballot. Out of an estimated 139 million eligible to vote, approximately 64 million chose not to exercise their franchise.

Statistically no evidence exists to support the theory that making it easier to register will result in a larger percentage of voters in any given election.

If a potential voter will not expend the time and energy required to register, why expect him to make a like commitment of time and energy to vote?

On the other hand the voter registration bill could open the election process to all sorts of crooked voting. Close, hotly contested elections could be determined by the party or candidate who could vote the largest number of persons two or more times.

Voter registration requirements over the nation vary from state to state. Probably a great deal could be done to make registration easier. The number of hours per week that registration offices are open could be increased with an adequate number of night-time hours provided. Holiday and weekend hours could also be made available and temporary registration offices could be set up in neighborhoods so as to be easily accessible to potential voters.

Patently, the so-called tombstone, mail-order registration bill is not a sensible solution which will serve the American election process and is therefore not in the best interests of the nation.

Majority Democrats in Congress who are pushing the bill would do well to look down the road to the time when they may not be of the majority party and rue the day they face defeat in a hotly contested race because of illegally cast votes.

POSTCARD REGISTRATION BILL IS A BAD ONE

(By James J. Kilpatrick)

Pliny the Elder, so we are told, once remarked that "no book was so bad but some good might be got out of it." The same gentle maxim ordinarily applies to bills that reach the floor of the United States Senate.

But Sen. Gale McGee's S. 352, now the pending business before the Senate, may well constitute an exception to the rule. This is the Voter Registration Act, otherwise known as the Postcard Registration Bill. It is so bad that no good whatever can be got out of it.

The bill might better be entitled, "An Act To Waste the Time and Money of the People and To Undermine the Constitution of the United States." To be sure, the Democratic senator from Wyoming does not these purposes in mind. His idea is to make it easier for eligible persons to register as voters, in the hope that, once registered, they will vote in greater numbers. The gentleman is full of good intentions and bad law.

It is arguable, indeed, that McGee's first premise is in error. Is there any valid reason why vast numbers of people should vote? More precisely, is there any evidence to prove a correlation between good government and mass voting? It seems exceedingly doubtful.

Utah and Montana, by way of example, traditionally have ranked high among the states in terms of voter turnout. Alabama and Louisiana traditionally have ranked low. Yet each of the states has sent some able and distinguished men to Congress; and each of them has sent men whose abilities were not quite so great and whose distinction was scarcely visible. There is nothing whatever, so far as I know, to prove that democracy is healthier, or government more virtuous, if 70 or 80 or 90 percent of the eligible persons register to vote.

This further threshold observation: The right to vote, like other rights, is noncompulsory in its exercise. Just as the right to speak embraces a right to remain silent, so the right to vote embraces a right not to vote. Now that poll taxes and literacy tests have been effectively abolished, nothing stands between the eligible adult and the ballot box but his own indifference. McGee's bill would do nothing to alter this human characteristic.

The senator proposes to create within the Bureau of the Census a new agency, the Federal Voter Registration Administration. The

agency would be charged with mailing postcards, with return cards attached, to every postal address in the country. The cards would be mailed no earlier than 45 days and no later than 30 days prior to the close of registration for a "federal" election—that is, an election to name members of Congress or presidential electors. The cards would be processed by local registrars, McGee supposes this costly and clumsy system would produce millions of new voters.

The bill is bad on its merits, and bad in principle, too.

No one, least of all the senator from Wyoming, has any realistic idea of what the scheme would cost. Two years ago, when similar proposals were under consideration, the start-up costs were estimated all the way from \$191 million to \$527 million and the annual costs between \$26 million and \$134 million.

Neither does anyone have any clear idea of how the system would work. The Census Bureau opposes it. So does the Postal Service. So does the Department of Justice, which presumably would have some responsibility—still unclear—for prosecuting the massive fraud that could be expected. Sen. James B. Allen, D-Ala., chief opponent of McGee's bill, has raised serious questions of mechanics that the proponents have been unable to answer.

These considerations to one side, the bill would do grave violence to constitutional principles as old as the nation itself. The system would provide one more pernicious assault upon responsibilities plainly vested in the states. The senator would use a junk mail device for junking the Constitution. Seventeen months ago the Senate killed a quite similar proposal, on the mature conclusion that the scheme was unworkable and wrong. It still is.

The PRESIDING OFFICER. Who yields time?

Mr. FONG. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 5 minutes.

Mr. FONG. I thank the distinguished Senator from Alabama for managing this bill on behalf of the opposition while I was away. He has done yeoman service for those who oppose the bill, and I thank him sincerely.

Mr. President, I rise to oppose the cloture motion to cut off debate on S. 352, the voter registration bill pending before the Senate.

It is a poorly drawn bill. There is much to be done to the bill. Many of its provisions need to be redrafted and spelled out in detail.

The Senate has debated this measure for only 7 days. This bill has very far-reaching effects. It completely revises our whole voter registration system. Rollcall votes have been taken on only eight amendments to the bill—three of which were committee amendments.

I am informed that many Senators are ready to offer other amendments to perfect the bill, if it can be perfected. Because we have had only 7 days debate on the bill and have not given sufficient time for many other amendments which are intended to be brought before this body I think the cloture petition is premature.

This bill certainly needs to be debated further to apprise all Senators and the American people of the drastic implications S. 352 would have on our political system.

As I stated in my minority views on S. 352, this bill is not just a simple voter mail registration legislation.

Its effect on our entire political system would be drastic.

Its effect on the State voter registration procedures is drastic.

It would replace the traditional State voter function with a Federal bureaucracy far removed from the people who know the problems of voter registration.

It would have serious adverse effects on our political party system by making party delegate elections to national political party presidential nominating conventions Federal elections. This the bill would do without requiring any political party membership in order to vote in those party elections.

We have gone far afield here in connection with the political party delegates to national presidential nominating conventions.

There would be much dissension and many problems that could arise because a person who may not be registered in a political party is voting in the political party convention elections.

This bill would invite fraud on a national scale, unparalleled in our Nation's history of political elections.

A person would simply file a post card stating that he is a resident of such and such address, and that he is such and such an age, that he has been a resident for 30 days. That card is sent to the registrar's office and the registrar picks it up and says that that person is registered to vote. That would be a bona fide certificate authorizing him to vote. There could be no dispute over the certificate. We would be saying that anyone who sends in a post card and gets a receipt for that post card would be entitled to vote. It would invite fraud on a national scale in our voter registration process.

This system would establish a Federal bureaucracy charged with involving itself in elections at all levels. This opens the way for political chicanery and collusion at Federal, State, and local levels among government and political party officials.

It mandates a change in the Constitution of the United States without following the legal procedures set out in the Constitution for making such changes.

The Senator from Massachusetts has said that we in this body have passed bills which dealt with barriers to election. Yes, we have passed bills which dealt with some of the practices which deprived some of our citizens of the right to vote. But it is only when our citizens have been deprived of the constitutional right to vote that we as a body have acted. However, in this case there is no deprivation of the right to vote or to register. We have seen how easy it is in some States to register. For example, as alluded to by the distinguished Senator from Alabama, in the State of Texas one can register by sending in a coupon from a newspaper or, in the State of North Dakota, one does not even have to register; all he has to do is vote.

When we consider that in most States registration is such a simple matter of one's going down to the registrar's office or seeing the registrar at the corner drug

store, or on the street corner, or having the registrar go to one's home and asking him to register, when we find that all this has been done in the interest of getting more people to register, we find that there is no barrier to registration. The Congress should not meddle in problems like these, which have always been in the province of State or local governments.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FONG. Mr. President, I yield myself another 3 minutes.

As I have said, the bill would establish a Federal bureaucracy charged with involving itself in elections at all levels. It mandates a change, as I said, in the Constitution of the United States.

It would authorize the expenditure of over \$100 million on a program that has little promise for obtaining its goals.

The bill provides that the registration bureau will send out cards at least once in 2 years. If cards were sent out only once in 2 years, it would incur an expenditure of over \$100 million. If cards were sent twice in 2 years, it would be an expenditure of \$200 million. And for what purpose? Not for the purpose of making it easier for people to register. There is no barrier to registration, as we have pointed out. It is so easy for people to register. Why spend this money when our country is in such poor financial condition?

I also believe S. 352 should be referred to other Senate committees for expert considerations of various provisions of the pending measure.

The bill was referred to the Committee on Post Office and Civil Service only because the Census Bureau had been brought into play. The Census Bureau would supervise the voter registration system. Outside of that, the Committee on Post Office and Civil Service would never have jurisdiction over the bill. There are many provisions in the bill—provisions dealing with punishment and fraud, for example—which are in the province of the Judiciary Committee, and the bill should be referred to the Judiciary Committee for that purpose.

The Rules and Administration Committee should be allowed to consider the bill in light of the effect it would have on Federal elections.

The Government Operations Committee should consider the bill because of the great impact this measure would have on State laws, and the new relationship it establishes between Federal, State, and local governments.

There are many, many areas involved in this legislation which should receive further consideration in other Senate committees and on the Senate floor.

Because there are many problems which are going to be introduced by this bill, because there are many Senators who wish to speak on it, and because of the fact that we have debated it for only about 7 days and taken up only eight amendments, we should not invoke cloture at this time. We should have more time to explore all the provisions of the bill. We should have time to work on the bill to make it a better bill. We should have more time to study the implications of the bill and what it would do to our whole political system.

Mr. McGEE. Mr. President, I yield 10 minutes to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I am very pleased to have an opportunity to join with the distinguished Senator from Wyoming today in discussion of S. 352. This permits me once again to congratulate him on his exemplary leadership in forwarding this legislation.

The background of the bill is well known by the Members of the Congress. There were several bills introduced to provide a better system of voter registration, and the legislation before us is the result of the condensation of several of these measures, plus hearings that have been held by the Committee on Post Office and Civil Service, plus the deep interest that has been expressed by a number of public organizations that have spent a good deal of time and money in encouraging voter participation and voter registration.

I am one of the cosponsors of S. 352, and in the moments I have here today, I should like to state once again, as I did last week, why I believe this legislation is necessary.

First of all, effective representative government depends on the widest participation in the system. Our first objective as legislators here should be to remove every possible impediment, every possible obstacle, from the right to vote—in other words, to make it easier for the citizenry to participate in the political process.

The fact is that we have made it difficult over the years for that individual to participate. Our society today is much different than it was some years ago. It is much more mobile. There are large numbers of Americans who have moved from one State to another in a year, from one community to another, and any kind of registration laws, or any kind of law that limits the opportunity of that citizen to register and to vote, is an infringement on the right to vote, and indeed it limits the effectiveness of democratic parliamentary government.

People must be given the feeling that they can have a say in who governs, and restricted participation could well be indicative of a feeling of helplessness, of being powerless, and the general notion that, no matter what happens in government, the average citizen will not be regarded, nor will his needs be met.

So we are talking here today of how we make the principle of the right to vote an effective principle and how we put it to work. The facts are very evident that the many State laws that we have relating to voter registration have made it difficult in some places, and surely very difficult in others, for the widest possible voter participation.

We are seeking to establish a National Voter Registration Administration within the Bureau of the Census under the terms of S. 352. This Voter Registration Administration would utilize the census records to notify all eligible voters of their right to vote.

It would allow for a national system of post card voter registration by having the National Voter Registration Administration mail blank registration forms to every household and address in the country, allowing anyone at that

address, if qualified by age to vote, to fill out the post card, mail that card back to the local registrar, and become a registered voter.

Under any system, there are complications. Under any system, there can be some voting fraud. But we believe that the system set up under S. 352 minimizes those possibilities, and it provides for stern penalties for fraud, and it does offer the machinery to see that voters are registered and that, once registered, they have every opportunity to cast their vote.

Is there a need? Well, in recent Presidential elections, there has been a trend away from participation at the ballot box. I know that people will say that is not due to the difficulties in registration, and it may not be due entirely to that. In fact, I am sure it is not.

In 1964, more than 43 million eligible voters failed to vote.

In the 1972 election there were several million voters who failed to vote because they had moved their household goods from one State to another or from one jurisdiction to another and were therefore unable, within the period of time prescribed by State law, to register and vote.

In 1968, there were 47 million eligible voters who did not vote.

In 1972, that figure jumped to 62 million voters. An average of 44 percent out of a total electorate of 139 million eligible participants did not vote.

Mr. President, I am not here to say that percentage figure is due to the difficulties in voter registration. However, I am here to say that the difficulties in voter registration contributed to that lack of political interest and political participation. In fact, once we have accomplished this legislation, I would hope that the Congress of the United States might set up a select committee to look into all of the reasons we can detail or discover as to why 44 percent of the eligible electorate of this country did not vote in a recent Presidential election and, in other elections, as high as 35 percent of the eligible voters did not vote.

Our national record on voter participation does not look good for a country that says it is a great democracy. When we compare our record to the records of European countries, we discover that their record is much better. Eighty-seven percent of those eligible to vote in West Germany do so. Perhaps they take their democracy a little more seriously than we do because, within the last two generations, up to 1945, they had to live under a severe totalitarian dictatorship. Perhaps, therefore, our friends and compatriots in West Germany appreciate the importance of the ballot and therefore participate.

Eighty percent of the eligible voters in France vote.

Mr. President, by the way, they have open registration there. When one is a citizen and of voting age, he is automatically registered and can vote.

Eighty-nine percent of the eligible voters in Denmark participate in the electoral process in their parliamentary elections and 76 percent of the eligible voters in our neighboring country of

Canada participate in the electoral process.

I think that those figures indicate that there must be something wrong there and there must be something better that we can do here in terms of educating and encouraging the people to vote.

We have a massive education program. We have spent millions of dollars to encourage people to register and to vote. However, there are many reasons why they do not do so. However, among the people who register to vote, it should be noted that nine out of every 10 do vote.

So the issue is how do we get people registered. When they are registered, they tend to vote. Most of those who fail to register do so because they do not want to register, did not register for some reason, or there were difficulties involved in registering.

The Senator from Wyoming is not saying that, if we pass this legislation, everyone will rush to the polls and vote. He is not saying that voter registration will be perfect.

The Senator from Wyoming is saying in substance that this is one more step in improving the electoral process and toward making the franchise and right to vote a meaningful reality. And on that basis, I think that this legislation deserves and merits our support.

Effective democratic government depends on wide participation in the system. People must be given the feeling that they can have a say in who governs. Restricted participation could well be indicative of a feeling of helpless, powerless, and a general notion that, no matter what happens in government, the average citizen will not be regarded or his needs met.

The resulting hodgepodge of voter registration obstacles makes voting difficult for many blue-collar workers, poor people, members of ethnic minorities, elderly persons, and persons with less formal education.

Mr. President, why do I make that statement? I make the statement, because the facts are clear. That is exactly what happens.

The PRESIDING OFFICER (Mr. CLARK). The time of the Senator has expired.

Mr. McGEE. Mr. President, I yield 2 additional minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 2 additional minutes.

Mr. HUMPHREY. Mr. President, one study of the 1968 elections showed that only 69 percent of America's manual workers were registered to vote in 1968, in spite of the efforts of AFL-CIO Cope in registering drives.

Among the obstacles to registration is that registration offices open at inconvenient hours and require many people to drive many miles to register in the courthouses. Also, they require reregistration if the voter fails to vote in a single election.

There are uneven and sometimes restrictive registration dates. Pennsylvania closes its books 50 days before election. Rhode Island closes its books 60 days before election.

There are different registration systems for different levels of Government. One State, Missouri, has six different registration systems, depending on city size.

We can find States in which it is very easy to register. However, if one goes into some of the Midwestern States, he will find that it is very difficult to register. Only recently in Minnesota was it possible to register people at the polls. They close the office at 4 o'clock and, before the final date for registration, they extend the hours to 7 o'clock.

There ought to be one system for national elections. Why do we not ask people to register in the same way they get their income tax blanks? We know that the Government finds every citizen for that purpose. One can hide in a cave, he can dig under the tundra, he can hide in an iceberg, or he can go into the mountains or wilderness area, and the Internal Revenue Service will find him and give him his income tax blank. The Internal Revenue Service also tells him to get it back not later than April 15.

The Government that can find someone when it wants to tax him ought to give that same person a chance to register in the same manner.

I suggest that we use that same system to get people to register.

I am still of the old-fashioned idea that there should be no taxation without representation. And there is not any representation unless a person can vote.

Legislation can not guarantee that people will vote. But, legislation can remove obstacles that have stood in the way of such voting.

The Post Office Committee has shown that 9 out of 10 registered Americans do vote; but fewer than 6 out of 10 voting age Americans vote; that is, the unregistered faction.

Thus, registration does have an effect.

The PRESIDING OFFICER. Who yields time? If no one yields time, time will be charged equally against both sides.

Mr. McGEE. Mr. President, I yield my self time until someone from the other side comes to the Chamber to use their allotted share of the divided time.

Mr. FONG. Mr. President, will the Senator yield?

Mr. McGEE. On whose time?

Mr. FONG. On my time.

Mr. McGEE. I will be happy to yield to the Senator from Hawaii.

Mr. FONG. Mr. President, in response to the distinguished Senator from Wyoming, I want to say that this side has already covered all of its pertinent arguments. Those arguments are so concise and overwhelming that we need not take any more time.

Mr. McGEE. Mr. President, I would assume that those in opposition are ready to vote.

Mr. FONG. Mr. President, we are ready to vote on the cloture motion.

Mr. McGEE. The Senator ought to be ready to vote on the bill.

Mr. President, let me take a few moments while we gaze over this vast hall to point out that a year ago we had this bill up before the Senate for consideration. The curious thing is that we heard the same tired arguments and alibis about why we should not act. Among the

alibis was that they had not had enough time to study it. We then spent another year, and we still hear them say that they have not had enough time to study the matter.

Mr. President, I am sure that if we take 10 years to study the matter, they would still say that they had not had enough time.

I say that their time is running out. We had an election in this country last November, an election that should have been a shock to everyone, not in its outcome, but in the lack of performance itself. Sixty-two million Americans who were old enough to vote did not vote. That is almost as many Americans as did vote. What is even more incriminating, Mr. President, is that this is the worst voter registration record among any of the so-called democratic countries of the world.

All the republics of Western civilization out-register and out-vote us, and apparently are more responsible than we. Or are they? We have to conclude either that they are or they are not. I do not think they are more responsible; they simply make it easier to vote. They make it possible to register in a more simple fashion, so that the voters in England or Canada or France are not obstructed as readily as we seem to obstruct registration, with the variables existing among our many States.

That is the reason why we feel that the time is now to get caught trying, on this new voter registration addition. I stress the fact that it is an addiction. This is no substitute for voter registration, Mr. President; this is another step toward increasing the numbers of eligible voters who will be registered. It is simply another device; it is an application for registration. The evidence is overwhelming, whether it be from the League of Women Voters, the National League of Municipalities, the recent Gallup poll, or the rest of the studies recently made. The fact remains they found that a substantial number of Americans, running into the tens of millions out of those 62 million, did not vote because of difficulties in the way of their registering to vote.

This is simply an effort to remove that block, to remove that alibi, to destroy it somehow. Of course, there will be many who still will not vote, but we dare not allow impedimenta to stand in the way of those who otherwise would vote.

Mr. President, in this bill there is nothing new, essentially, set up. It involves simply the mailing of post cards to facilitate registration for those who have not already registered under the regular systems that exist now. It is an addition, an application for registration.

To assist in that effort, we limit it to only Federal elections, as the Voting Rights Act of 1970 already does, but it would extend that same procedure to the elections for U.S. Senators and Members of the House of Representatives.

The specter of fraud has been raised here. I would just like to say, Mr. President, that in areas where they have had post card registration, whatever else the performance, as alluded to by the Senator from Alabama, the fact remains

that there was no fraud. Again and again the registrars of the States have reminded us that the fraud occurs, not in registration, but at the ballot box, in the electing process, and that fraud is the result of officials who decide to defraud.

Who is to argue fraud on a day like today, when the whole symbolism of those who would cheat or abuse their public responsibility hangs heavily over all of us, not just those on one side of the aisle, but over all of us?

You cannot write a constitution for any country that will prevent fraud. You cannot write a law that will not be evaded, if you have officials who try to do so.

What we can do is not defraud the voter; and that is the biggest fraud present today. That is pretty strong language for this special day, but it is still the biggest fraud, that 62 million Americans old enough to vote still do not get to the polls, for one reason or another—tens of millions of them, according to the breakdown studies, because of obstacles in the way of voting.

So I say, Mr. President, that in the wake of this long and protracted discussion we have had here for many days now, and the pending business at hand, which requires that we remove this kind of delay from the consideration of other matters by this body, whatever else the Senate of the United States does, it must be given a chance to stand up and be counted on voter registration.

Stand up and be counted. Do not hide behind a cloture vote. Do not hide behind the wall of some obtuse motion. It is time the American people know where the Senate and the Senators stand.

Do you support an extension of voter registration as a process, or do you oppose it? That is the issue here, and that is the reason the Senator from Wyoming insists that this body be given the chance to vote—not the chance to duck. Too many people have been ducking in this country lately. There are too many people who have been evading the responsibilities of good government.

So I say, Mr. President, now is the time. This body can be measured by its vote on this cloture motion. Cloture must be broken, if there are those who would still persist in delaying action. If that persistence is not to continue, it is time that we vote, straight up or down, on the merits of this bill.

There is a real difference of opinion on how good the bill is. Some think it is great; others do not think so. The way we settle that sort of dispute, in our kind of society, is to vote. If our misgivings are really serious, let us test the judgment of the Senate of the United States. Let us see how the Senate will vote, and not evade that responsibility by ducking behind a cloture motion.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FONG. Mr. President, I yield 5 minutes to the distinguished Senator from Alabama.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from Hawaii for yielding to me a second time to speak on this measure.

I feel that an era has passed in the U.S. Senate with regard to the matter of registration of voters. During all of the debate on this bill in the last Congress, and during the some 2 weeks of debates so far during this Congress, in the listing of the various barriers to voting and voter registration by the distinguished Senator from Wyoming (Mr. McGEE), and by the distinguished Senator from Minnesota (Mr. HUMPHREY), just a few minutes ago, not one single time was the statement made or the question raised as to whether or not there are barriers to voting or to registration imposed by voter registration officials in Alabama and the South.

Throughout the 1965 and 1970 debates on the Voting Rights Act, the statement was made time and again on the floor of the Senate that voter registration officials in Alabama and the South would not allow fully qualified voters to register to vote. Not once, however, has that charge been made with respect to this bill, and I am proud that that is the case. I do not feel that that situation ever existed, but not once has that charge been made by those who advocate the passage of this measure.

They say the hours are too short, the time for opening the books is too limited. But never once have they said that a person cannot go in and register.

I do not know what barriers there are. All you have to be to register anywhere in the United States, as far as the Senator from Alabama knows, is 18 years of age and a resident citizen of the State. That is all it takes—no literacy test, no educational requirements. So what is so hard about registering? Why should not an applicant for registration bother to go by the registration office and present himself, saying, "I am 18 years of age, I live here in the county, and I want to register"? That is all it would take to go into all the hocus-pocus of sending hundreds of millions of post cards throughout the country on a blanket basis, irrespective of whether people vote or not.

The Senator from Minnesota raised the parallel of the Internal Revenue Service seeking one out, but at least they send the forms to a person who is believed to be subject to the income tax laws. They send the forms out to a designated person.

In this bill, the post card would be sent out, broadcast throughout the country, on a junk mail basis. So it would seem to the Senator from Alabama that there is no occasion for setting up another vast Federal bureaucracy to seek to get people to register to vote when they already have access to the registration office.

Why send all the postcards—double cards—through the mail when they could be left at the post office and all a person would have to do would be to come by and pick them up. But, no, they have to make it hard and complicated.

I submit that this would open up ways for fraud and corruption, for the registration of tombstones throughout the big cities, for the registration of fictitious persons, or for the registration of deceased persons.

Just the other day, an article was published in the newspaper to the effect that a great insurance company, which has gone into bankruptcy, was in the

business practice of issuing fictitious insurance policies and then selling those policies to another company. The record shows that this one insurance company issued 56,000 fictitious policies on supposed individuals who were living, and sold them to larger insurance companies.

The PRESIDING OFFICER (Mr. SCOTT of Virginia). The 5 minutes of the Senator from Alabama have expired.

Mr. ALLEN. May I have 1 more minute?

Mr. FONG. I yield 1 more minute to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 1 additional minute.

Mr. ALLEN. So, if an insurance company could perpetrate such a fraud on another, larger insurance company, which has ways and means of finding out about the nonexistence of fictitious names, think how many frauds could be perpetrated throughout the country by interested people, or pressure groups of people registering fictitious people at the polls.

Mr. President, this bill is not necessary. It will add another Federal bureau to cost \$100 million a year, according to the best estimates. I, therefore, hope that the effort to invoke cloture will not succeed and that the vote of Senators will be "nay" on the motion to invoke it.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Six minutes remain to the Senator from Hawaii.

Mr. FONG. Mr. President, I yield myself the remaining 6 minutes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 6 minutes.

Mr. FONG. Mr. President, this bill will not increase substantially the number of people who will register to vote. Just look at the State of North Dakota, for example, where they have no pre-registration. The only thing a citizen has to do in North Dakota is to go down on election day and vote. Yet even without the registering of voters in the State of North Dakota, we find that in the 1972 election, 30.1 percent—nearly one-third—of the eligible voters in North Dakota did not vote.

In Texas—which has been alluded to by the distinguished Senator from Alabama—where they register by coupon, during every election season the newspapers carry a registration coupon in their advertisements. Here we find that in Texas—where we find a similar type of voting prescribed as would be in this bill except that instead of registering by coupon they would send in a post card.

Mr. ALLEN. Mr. President, will the Senator from Hawaii yield at that point?

Mr. FONG. I yield.

Mr. ALLEN. Would not this bill confer on the person who registered by post card something in the nature of second-class citizenship, in that he would not be allowed to vote in State races held at the same time? If he went into the voting booth, he would be told to go down on the machine or on the paper ballot only as far as the Federal officers were concerned in any State voting. How

in the world would that be handled? Could the Senator explain that?

Mr. FONG. This bill would set up a very special registration system which would deal only with those running for Federal office. It would go a little further by dealing with the section of political party delegates to national conventions. Presently, under the State voter registration system, the citizen would comply with the laws of the State and the laws of the State are different from the law which we would pass here. Therefore, each State would have a different registration system for its various offices.

Mr. President, I alluded to the State of Texas where one registers by sending in a coupon. Despite this simple registration procedure, 54.9 percent—more than half—of the eligible voters in Texas did not vote on election day.

How easy can we make it? Here we say, in Texas, "Clip the coupon. Send it in and register"—yet only 45 percent of the people voted; 54.9 percent did not vote.

So here we have a bill to spend at least \$100 million every 2 years—at least—because the Voter Registration Administration may send out cards more than once in each election year. If they send out two mailings in each election year, it will cost approximately \$200 million. For what?

As the distinguished Senator from Alabama has said, the State of Utah has a registration of almost 98 percent. Here we would send out thousands of cards to the people of Utah because it is contemplated we will have to send out at least three or four times the number of necessary cards to reach all the eligible voters in the United States, and there are over 88 million addresses. In order to be sure that everyone living at a certain address is reached, it necessitates the sending out of approximately 320 million cards. And, for what? Just to catch the 1 percent or the 2 percent of the voters in the State of Utah who did not register?

Mr. President, why is it that people do not register? A survey was made in 1968, by the Bureau of the Census, of 50,000 households—not 15,000 people, as the Gallup poll would poll or the Harris poll would inquire, but 50,000 households. If we say there are three persons in a household, that would be a survey taken of approximately 150,000 people in the United States. Of the 50,000 households surveyed, 26,942 reportedly had not registered to vote.

In other words, more than 50 percent of the 50,000 households did not have a single person in them registering to vote.

As to the reasons for not registering to vote, the answers recorded were in the following categories:

Not a citizen of the United States.

Have not lived here long enough.

Never got around to it.

Dislike politics, and so forth.

Fifty-three percent, or over half, said they did not register because they disliked politics or were not interested. That is the reason over half of those not registered did not register. It is not because of State registration laws.

Mr. CHILES. Mr. President, it is my intention to vote for this cloture motion

so that the Senate will be able to proceed and work its will on S. 352. I feel ample time has been available for Senators to fully air their views in consideration on this legislation.

I support passage of S. 352, a bill to increase voter registration in the Federal election process. At the present time, the level of voter participation in the United States is at a shocking 60 percent, and the trend is downward pointing to an even lower figure in the years to come unless something is done to prevent it.

Archaic restrictions which inhibit full voter participation in persist in spite of efforts to remove them. Over the past century the elimination of the requirement for property ownership and the extension of universal suffrage to all adults, regardless of sex, race, or color, were important landmarks in broadening the voter franchise. More recently, largely through the efforts of my distinguished predecessor, Senator Spessard Holland, we have seen the removal of the poll tax.

Still, people are discouraged from exercising their precious right to vote. Voters are faced with obstacles that are outdated, ineffective and simply inappropriate for a highly mobile society. For example, in some States an individual must personally appear before the registrar. Often the registration offices are open only during the business hours from Monday to Friday which is a source of discouragement and inconvenience for many working people. In addition, citizens must frequently travel long distances and through heavy traffic. There are other equally frustrating registration obstacles which tend to harass and confuse the prospective voter.

The proposed bill will eliminate these barriers by establishing a voter registration program through the mail. Under this plan a distribution system will be provided whereby postcard-size registration forms conforming to each State's requirement for voter registration will be mailed by the National Voter Registration Administration to every postal address and residence. In addition, the forms will be readily available at various State and Federal facilities throughout the country. The voter can then mail or deliver his completed form to the local registration agent, who will later inform the applicant of his acceptance or rejection. The cost of such mailings will be borne by the Voter Registration Administration. Other countries in the free world—England for example—that use a variation of postcard registration report that voter participation is well above 75 percent and irregularities in procedures do not appear to be a problem.

Some people have expressed concern that registration by mail will lead to fraud. I believe, however, that these fears are unfounded. Nothing in this bill prevents the county clerks from investigating the qualifications of applicants who register by mail. In fact, if a State official has reason to believe that individuals who are not qualified electors are attempting to register to vote under the provisions of S. 352, he may notify the Administration and request its as-

sistance to prevent fraudulent registration.

The administration is authorized to give assistance and issue a report on its findings. In addition, this bill provides stiff penalties for fraud. Fines of up to \$10,000 can be levied or imprisonment for not more than 5 years or both can be imposed on anyone who gives false information on the registration postcard. Such provisions are in addition to the State penalties now in effect and the same scrutiny and safeguards as exist now will continue to be maintained.

With the great number of complex issues that confront our country today, many Americans are experiencing a serious disillusionment with their Government. They feel powerless and that their Government is too large, too far away and too out of touch with how they really feel about important issues. A vital step towards dealing with this crisis is to simplify the registration process so that all Americans will be encouraged to express themselves at the polls. If the voter still does not participate, at least we have the knowledge that we have removed redtape, unnecessary obstacles and outmoded, confusing restrictions.

CLOTURE MOTION

The PRESIDING OFFICER (Mr. SCOTT of Virginia). The hour of 2 o'clock having arrived, under the unanimous-consent agreement, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (S. 352), a bill to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

1. James B. Allen.
2. Paul Fannin.
3. Jesse Helms.
4. Edward Gurney.
5. Bill Roth.
6. James Buckley.
7. William L. Scott.
8. Robert Dole.
9. Robert Griffin.
10. Clifford Hansen.
11. Norris Cotton.
12. Hugh Scott.
13. Marlow Cook.
14. Wallace F. Bennett.
15. Ted Stevens.
16. Bob Packwood.
17. Dewey Bartlett.
18. Strom Thurmond.
19. George G. Aiken.
20. H. E. Talmadge.
21. Pete V. Domenici.

CALL OF THE ROLL

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

Mr. FONG. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FONG. I understand that those in favor of cloture will vote "yea."

The PRESIDING OFFICER. The Senator is correct.

The clerk will call the roll.

The second assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 108 Leg.]

Abourezk	Eastland	McIntyre
Aiken	Ervin	Metcalf
Allen	Fannin	Mondale
Baker	Fong	Montoya
Bartlett	Fulbright	Muskie
Bayh	Goldwater	Nelson
Bellmon	Gravel	Nunn
Bennett	Gurney	Packwood
Bentsen	Hart	Pastore
Bible	Hartke	Pell
Biden	Haskell	Percy
Brock	Hatfield	Proxmire
Brooke	Hathaway	Randolph
Buckley	Helms	Ribicoff
Burdick	Hollings	Roth
Byrd,	Hruska	Saxbe
Harry F., Jr.	Huddleston	Schweiker
Byrd, Robert C.	Humphrey	Scott, Pa.
Case	Inouye	Scott, Va.
Chiles	Jackson	Sparkman
Church	Javits	Stafford
Clark	Johnston	Stevenson
Cook	Kennedy	Symington
Cotton	Long	Talmadge
Cranston	Mansfield	Thurmond
Curtis	Mathias	Tower
Dole	McClellan	Weicker
Domenici	McClure	Williams
Dominick	McGee	Young
Eagleton	McGovern	

Mr. ROBERT C. BYRD. I announce that the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. MAGNUSON), and the Senator from California (Mr. TUNNEY), are necessarily absent.

I further announce that the Senator from Nevada (Mr. CANNON) and the Senator from Utah (Mr. MOSS), are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

Mr. SCOTT of Pennsylvania. I announce that the Senator from Maryland (Mr. BEALL), the Senator from Michigan (Mr. GRIFFIN), the Senator from Kansas (Mr. PEARSON), and the Senator from Ohio (Mr. TAFT) are absent on official business.

The Senator from Wyoming (Mr. HANSEN) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The PRESIDING OFFICER (Mr. SCOTT of Virginia). A quorum is present.

VOTE

The PRESIDING OFFICER. Pursuant to rule XXII, a rollcall has been had, and a quorum is present. The question before the Senate is: Is it the sense of the Senate that debate on S. 352, a bill to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SPARKMAN. On this vote I have a live pair with the Senator from Washington (Mr. MAGNUSON) and the Senator

from Utah (Mr. MOSS), each of whom would vote "yea." I would vote "nay." I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. MAGNUSON), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Nevada (Mr. CANNON) and the Senator from Utah (Mr. MOSS) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS), is absent because of illness.

On this vote, the Senator from California (Mr. TUNNEY) and the Senator from Iowa (Mr. HUGHES) are paired with the Senator from Mississippi (Mr. STENNIS).

If present and voting, the Senator from California and the Senator from Iowa would both vote "yea," and the Senator from Mississippi would vote "nay."

Mr. SCOTT of Pennsylvania. I announce that the Senator from Maryland (Mr. BEALL), the Senator from Michigan (Mr. GRIFFIN), the Senator from Kansas (Mr. PEARSON), and the Senator from Ohio (Mr. TAFT) are absent on official business.

The Senator from Wyoming (Mr. HANSEN) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The yeas and nays resulted—yeas 56, nays 31, as follows:

[No. 109 Leg.]

YEAS—56

Abourezk	Gravel	McIntyre
Aiken	Hart	Metcalf
Bayh	Hartke	Mondale
Bellmon	Haskell	Montoya
Bentsen	Hatfield	Muskie
Biden	Hathaway	Nelson
Brock	Hollings	Packwood
Brooke	Huddleston	Pastore
Burdick	Humphrey	Pell
Byrd, Robert C.	Inouye	Percy
Case	Jackson	Proxmire
Chiles	Javits	Randolph
Church	Johnston	Ribicoff
Clark	Kennedy	Saxbe
Cook	Long	Schweiker
Cranston	Mansfield	Stevenson
Dole	Mathias	Symington
Eagleton	McGee	Williams
Fulbright	McGovern	

NAYS—31

Allen	Dominick	Nunn
Baker	Eastland	Roth
Bartlett	Ervin	Scott, Pa.
Bennett	Fannin	Scott, Va.
Bible	Fong	Stafford
Buckley	Goldwater	Talmadge
Byrd,	Gurney	Thurmond
Harry F., Jr.	Helms	Tower
Cotton	Hruska	Weicker
Curtis	McClellan	Young
Domenici	McClure	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Sparkman, against

NOT VOTING—12

Beall	Hughes	Stennis
Cannon	Magnuson	Stevens
Griffin	Moss	Taft
Hansen	Pearson	Tunney

The PRESIDING OFFICER. On this vote the yeas are 56; the nays are 31. Two-thirds of the Senators present and voting not having voted in the affirmative, the cloture motion is not agreed to. Under the previous order, the Senator from Wyoming (Mr. MCGEE), is recognized.

Mr. MCGEE. Mr. President, I have a

number of remarks I want to address myself to for some time. If it will assist Senators in making whatever plans they might have, I would anticipate that no one of them would have any difficulty in making his way to his office, but—

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. MCGEE. I will only for the purpose of a question, if I do not lose my right to the floor.

Mr. SPARKMAN. The Senator, I am sure, is aware of the fact that at midnight tonight the Economic Stabilization Act expires unless we take certain action.

We have a conference report at the table. The Senate is supposed to act first. I should certainly like an opportunity to take up the conference report. I hope that it will not take too much time.

Mr. MCGEE. Mr. President, I would say in response to the Senator's question, which was whether there will be an opportunity to take up the Economic Stabilization Act conference report later this afternoon, that that measure has not been waiting as long as this bill has been waiting for action by this body.

I would not be prepared to make an estimate. I am aware of the urgency of the matter. However, I am not prepared to set aside this measure at this time in order to proceed toward whatever action the Senator envisages on that particular measure.

Mr. SPARKMAN. Will the Senator yield?

Mr. MCGEE. Mr. President, I will yield to the Senator from Alabama without losing my right to the floor.

Mr. SPARKMAN. I would point out that the Senator is opposed to the act. We have no way of knowing what the House will do. It is entirely possible that we will have to go back to conference. So, time is of the essence. I am not asking the Senator to set aside the bill or to yield the floor. I am asking him to yield sufficient time so that we might bring up the conference report.

Mr. MCGEE. Mr. President, I appreciate the point of the Senator who is chairman of the conferees in this very troublesome and difficult situation. It is doubly appreciated here. I would not be prepared to suggest a time, however, that this matter be considered.

We have been put probably in a more frustrating position with reference to this measure with regard to which there seems to be a surplus of votes. The votes are very substantial. On every occasion on which this matter has been considered and voted on, a switch in two votes would have changed the outcome of the vote.

For that reason, I want to continue to pursue the merits of this particular proposal. It has been delayed now for many days, and it has been delayed apparently for the reason that there are not enough Senators against it to debate it in open debate at a moment when we in this body are all under fire because we will not stand up and be counted. I think it is imperative that we do so.

There has been some suggestion that there are pitfalls in the bill. Others be-

lieve the bill to be a very workable and constructive measure.

This happens in almost every bill before this body. I suggest that the way to settle the question is to vote on it. That is what our system of government is all about. We only ask for the right to vote.

Mr. President, when we look back upon the election in the past November, we realize that 62 million people who were old enough to vote did not vote. The studies on the matter since last November tell us that tens of millions of those 62 million people did not vote because of the difficulties and obstacles put in the way of their voting. It seems to me that it is imperative that this body face up to this matter.

That is the reason I am not willing to accede to the request of the Senator from Alabama, the distinguished chairman of the conference committee.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. MCGEE. Mr. President, I would be glad to yield to the Senator from Idaho for a moment without losing my right to the floor.

Mr. ALLEN. Mr. President, reserving the right to object, and I shall not object on this occasion, I want to serve notice that hereafter I will demand the regular order.

The Senator from Wyoming has the floor. He is entitled to the floor. He can avail himself of the floor and use it until midnight if he sees fit to do so. However, I shall object to his parceling out time and deciding on his own desire to whom he will yield the floor.

So, I shall demand the regular order hereafter. However, in this case, not having given notice, I interpose no objection.

Mr. MCGEE. Mr. President, it is my understanding that I would yield for only a moment. This is not an effort to kill time.

I assure the Senator from Alabama that I have had 5 days in northwest Wyoming where I was counting antelope, deer, and other animals. So, I am in great shape. If midnight is the challenge, I believe I can at least give it a try.

Mr. ALLEN. Mr. President, if the Senator wants to filibuster his own bill as well as the Economic Stabilization Act, he is at liberty to do so.

Mr. MCGEE. Mr. President, I suggest that I am in no more difficult position than the Senators who vote for a cloture motion when they do not intend to vote for the bill.

The Senator from Wyoming is in good shape and can hang on for a while.

Mr. President, the Senator from Wyoming yields 1 minute to the Senator from Idaho for the purpose of making a unanimous-consent request, without losing his right to the floor.

EXTENSION OF TIME FOR FILING REPORT OF SPECIAL COMMITTEE ON AGING

Mr. CHURCH. Mr. President, I ask unanimous consent to move from April 30 to May 15 the date by which the report of the Senate Special Committee on Aging, "Developments in Aging, 1972,

January-March, 1973," shall be submitted. I am making this request in order to give additional time for completion of minority views.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTER REGISTRATION ACT

The Senate continued with the consideration of the bill (S. 352) to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. MCGEE. Mr. President, I yield for a question without losing my right to the floor.

Mr. TOWER. Mr. President, the Senator does have a right to yield for a question without losing his right to the floor.

Mr. MCGEE. Mr. President, I wanted to make sure, because I have seen the floor slip away from time to time. So, this is double assurance.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. TOWER. Mr. President, does the Senator from Wyoming intend to keep the floor until midnight if necessary?

Mr. MCGEE. Mr. President, I intend to keep the floor until midnight or later if necessary. I do not know what will happen. It appears this afternoon that a lot of things have been happening.

Mr. TOWER. Mr. President, in other words, there will be no opportunity to take up the Economic Stabilization Act conference report. I think that we have a right to inform the country that the controls expire at midnight tonight.

Mr. MCGEE. Mr. President, I hope so, and I hope that we advise the country also about the delay in the bill we are considering.

Mr. TOWER. I think that there can be little question about the relative urgency of the two bills.

Mr. MCGEE. Mr. President, I suppose that one can say that if he is opposed to it, I think that urgency is a relative term.

We have known for a long time that the Economic Stabilization Act has an expiration date of the 30th of April. We knew that a long time ago.

Mr. President, the pending bill reached the floor in plenty of time to get voter registration. There has been delay after delay. That is why I am reluctant to be squeezed out of the box at a time when we ought to face up to the issue of voter registration. And if there are those who fail to face up to the facts, I think the news ought to be also posted in the headlines that they are being derelict in watching the calendar. That date of April 30 has been on the calendar ever since I received my calendar at Christmas time.

This bill has been the pending business for a long time. We have challenged those who oppose the bill to give us an opportunity to vote. That is the only thing involved, the giving to the Senate of the

United States a chance to vote its will. That is all.

I would think that this body would certainly be the object of a lot of questions and some attacks around the country if at a time like this, when we are trying to encourage participatory democracy and getting people to vote and register, we were to try to delay such a decision by parliamentary procedure. Let us vote it up or down.

Everybody knows what the issues are. If we disagree over the issues, let us vote our disagreement. That is all we are arguing. It is simply that the time is now.

I must say, Mr. President, that I have been somewhat mystified at the seriousness of this mobilized slowdown of action on this bill. It would appear to a great many not to be that important. We have had many prolonged discussions here on a lot of great issues in the 15 years since I have been in the Senate, but never one on this kind of issue, involving this kind of operative procedures and issues at stake. But again, that is always a choice for the Members of this body, the choice being that you can delay by whatever parliamentary procedures or maneuvers are available to you.

All this body needs to do and must do before we are through with this question is agree to stand up and be counted. Vote yea or nay, it matters not, but let your constituents know where you stand. A U.S. Senator has that responsibility.

Mr. LONG. Mr. President, will the Senator yield?

Mr. McGEE. With the understanding that it is for a question, and that I do not lose my right to the floor, I yield to the Senator from Louisiana.

Mr. LONG. Mr. President, has it occurred to the Senator that he appears to be making headway toward enacting his legislative proposal, and that to become an obstructionist to other important legislation at this point in the session might very much hurt his cause, at a time when it appears he is making headway? Some of us voted with him today who did not vote for cloture before. Has that thought occurred to the Senator?

Mr. McGEE. That thought certainly has occurred to me, and I am particularly grateful to the Senator from Louisiana for his broadmindedness on this whole question. The point he raises gives the Senator from Wyoming considerable pause. It is a matter of considerable concern to me.

However, in the light of other events that have been taking place, I doubt that more than a few will notice even the deadline marking the expiration of the Economic Stabilization Act, in the light of other developments.

But that should not let any of us forget that that is important, that economic stabilization is a key factor, that the failure of the administration, in phase III, to come to grips with it is a great part of the explanation for the plight we find ourselves in now, with the inflationary situation, high prices, and everything. It is simply a plight we ran away from.

But I also know that in this particular case, if it makes a difference to this administration that controls be continued, that ought to be evaluated on the same

scale of assessments in terms of producing action on this bill. I think this bill is a significant one, and I think that the one should not be shunted aside for the other, for the reason that we were here for a long time, and first, and that under those circumstances this ought well to have been a consideration for those who voted against cloture, if it is that important. But obviously 31 Senators did not think it was that important.

Mr. LONG. Will the Senator yield for a further question?

Mr. McGEE. So with that in mind, I again would want to say that I certainly agree with my colleague that it is a difficult kind of decision to have to make.

Mr. LONG. Would the Senator be willing to consider the fact that he would perhaps help his cause better, and probably come nearer to having a better chance of succeeding in that which he is attempting to achieve in this Congress, if he did not disappoint some of those who are supporting him by engaging in a somewhat irresponsible endeavor to impede other legislation, and instead do the best he can, all factors considered?

Mr. McGEE. I can pledge, in response to the Senator's question, that the Senator from Wyoming will do the very best, all factors considered, that he can; and he knows that the Senator from Louisiana knows that the Senator from Wyoming is not unknown for his cooperativeness around this Chamber. We try to keep things moving.

But I would have to say that in this instance the responsibility does not rest on the shoulders of the Senator from Wyoming, but rather I would think on the shoulders of those who prevented an up-or-down vote on this matter long ago, and that we are still stuck with that situation. If economic stabilization continuation by midnight tonight is that important, then call off the dogs and let us get going on an up-or-down vote.

Mr. LONG. Might I suggest to the Senator that if he will simply persist in what he has been trying to achieve in this area in good humor, and yield to some of the frustrations that are necessarily a part of this type of struggle, in due course he will prevail with what he is trying to do?

Mr. McGEE. I thank my colleague from Louisiana for his helpful comments and his understanding on this question, and I can assure him, as his friend, that I can sweat this one out. In fact, while I was trying to relax, counting those moose and those elk, this was the issue that always loomed largest, particularly in the middle of the night: What do you do when the chips are down?

It seemed to me that what we can still do, I think, today, is see if there is not a possibility of achieving the best of both worlds. I doubt it. I have not heard any rumblings that would suggest so. If they are not forthcoming, I am not interested.

Mr. LONG. Will the Senator yield for a further question?

Mr. McGEE. I yield to the Senator from Louisiana for a question.

Mr. LONG. Does the Senator have any reason to believe that the leadership

would not be willing to call this bill back before the Senate after the disposition of the Economic Stabilization Act, if that is what the leadership has in mind?

Mr. McGEE. No one has told me that. I have had no dialog with anyone.

But I do not intend to leave the floor. I will be right here, so everyone will know where I am. I am prepared to go on until we drop over in the middle of the night, and we will worry tomorrow about how we succeed.

This is, again, with the deepest understanding of the implications of all that, and it is very frustrating, but you still have to make a decision on it. I have had to make the decision. No one has had to make it for me.

But I would say that I do appreciate the thoughtfulness of the senior Senator from Louisiana, and I shall continue to be troubled over this question.

Mr. President, the issue that faces us here today is the matter of trying to get a straight up or down vote. All kinds of misrepresentation have occurred in regard to this bill. The bill does not create national voter lists, for example, as has been suggested. We already have a national voter list. The Voting Rights Act of 1970 created it for the office of President. All this measure would do would be to add the offices of Senators and Representatives to the same list. It is nothing new for the States.

Likewise, I might say that this is not a new registration process. This is an application, for an additional way to register. All of the existing ways will continue to be employed for registering voters. This is simply another one, under the terms described in the bill, and it is an application.

That application goes to the State registrars. It does not go to any Federal agent or Federal agency. The States remain the judges of the validity of that registration application. We have tried to make it as simple as possible. We want to leave the basic judgment decision at the State level rather than to write national laws for the procedures. In that process, we believe we have advanced the odds for several million additional Americans actually to be able to register. The gap between registering and voting will always be there, but I submit that the performance of those already registered is delightfully high indeed. It ranges from 70 percent, 80 percent, even to 90 percent.

The real problem lies with those who, for one reason or another, did not or could not get to register.

As to the question raised by some of my distinguished colleagues about the cost of the system, let me say first that the amount now being spent to register voters is phenomenal. It runs into several hundred millions of dollars. The money spent by the various campaign committees to register voters, organizations like the League of Women Voters, those in labor, and in business, all organizing good citizen registration programs across the country in all the 50 States, amounts to a great deal, even in some States which have liberalized registration procedures on their own. As the registrar of voters in the city of New York testified before the committee, they take mobile

outfits door to door to register the voters, and it costs about \$8 a vote to register them.

That only says to me that the cost factor is a mixed business. The best estimates we could get from those who would have to beef up their operation to make this simple mailing possible talk in terms of somewhere between \$15 million and \$25 million, and not the specter of hundreds of millions of dollars which has been raised around here. That has to be at observed levels. It has to indulge the absurdity of sending practically every registration card by special delivery, by multiplying the optimum of those who will respond, ignoring the fact that 75 million people in this last election were already registered to vote, and voted—and not by postcard.

We are going after only those who are left over. They are the ones that would respond. We offer a small, meaningful formula for the States that believe they would be burdened by this extra manpower work.

But, my friends, think of raising the question of cost, when our mandate is to show the rest of the world that more and more Americans are willing to participate in their elections. We are being watched. People are looking to us for leadership, but they only find that we have placed obstacles in the way.

So, Mr. President, in the wake of these rather brief discussions on the cloture petition, I merely repeat that the time to vote is now. This body dare not hide behind the cloak of cloture.

Mr. BROCK. Mr. President, will the Senator from Wyoming yield?

Mr. McGEE. I am happy to yield to the distinguished Senator from Tennessee, who is one of the cosponsors of the bill, for the purpose of asking a question.

Mr. BROCK. Just for the purpose of asking a question or two, with some expansion, perhaps.

The Senator has mentioned the fact that it does cost a great deal of money for the mobile registrations, where they go out into the county and register people. But I should like to raise another point about that, in addition to the expense, and that is the fact that in an awful lot of areas in this country, if an election commission is under the control of one or the other party, that becomes a tool which can be abused and, in fact, has been abused in some instances, North and South, so far as I know, where the registrars, by selective registration, deliberately use their office to enhance the prospects of one party or the other.

I would therefore ask the Senator from Wyoming if—I know that probably is not the case in his State, because his State has a remarkably clean record, but I do know in other States, and the Senator does, too—this has not been the practice, to the disadvantage of the electorate.

Mr. McGEE. That is absolutely true. That is not just the monopoly of any one political party.

Mr. BROCK. No, it is not.

Mr. McGEE. We want to be more consistent with the areas where one party may prevail more substantially to dominate the other, that takes arbitrary meas-

ures, perhaps, on the part of the registrar, that would make it increasingly difficult for someone of the other party to register. It is that kind of thing that raises another aspect of this procedure and that is the post card registration.

Mr. BROCK. Then would not the Senator agree that post card registration is probably the most nondiscriminatory form we could devise, because every individual would have a full and equal opportunity to avail himself of this process and it would not be subject to the whim of the registrars of a different party?

Mr. McGEE. That is an apt observation by the Senator. It bears out what one of the registrars from one of the States said that it was their experience that one manipulated elections not by mailing a coupon or post card, but by the manipulation of officials who were in charge as they prepared the voter lists or as they mounted the number of obstacles placed in the way of those who otherwise might have registered for the party out of power in a general area.

Mr. BROCK. Mr. Randall B. Wood, former director of elections in the State of Texas, has noted:

You do not effect fraud whether you register by mail or in person. The voter does not induce fraud into the election system. Fraud is induced with the knowledge or active participation of election officials.

A Texas citizen who had just been released from the State hospital filled out and mailed in about fifty voter registration forms with different names and addresses. That was discovered in a couple of weeks, but these experiences have been few and far between.

Mr. Wood's testimony further indicates that his State, which presently practices registration by mail has experienced relatively no fraud at the registration level.

That is a fair summation of the facts, I believe.

Mr. McGEE. I think that really hits the nail on the head. What it should say to us is that we cannot write a law that would prevent any willful official from taking advantage of it, but we can introduce penalties that would suggest the unwisdom of trying to do violence. We have that in elections now. This bill would provide severe penalties for anyone who would try to do violence to the registration system—\$10,000 fine and 5 years in prison. There are variables in the penalties in the income tax procedure, which is carried out almost entirely by mail. That seems to be a sufficiently strong policing method. Some people, of course, try to get away with it, but they are prosecuted. The simple inducement to register is at such a low level that we do not count the registrants but the votes.

Mr. BROCK. That is correct.

Mr. McGEE. That the level where it seemed to be worth the chance of getting caught would be at the ballot box rather than at the registrar's table. I would think that that in itself would give eloquent testimony to the point the Senator has been making.

Mr. BROCK. The Senator—

Mr. McGEE. I apologize to my colleague for having broken off our dialog

for the moment. I was trying to settle another matter that is involved here.

Mr. BROCK. I am prepared to resume the colloquy, but if the Senator wants to go on to something else—

Mr. McGEE. I would like to resume the colloquy.

Mr. BROCK. If the Senator will yield further, is it not true that in existing registration, very few registration agencies require any identification at all? Very few agencies require anything more, as a matter of fact, than the personal signature. Once on the registration rolls, very few registration offices verify names and addresses against tax rolls, drivers' licenses, city directories, and the rest. As a matter of fact, very few election jurisdiction budgets even allow for registration fraud investigation. Very few States or counties check the names on their rolls against the rolls of other jurisdictions, other counties, other cities. If one has the desire, he can register and vote in nearly every political jurisdiction in the country and, with very few exceptions, would not be detected.

In my State, we have had instances of people who have registered in six, seven, or more counties, if I recall correctly. In one court suit, an individual actually registered and voted in seven different counties, all on the same day.

That is a process that is very difficult to detect and very difficult to stop.

We have other specific statements that I think bear on this matter. I should like to quote the president of the board of elections of New York City, Mr. David Dinkins, who said:

We do not see fraud as presenting any problem in registration-by-mail legislation. If anything, we can tighten things up a bit.

Mr. Willard A. Morris, administrator of the Maryland Board of Elections, has noted:

In Maryland, we register by mail members of the Armed Forces, Merchant Marines, the Red Cross, the USO and other organizations serving the Armed Forces outside of the United States, civilian employees of the United States, all of these including their spouses and dependents, the ill and disabled, we have it and it does work.

I think that is an excellent statement of the logic of this particular bill. I think that is the essence of what the Senator is trying to achieve. Rather than compounding the problem of fraud, we hope to enhance our ability to address it in a better fashion.

I am impressed with the Senator's point that 95 percent of the tax returns in the United States are done in the home and mailed in. That is almost as if we were voting in the home, much less registering. But we have a minimum of fraud, and I think we can anticipate, because of the penalties in this bill and the safeguards it incorporates, that the same will apply here. I do not believe we are adding to the prospect of fraud. As a matter of fact, I think there is an excellent chance that we are reducing that prospect.

Mr. McGEE. I am interested in the point the Senator from Tennessee has made. As I recall, in part of his testimony during the hearings, the point was made that the broader your base of registrants

from as many sources as possible, the more difficult it is to mobilize them for any disciplined purpose, such as voting for me, such as voting for one party; that, if anything, rather than introducing a new risk of fraud, it actually takes the edge off some of the existing risks of fraud—fraud that has already appeared on the record in some ballot boxes.

Mr. BROCK. The Senator is correct.

One advantage I see in mail registration is that there have been instances—

Mr. McGEE. The Senator should make clear that that is m-a-i-1 registration, or he is going to be in trouble.

Mr. BROCK. The Senator is correct.

There have been instances in certain sections of this country where people could not register if they were black. We attempted to deal with that in the Voting Rights Act of 1965, and I think rightly so. There have been equal instances in which if it were not impossible, it certainly was difficult to register if you were a Republican.

I can cite some individuals who have come to me with that complaint in counties outside of my own State. They simply said that they were discouraged, if not outright refused; that, as a matter of fact, when they tried to register, the registrar, when they said they wanted the Republican book, simply turned to them and said, "I'm sorry, but we're out to lunch." It happened to be about 9:30 in the morning.

That sort of thing begins to wear thin after a while, and it seems to me that the effort of this bill is to deal with exactly that kind of situation.

Let me give another example. Further testimony from Maryland was given to us by Mrs. Gerber, the elections administrator for Montgomery County. She said:

In 1972, before the general election, one thousand of our new registrations were mail registrations and there has been no fraud involved.

That is pretty eloquent testimony, I think.

As a matter of fact, it has been my experience, in studying the election codes of the various States, that those States which do allow registration by mail have less fraud than those which do not. I think the very logic of that case should bear upon the debate today.

Let me cite a couple of the safeguards in S. 352 against fraud.

Under the bill, the local election official must send a nonforwardable registration verification form to all who register by mail. If there is no such address or no such person residing at the address, the verification form would be returned to the local election official for investigation.

Let me tell the Senator why I think that is important. We have had a case with which I am familiar—or about which I have been told—in which some 17 individuals registered and voted for years from the same address. Upon investigation of the address, we found that it was a vacant lot, that it had been vacant since 1958. Yet, those people had voted every 4 years, because in Tennessee people cannot stay on the registration books. They are automatically purged if they do not vote every

4 years. They had been voting from a vacant lot.

Mr. McGEE. And that was without any post card registration.

Mr. BROCK. Absolutely.

Mr. McGEE. Under the present system.

Mr. BROCK. Without any post card registration at all.

We had a county in which I think the registered voter population was approximately 2,500 people, and in one election 969 absentee ballots were cast. On appeal, the judge threw out the ballots and threw out the count, but he did not throw out the people who were elected by those ballots. They were allowed to serve.

There is a second safeguard in this bill: Upon request by State or local election officials, the Voter Registration Administration can provide fraud investigation assistance. Today, the vast majority of local registration operations cannot afford such investigation.

From my own experience in the State of Tennessee, we have had time and time again, claims of fraud. It is very difficult to prove voter fraud, either in the form of absentee ballot or by people who go behind the curtains and pull the lever for someone who may be semiliterate. But the claims were of such substance and of such number that we tried to get those investigated. There simply was not any mechanism. The judges or others who were requested either did not have jurisdiction or did not have time or did not have the personnel. Perhaps some of them did not have any interest. I do not know that. But I do know that very rarely do we ever get that sort of thing investigated and prosecuted.

I do know that an awful lot of people have felt for many years that this is a matter that should be a subject of great concern; it should be corrected; and it has not been adequately addressed, at least to their satisfaction.

There is a third protection in the bill. The Attorney General is empowered to bring civil action against fraudulent registration. That is clearly pointed out to the individual when he registers.

Fourth, those involved in registration could receive a fine of \$10,000 or 5 years in prison or both. As the Senator from Wyoming (Mr. McGEE) pointed out, that is a fairly strong penalty for those who might want to abuse the process.

Mr. President, every State in the Union, to my knowledge, allows for the challenge of a voter at the polling place on election day. In most circumstances, the challenged vote is set aside until the challenge is resolved, at which time it is either admitted or thrown out. Clearly, a questionable voter or series of voters can be challenged at any given locale in the country.

In Tennessee I have seen citizen efforts on the election day. We still have occasional abuses, but by and large we have made enormous progress. Both parties have poll watchers on election day. If they think someone is not a legitimate voter they challenge him then and there. That system works and it is the kind of system that will protect this country against further abuses.

The purpose of this bill is to enhance the opportunity for people to participate in the political process. Certainly, it is not to increase fraud but to enhance the opportunity for participation in government and faith in the system.

Our political parties are aggressive. If they believe they are threatened by a massive conspiracy to commit vote fraud by post card or any other means, they will make sure that their representatives at the polls protect their interest.

In short, I dismiss the argument that we cannot institute post card registration because of potential fraud. Where fraud prevention measures have the effect of disenfranchising legitimate voters, they ill-serve democracy.

We cannot prevent a man from registering to vote, just because we suspect he may commit fraud, any more than we can prevent a man from getting a marriage license just because we fear he may commit bigamy.

If he violates the law, in either instance, he can be punished. The bill we are discussing provides many assurances of that, and as evidence of my concern, I plan to introduce an amendment to provide an additional assurance against the possibility of dual registration.

In this final analysis, there is no evidence that S. 352 would increase vote fraud. If you have corrupt election officials, you will have vote fraud. That has always been the case, and always will be.

The post card system does nothing to encourage fraud, and may, in fact, have a side benefit of reducing it.

There are over 44 million Americans who are eligible to vote by age and citizenship, but cannot, for the simple reason that they are not registered.

There are many reasons why they are not registered, and whatever other reasons may be cited, among those reasons are surely these:

Company transfers to a new State; Inability to reach a registration point because of age, health, distance, transportation, or inconvenient operating hours; and

Complicated or antiquated registration procedures.

In Tennessee, despite the best efforts of our registrars, there were over 723,000 unregistered, but otherwise eligible, voters in 1972. This is a number of people equal to the combined populations of Memphis and Chattanooga.

One of the arguments raised by opponents of S. 352 is that the establishment of a Voter Registration Administration has the effect of taking power from the States and vesting it in the Federal Government. I think my record in that area is clear, and I assure you that I would not be a party to such a plan.

S. 352 will not have that effect. It does not replace State initiatives; it does not reduce State responsibilities. It supplements them. But it does something else, too. It increases the impact and power of the people to have an impact on their Government. It gives to the citizens of this country, Mr. and Mrs. America if you will, an avenue for increasing their participation in the Federal electoral process. More voters can mean more in-

put into the governmental system and more interest in making the system work.

One of the great strengths of the bill is that it allows for the streamlining of the registration procedure, without altering State and local standards and criteria for eligibility.

As such, it is clearly constitutional, as has been stated by Prof. Alexander Bickel, perhaps the leading conservative constitutional authority.

In the course of this debate, it has been implied that the only reason we have unregistered voters is that the people are apathetic. There is some justification for that view, but I would like to take it one step further and ask why are people apathetic.

I believe the answer is that they see government as too remote, too complicated, and too insensitive to their lives. By bringing the registration system closer to them, we can strike a blow against apathy. We can show that we do care, that government is responsive.

Another concern that has been stated by the opponents of this legislation is a fear that it will lead to vote fraud. This is a most appropriate concern.

Vote fraud is a terrible crime, since each fraudulent vote cast robs from some other citizen his precious right of franchise. We must be ever alert to the problem of fraud, and seek to wipe it out wherever and whenever it exists.

Now, that is important, vote fraud exists. It has existed for years. There are instances of it in every election, elections, mind you, where postcard registration is not involved.

Nearly all voter registration offices require no identification for registration—one's signature is the only identification required.

Once on registration roll, nearly all registration offices do not verify names and addresses—against tax rolls, driver's license, and so forth.

Most election jurisdiction budgets do not allow registration fraud investigation.

Very few States or counties presently check the names on their rolls against the rolls of other jurisdictions.

If one has the desire, he can register and vote in nearly every political jurisdiction in the country and it would not be detected.

All of these things can happen now, without post card registration. The simple fact of the matter is that we have substantial expert opinion that this legislation would strengthen fraud-prevention efforts, through Federal assistance for investigation, prosecution by the Attorney General, and criminal penalties for violators.

I wish to ask the Senator one question. One of the things that bothers me a little about the bill, and I think I mentioned this in my testimony, is the fact there is no requirement for a statement or affidavit on the registration card itself in which the individual states categorically that he is not registered in any other place, and if he is, where and why. I refer the Senator to the type statement we require from military and governmental personnel stationed overseas.

That is supplied on standard form 76, part A. The statement says on the form for overseas personnel:

I am not requesting a ballot from any other State and am not voting in any other manner in this election, except by the absentee process, and have not voted and do not intend to vote in this election at any other address.

I wonder if such a statement should not be incorporated in the bill and if not in the bill, certainly in the legislative intent that we establish here. I think it is important for the individual to give us some indication of his good faith that he is not going to abuse the process.

I have a lot of latitude in my mind as to the kind of statement that would be required. I have an amendment prepared to place the statement in specific terminology. I am not sure that is the way to go about it. But what I want is an expression of intention, some statement of guarantee on the part of the voter that he does not intend to abuse the process, that he will not register in more than one location. I think we need some assurance on that.

Mr. McGEE. The only reason the committee did not put that on a specific form at this stage was that there are several possibilities there and we felt that to select one of them would be to tie the hands of the administrative agency responsible for actually preparing the form. Some have suggested it might be sufficient to have them put their social security numbers there. That would be some kind of check. But the distinguished chairman of the Committee on Finance has reminded us that a great many people have several social security numbers and that would not lock them in properly. Mrs. McGee has just applied for a social security number and she now has five that she has received in the last 3 weeks. There was all kinds of shifting around in connection with the application for a social security number.

Therefore, we would have to know more about that. Whether one could put a signature on the card as is done in the case of an income tax return and affirm that that is his authentic signature and that these facts on the card are as stated, I do not know.

What we wanted, both in the report on the bill and in the legislative intent on the floor of the Senate, was to make it abundantly clear that we want that type on the form, but we were a little reluctant to prescribe the type device. We wanted to leave a little latitude for the administrator.

Mr. BROCK. I agree with the Senator, because it is quite possible that we are going to find there are problem areas that crop up that have not been anticipated, and the administrator should have some flexibility in attempting to deal with that problem.

But for the record, it is the intent of the sponsors of the bill, and certainly it is on my part, that a statement, an affidavit of some description be incorporated in the post card form that would give us clear evidence of the individual's intention to register in this one instance and not abuse the process by multiple registrations.

Mr. McGEE. Indeed, it is. That is the intent of those of us, including the Senator from Tennessee, who are sponsors of this measure. I would add that in addition to that, upon the receipt of a post card with that affidavit statement, the registrar in that State or that county or locality still could challenge him. He could still say, "I do not think this is right." It is not automatically a guarantee of registration. If he wants to challenge it, he can challenge it, and ask for investigatory help if he needs it to verify it or disqualify it. But he makes that decision as he does now where the person walks in that office. He does not know if that person is John Doe or John Dew.

Mr. BROCK. Does the Senator from Wyoming agree that a registrar would be more suspicious of a registration received in the mail than when a prospective registrant walked in the office?

Mr. McGEE. It is much easier to walk in the door, fill out a form, and sign a name. "Who are you?" He does not know who you are, except in a tiny precinct, but the fact that the person walked in totally disarms the registrar. The fact that on a post card they would get the same kind of information, although under oath, would seem to tighten it more and be less disarming and subject to closer surveillance.

Mr. BROCK. I completely agree. I would like to ask the Senator two questions. Would it not be possible for a State participating in the program to draft its own statement on the cards to be mailed?

Mr. McGEE. That would not be out of the question at all—whatever would seem to meet the requirements of a particular State in that case.

Mr. BROCK. Because we are not, by any method or by design or device, obviating any State law; we are trying to strengthen it.

Mr. McGEE. And we are not trying to create any voter lists of any sort that would be available to anybody. All we are trying to do is set up a mechanism that already exists for the mass application of registration. That is all that is involved.

Mr. BROCK. I thank the Senator.

I should point out at this point that I appreciate the Senator's accepting my suggestion with regard to privacy in protecting this national list in the bill as it is incorporated today. I think that was an important improvement.

I would like to address one other question to the Senator with regard to this entire subject matter. If we had this law, the individual, as he envisions it, would be signing the post card with some form of affidavit as designed by the administrator. Would it be possible for a State to require that signature to be notarized, for example?

Mr. McGEE. I can think of its posing some logistical problems, unless they had notaries who went to wherever they received the post card, and notaries were sent out there. I think that would introduce an operating factor of some dimensions—I am not sure, right off the top of my head—as well as some cost factor. It is not notarized in the income tax form. The idea for introducing the bill

is to make it easier for one to register and this might be an unnecessary obstacle. I am not sure.

Mr. BROCK. I am suggesting it because I think it is worth exploring. I do not think it is something that we should mandate legislatively, but I think it would be worth exploring.

Mr. McGEE. This colloquy would surface that as another possibility, so that those in charge when this system is set up would certainly delve into it to make sure what it means in a national voter registration effort.

Mr. BROCK. One last question: One of our colleagues said to me he does not think this bill is necessary because in most of the States, and certainly most of the cities, of this country, the registrars are located in precincts, and they know everybody in the precinct; therefore, there is no possibility of fraud at the precinct level.

Perhaps my experience is somewhat limited. I have not had experience in the legislative process outside the State of Tennessee, but in the State of Tennessee—and I think in a good many other places—that simply is not so. Most of the time the registration is at the county courthouse or the city hall, and the individual can be required to drive 5 or 10 more miles into town. He can walk into that office, never having been seen by that registrar at all before at any point in time, and simply sign and be registered.

Mr. McGEE. He can, indeed. There are some large cities where not only does one have to drive to the city, but he has to do it between 9 and 5. There are some city halls, where there is such a requirement, which are not open evenings, Saturdays, or Sundays, and so it is additionally difficult. The fact that it is so limited in that way, in reverse order, would surely tell us that the registrar in the city hall or the county clerk's office could not possibly know voters face to face and has to take them on faith—and that is no lisp.

Mr. BROCK. I thank the Senator for his response.

As the Senator knows, I am very interested in the bill. I think it is in the interest of both political parties—not one or the other, but both. I think it is in the interest of the system. I frankly think that, once established, to the contrary of some of the arguments that have been made against it, it will be found that this bill goes a long way not only toward enhancing the ability of participation on the part of the citizen—and that is desperately needed today—but also that it goes a long way toward reducing the tendency of even the opportunity for voter fraud. I think that is terribly important.

Mr. McGEE. I appreciate the comments of the Senator from Tennessee on the bill in general. He has been so deeply involved in its many ramifications that his testimony in a particular sense comes as expertise from his grassroots experience with the dimensions of the problem. To that extent, he has given unique and real professional advice, because it was reduced to what had been experience in real life, real live election procedures and

registration procedures. That ought to say even more to the Members of this body than some of the theories on which we have to operate on something like this, something that has not been tried on a nationwide basis. We have to reason from that kind of statement.

Mr. BROCK. I thank the Senator from Wyoming for his comments and his leadership.

Mr. McGEE. Mr. President, I have been sitting back in my chair quietly reflecting on the history of the measure now being debated in this Chamber, and I should like to share some of my thoughts with the Senate.

In the summer of 1971, I mentioned to my staff my great concern with the low voter turnout for elections in this country and tossed out some suggestions on how this could be improved. As a history professor with an abiding interest in foreign affairs, I have traveled extensively abroad, talking with and listening to citizens of other countries. One of the most frequently asked questions of me was "Since America is the world's most powerful country, has the largest gross national product, the highest educational level in the world, and the most famous democracy in the world, why does it have approximately the lowest turnout of voters in the world for the election process?"

As a citizen of this country and a public servant, I was and continue to be hard pressed for an answer to this query. My answer has been we are working on it, and that is why I am in this Chamber at this particular time. My staff put these ideas in mind in the form of a rough draft bill and we announced hearings in early October 1971. The response was overwhelming. Groups and individuals from all areas and persuasions came to Washington to talk about improving voter participation, and one way was to improve the archaic registration processes.

Testimony from experts in response to why we do not match up to other countries in voter participation suggested that other countries make it easy for their citizens to vote; the United States, with its complicated system of voter registration requirements controlled by the States, makes it extremely difficult. The committee made appropriate changes in response to this testimony and presented S. 2574 to the Senate floor for debate in November of 1971.

The bill approved by the committee set up a Voter Registration Administration within the Bureau of the Census which would send out post cards to postal addressees at least 30 days prior to a Federal election. The citizen would simply mail this perforated post card to his registrar or county clerk and he was registered. Safeguards for prevention of election fraud were written into the bill. States could still fix their own requirements for State and local elections; but should they choose the McGee plan, a Federal subsidy would aid them in financing the burden of registering voters.

The McGee bill was ready for debate on the merits in late November 1971 by the full body but somehow a number of factors prevented this from taking place. First, certain Members of this body had

no desire for the bill to see the light of day. Second, the Senate was moving toward adjournment of the first session of the 92d Congress and the bill became steamrollered by last minute appropriation bills, and so forth, and I was the nice guy who yielded to a plea by the leaders to agree to a 2 hour debate on the bill, then vote if unanimously agreed to. On December 3, we discussed the bill for the allotted time upon which I said, "Let's vote." As you can imagine, the same individuals who raised objections in the first place said "let's not vote," so the bill was set aside.

S. 2574 returned to the spotlight of Senate debate in March of last year. I came to the Senate floor prepared again to vote on the bill—yes or no on its merits after reasonable discussion. Again opponents raised allegations of election fraud without stating any proof that anything like this would even remotely have a possibility of occurring. Second, the old line of "This bill belongs in the Judiciary Committee for further study" was echoed. The able Senator from Massachusetts (Mr. KENNEDY) stated in Senate debate on December 3, 1971, on this bill that—

The only time the argument over jurisdiction is made is when no other good argument can be made.

Senator KENNEDY also pointed out that this Judiciary Committee argument was used in 1970 when the 18-year-old vote came up for a floor vote. "Let's send it to the Judiciary Committee" it was said. The Senate then, as it has now, recognized those arguments for what they were—delaying tactics—and refused to avert them.

Third, the so-called constitutional experts informed the bill's opponents that the bill was probably unconstitutional because it had a 30-day residence requirement instead of the lengthy periods required by some States. We argued that this was not unconstitutional and cited many instances where there was abundant constitutional, legislative, and judicial precedent to support enactment of this legislation. As to voter registration, the Constitution in article I, section 4, gives the right to the Congress to make or alter regulations relating to times, places, and the manner of holding elections for Senators and Representatives.

The Supreme Court as early as 1932 in *Smiley against Holm* interpreted article I, section 4 to mean Congress has abundant authority to do this. Congress may reduce requirements for voting in Federal elections if it wishes. Oregon against Mitchell affirmed this right of Congress to reduce residence requirements in Presidential elections, on the ground that such requirements interfere with the constitutional right of citizens to travel freely from State to State. Finally, just last spring, the Supreme Court in *Dunn v. Blumstein*, 405 U.S. 330, stated that durational residence requirements are violative of the Equal Protection Clause of the 14th amendment, as they are not necessary to further a compelling State interest.

The Supreme Court went on to say that a period of 30 days appears to be ample to complete whatever administra-

tive tasks are needed to prevent fraud and insure the purity of the ballot box. I think finally we can place this constitutional argument to rest and realize once and for all that Congress has the power and the responsibility to act in regard to Federal elections.

Since these three groundless and fallacious arguments dominated the Senate's time again, no discussion of the bill's merits was allowed. The bill was tabled by a scant four votes and that ended any hopes of enactment before the 1972 Presidential election.

Disproving the notion that the Senator was only interested in seeing a voter registration bill enacted to help the Democratic Party register 1972 Presidential and congressional voters, the bill was reintroduced early in this session of Congress. New hearings were held and to reecho the Senator from Wyoming's nonpartisan motives, he had many members of the Republican party cosponsor the bill. One of the most enlightening pieces of testimony I have heard since being in the body, and that is 15 years, was delivered by the junior Senator from Tennessee, Mr. Brock, before the Post Office and Civil Service Committee hearings on Friday, March 16, 1973.

In an excellent statement complete with statistics, he put the argument to rest that if several million more voters had shown up at the polls on November 7 that the Democratic candidate would have received the lion's share of them. Senator Brock's statistics show just about the opposite. The incumbent Mr. Nixon would have received even a larger percentage than he amassed. The Senator from Tennessee knows, too, for he had an instrumental role in the incumbent's reelection campaign and I should be more specific in light of recent developments. He was the Director of Youth for Nixon.

Senator Brock says the bill currently pending in the Senate, S. 352, will work and is a good bill. The Senator from Oklahoma, Mr. BELLMON, agrees. I respect the view of these distinguished colleagues along with the other cosponsors and supporters of the bill from the party across the aisle.

On March 16, 1973, Mary C. Lawton, Deputy Assistant Attorney General, Office of Legal Counsel, Department of Justice testified before the Post Office and Civil Service Committee on S. 352. Ms. Lawton stated the views of the Justice Department that this bill is questionable on constitutional grounds, contains fraud potential, and that its expense is too great in view of the fact it offers no real assurance that its provisions would induce more people to vote. The committee rejects those views.

With regard to the constitutionality of the bill, I believe that this question was answered sufficiently in light of the recent court decisions I mentioned a moment ago. The committee believes the authority of Congress with respect to national voting is well defined. Congress has the power, and the introduction of S. 352 indicates the desire of Congress to exercise it. To reiterate, it is the opinion of the committee that the constitutional argument is fallacious and moot.

Second, does the bill increase fraud potential? Witnesses testified that fraud is already rampant. This bill offers no more opportunity for voter fraud than exists already. S. 352 retains the safeguards of present State law in addition to providing new Federal safeguards and criminal penalties to deter fraud.

The witness cited a figure of \$190 to \$527 million as the cost of a program of voter registration. Apparently she was mistakenly referring to S. 2457 of the 92d Congress, introduced by Senator KENNEDY, a substantially different measure from S. 352. Best committee estimates are that S. 352 would cost between \$25-\$30 million, a relatively small amount measured against the value to be achieved in bringing the Nation closer to its goal of true participatory democracy.

The Justice Department raised 10 technical questions in their testimony which the committee has considered. I would like to take a few moments to respond to these:

First. The first question queries the requirement that registration forms would be sent to the occupants of U.S. households. Because of the unidentified number of eligible voters in each household, how will the Voter Registration Administration know how many forms to send each address?

My answer to that is four or five registration forms would be delivered by mail to each household. If this number were not sufficient, section 406(b) of the bill provides for public distribution of the forms at post offices and other Federal installations.

Second. The bill provides that registration forms shall elicit information responsive to State law and responsive to voting qualifications criteria established by the Voter Registration Administration. The Justice Department questions whether the Voter Registration Administration could veto the requirements of State law.

In responding to this, the bill provides that both the State and Voter Registration Administration qualifications will be reflected on the form. The Voter Registration Administration is nowhere empowered to circumvent or overthrow State law.

Third. If a State refuses to participate in the mechanism provided for State and local elections and declines to process the forms for Federal elections, what provision is there to require compliance?

Let me state that the bill encompasses but does not require State participation in State and local elections. A State refusing to process the forms for Federal elections would be in violation of Federal law. Appropriate State officials could be penalized for violation of section 408(b).

Fourth. Must State and local officials be bound by the registrant's own classification of himself as a resident of the State?

The answer here is simple. State law would apply. If a citizen meets the requirements of State law, he is a duly qualified elector. This bill would not affect the current procedures available for determining classification of the potential voter.

Who determines the qualifications of the nonresident who votes in his former State in a presidential election?

The answer is that Federal law would apply here. Congress enacted the Voting Rights Act Amendments of 1970 and they were upheld in *Oregon v. Mitchell*. These amendments gave Congress the authority to determine residence requirements in presidential elections.

Fifth. Who processes the forms for a State that has no registration procedure?

It is clear that section 410 authorizes the Voter Registration Administration to issue regulations which may exclude a State from the provisions of S. 352 if that State does not require a qualified applicant to register prior to the date of a Federal election.

Sixth. Do the penal provisions of the bill in section 408 preclude resort to State civil or criminal remedies?

To answer this, the bill provides that, in order to prevent fraud, a State official may take appropriate action under State law in addition to remedies available through the penal provisions of section 408.

Seventh. What is the relationship of the penal provisions in this bill to the existing Federal election laws carrying out quite different penalties, such as 18 U.S.C. 245, 594, 597 and so forth?

In the bill, section 408 prescribes penalties for fraudulent voter registration. These provisions are not in conflict with law now on the books. Existing laws provide penalties for voter fraud. They may be invoked under provisions of S. 352 just as they can be under the present system. For example, section 1001 of title 18, United States Code, is applicable to fraudulent statements in completing the registration form. Section 245(b) (1)(A) of title 18, United States Code, prescribes penalties for those interfering with citizens qualifying to vote. Section 594 prescribes penalties for persons coercing or intimidating voters. Section 597 prescribes penalties for persons expending money to influence voting.

Eighth. Will the exclusion of the election of delegates in Guam and the Virgin Islands and the election of a resident Commissioner in Puerto Rico raise equal protection problems?

In responding to this query, the committee has amended the bill as introduced to add Guam, the Virgin Islands, and Puerto Rico into the definition of State in section 401(2).

Ninth. Does the processing of registration forms in section 409(a) of the bill include independent investigation of the qualifications of a prospective registrant or is it limited to the handling of the registration form itself?

Simply, section 410 of S. 352 provides that the Voter Registration Administration is authorized to issue rules and regulations for the administration of this chapter. The committee believes that the detailed subject of independent investigation can be better controlled by regulation.

Tenth. Possession of the voter registration form under section 405(c) would be prima facie evidence that the individual is qualified. Would the State or local official be obliged to permit the holder of the form to vote even if he knows

of his own knowledge that he lacks necessary qualifications?

My answer would be clearly that possession of the registration form indicating that the individual is entitled to vote in an election shall be prima facie evidence that the individual is a qualified and registered elector. Under section 407, the State official may take appropriate action under State law if he has reason to believe that individuals registering to vote are not qualified. In addition, he may notify the Voter Registration Administration and request its assistance to prevent any fraudulent registration.

By sending up a smokescreen of fraud, jurisdiction, constitutionality, cost, and other devices the opponents have avoided talking about the substance of the bill. It is very distressing to the Senator from Wyoming that in all the opposition debate on this bill extending from November and December 1971, and March 1972, to the present, there has been little if any discussion of the bill on the merits. It seems probably a little curious to the people sitting in the gallery to be discussing a bill they had heard about registering voters by post card and then to come in to this body and listen to very little debate whatsoever on post card registration. This body owes it to the people in the galleries for they represent the people of this Nation who are continually being strangled by archaic and burdensome registration requirements. As Joseph McCaffrey mentioned in an editorial last week on the bill and I paraphrase:

The Senate is faced with voting on a bill which is somewhat unique. If it is enacted it will work. More people will vote and it will help to register more voters. The opponents most of all know this, and that is why the bill is being subject to extended debate.

I agree with him. The Post Office and Civil Service Committee has looked long and hard at this bill and has answered all arguments made by the bill's opponents fully and I believe convincingly.

Voter participation in this country is at the crossroads. If real representative government in the United States is going to prevail, it must be structured so that all can participate. In this modern day there is no possible excuse for a registration system which tends to limit the free exercise of citizenship. There can be absolutely no justification for sustaining an inefficient system which prevents the unwary from knowing and using what is commonplace to the informed.

Mr. BIDEN. Will the Senator yield?

Mr. McGEE. I yield.

Mr. BIDEN. I have heard a good deal of debate on this bill in the last several weeks. One of the things that puzzles me is this: It is my understanding that the State of Texas has a registration system that is very similar to that which the Senator from Wyoming has proposed today and that he has been proposing for the last several weeks. My first question is: What is the difference between that system and the system which is working well at present? I have heard of no allegations of fraud in the Texas registration system. I am curious as to whether there is a difference between the proposal of the Senator from Wyoming and the system which exists in the State of Texas.

Mr. McGEE. The only real difference, specifically, that I would single out in my proposed legislation is that we are tighter on the penalty for anyone who would abuse it than the State of Texas is in its procedure. Second, the State of Texas is a little more loose in the way it solicits registrants. They run ads in the newspapers and print handbills which are passed out to prospective registrants.

That goes much further than this envisages. However, what it does say is that even with all of that, they have no measurable incidence of fraud in the registration process.

As the Texas registrar testified before the hearings, in fact, the only fraud that they encountered was at the ballot box where corrupt officials juggled the ballot boxes, seized them, stuffed them, or did whatever else they could do to distort the election, not the registration process. They had no evidence of tampering with registration lists.

Mr. BIDEN. Mr. President, is there any indication that the voters in Texas are any more or less honest than the voters in other States, or is it merely that the system is not as fraught with fraud as it has been suggested in the last few weeks?

Mr. McGEE. Mr. President, I would certainly say that the State of Texas is not any more subject to fraud than is any other State. And I say that with the distinguished Senator from Texas present. American people are all alike. They move all over. People start in Texas and wind up in Wyoming, as a great many have. I do not think that has anything to do with it.

Mr. TOWER. Mr. President, would the Senator yield for a question?

Mr. McGEE. Mr. President, I will yield for a question if the Senator puts a question mark after the question and if I do not lose my right to the floor.

Mr. TOWER. Mr. President, is the Senator from Wyoming not aware that the most outstanding characteristic of Texans worldwide is their honesty?

Mr. McGEE. I thought the Senator was going to say that they move to the State of Wyoming.

Mr. TOWER. That has to do with the eternal vigilance of the law officials in our State.

Mr. McGEE. Mr. President, I would have to say that there are a number of ranches in the State of Wyoming that would dwarf the State of Delaware.

Mr. BIDEN. The Senator from Wyoming is about to lose my support.

Mr. McGEE. Mr. President, that merely suggests that one has to be more skillful in making a living than he would have to be if he had more.

Mr. BIDEN. Mr. President, in the State of Delaware, according to the figures coming out of the committee and the little homework that I have done on the subject, we rank relatively high in the number of people registered and rank relatively high in those registered and voting. However, even in our State, we are in a position where only 70 percent of our eligible voters are registered and about the same percentage vote.

In our small State, which is much more accessible to polling places and registration places than is the case in other States, I suspect, we are in a position in

which it is very difficult to make registration available to a significant portion of the population in light of the fact that 30 percent of the people in my State do not register. Our State is only 100 miles long and less than 50 miles wide. There are only three points where people can register in the normal course of events. The pending bill would eliminate the requirement that the farmer get off the plow between 9 and 5 and get to the courthouse, 30 miles away, find the basement of that courthouse, and find a solicitous registrar who would give him time to register.

Mr. McGEE. Mr. President, that is true. This is the gap that we are trying to help close. It will not close the whole gap by any means. We make no pretense about what this is capable of doing. However, we believe that it would close it significantly and would bring in nationwide some tens of millions of new participants in the election. In Wyoming and in Delaware we are talking about thousands, rather than millions. It is the percentage gap that concerns us.

Mr. BIDEN. Mr. President, with reference to the cost of this legislation if it were to pass and become law, would the cost of this legislation to the American taxpayer be cheaper in the long run to have legislation whereby people who want to register for the Federal elections can do so by post card as suggested and thus eliminate the need for additional or other forms of registration throughout the State. Would the total cost involved be less?

Mr. McGEE. There would be cost involved. The best estimate we can get from those who run the machines that do the computing and the mailing, the cost would range somewhere between \$15 million and \$30 million or \$35 million. However, this has to be kept in a relative setting, and that relative setting is that we are now spending many times that amount in voter registration in every State.

As the registrar of the city of New York testified before the hearings, this would be a whole lot cheaper for him. In the registration drives, they move around registering people, and it costs them \$8 a vote by the time they pay the bills and monopolize the manpower and the machines required.

Mr. BIDEN. Mr. President, as the Senator envisions it, would the enactment of this legislation eliminate the need in my small State for the voting and registration vans and the physical plant moving around? We conducted like a bookmobile unit that goes around, very unannounced on most occasions. Would it eliminate the cost factor there?

Mr. McGEE. Mr. President, I do not know that I would say it would eliminate the need to have that cost factor. It would still have to be the judgment locally as to whether that sort of thing would make a difference in that particular State or precinct. However, that is another matter. Playing the odds statistically, the chance is that the cost would be much less and the cost factor would be down as a result. The States, should they not decide to accept the post card system for State and local elections would possibly continue with the

vans. This is the reason for the incentive payment of 30 percent to States who adopt this plan for their elections.

Mr. BIDEN. Mr. President, the uniformity which this would bring across the country with regard to Federal elections is somehow looked upon as being implicitly bad. What are the arguments against uniformity? Is there any reason why there should not be a uniform system of registration?

Mr. McGEE. Mr. President, there is nothing at all bad in achieving some kind of uniformity in Federal elections. As a matter of fact, the lack of uniformity is one of the complications involved. People move from one State to another State and find that they are disenfranchised, because they have different mechanisms and requirements in the other State. So, in Federal elections if we can minimize the differences for elections involving Federal office, such as voting for the President of the United States, it would seem to me to make it more consistent, which is a better word than uniform, with the equal rights of all American citizens old enough to vote. That is the key.

Mr. BIDEN. Mr. President, I thank the Senator for being so responsive to my question. Before sitting down, I would like to point out that I believe the population of the State of Delaware is larger than that of Wyoming. However, I am not sure.

Mr. McGEE. Mr. President, I would guess that the population of Delaware is larger than that of Wyoming. We believe in quality living, and we are very selective in the process.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate, and may we have order in the galleries?

The PRESIDING OFFICER. The Senate will be in order. The galleries will be in order.

Mr. MANSFIELD. Mr. President, could the distinguished Senator from Delaware tell us which State in the Union is the first State?

Mr. BIDEN. Mr. President, the first State in the Union is Delaware, and we would be delighted if the other States would all follow us.

Mr. McGEE. Mr. President, I must say that the State of Delaware set a great example for a number of big States in which no pilgrims landed and to which no pioneers from Europe came. We are grateful to let Delaware develop this whole enterprise many years after the fact.

Mr. BIDEN. We are delighted to have you join us.

Mr. McGEE. The only drawback is that it also has something to contribute to the order of seniority in this Chamber, as I found out when I arrived here 15 years ago, and that coming from a State which was not admitted to the Union until 1890 has some drawbacks.

Mr. BIDEN. Inasmuch as the Senator from Delaware happens to be No. 100 in seniority, I had rather not talk about that subject.

Mr. McGEE. Well, I thank the Senator from Delaware for his remarks here, and I want to say that his was one of the unique campaigns, in his freshman endeavor in seeking a seat in this body,

to dare to make this kind of registration an issue in a statewide campaign. I think it not only showed courage on his part, but a very astute recognition of the sensitivity of people, who want the barriers removed that keep them out of the registration files. They want those obstacles minimized, and I think the voters of Delaware not only showed superb judgment in their selection of a Senator, but reflected a popular public demand for this kind of procedure; and I would like to say that we in this body have come to be very proud of the contributions in the U.S. Senate by our youngest Member of this body. That should mean that he has many long years of seniority looming ahead, much more so than some of the rest of us sitting here.

Mr. MANSFIELD. Mr. President, would the Senator consider laying aside the pending business for the moment, to take up a conference report?

Mr. McGEE. Mr. President, I would like to inquire first as to the procedure in such event. Is it in order that I ask that the Senate immediately return to the consideration of S. 352, and that the Senator from Wyoming would have the floor, as he did at the beginning of today's session?

Mr. MANSFIELD. Mr. President, I make that request, even though the matter is a privileged matter.

The PRESIDING OFFICER (Mr. Scott of Virginia). The Chair would state to the Senator from Wyoming that the Senate would resume the consideration of the measure now before it, the unfinished business, upon the termination of the privileged matter.

Mr. McGEE. And the Senator from Wyoming would again obtain the floor?

The PRESIDING OFFICER. The Chair would state that that would require unanimous consent of the Senate.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Wyoming, at the conclusion of the consideration of the conference report, be given the right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished Senator from New York (Mr. JAVITS), I ask unanimous consent that Mrs. Leslie Bander, of the staff of the Joint Economic Committee, be permitted the privilege of the floor during the debate on the price and wage control conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF ECONOMIC STABILIZATION ACT OF 1970—CONFERENCE REPORT

Mr. SPARKMAN. Mr. President, I call up the conference report on S. 398.

The PRESIDING OFFICER. The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 398) to extend and amend the Economic Stabili-

zation Act of 1970 having met after full and free conference, having agreed to recommend and do recommend that the Senate agree to the same with an amendment. Signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

(For the text of the conference report, see Senate proceedings of April 18, 1973, page 12877.)

Mr. SPARKMAN. Mr. President, I ask unanimous consent that during the consideration of the conference report, the following staff members of the Committee on Banking, Housing and Urban Affairs be accorded the privilege of the floor: Dudley O'Neal, Kenneth McLean, Michael Burns, T. J. Oden, and Steve Paradise.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, the conference report, S. 398, was agreed to by a majority of the Senate conferees and a majority of the conferees of the House, although not all the conferees agreed to it.

As I said a few days ago, when it was up, it was not a satisfactory report for anyone. However, that is often true with reference to conference reports, because they are free conferences and each side, naturally, will contend for the things it wants, and the result is, in nearly every instance, that it becomes a compromise. That is what this conference report is.

However, it is an agreed-on settlement of the case and I feel that the Senate should adopt the conference report.

This legislation will expire at midnight tonight, when we finish here in the Senate, assuming that the Senate adopts the conference report, and then it has to go over to the House and be acted on by the House. We certainly hope and anticipate getting the conference report agreed to by both Houses and down to the President before midnight tonight. That means that we are going to have to move along.

However, Mr. President, I am not going to make any lengthy discussion of this matter but there is one thing I invite the attention of the Senate to, and that is the amendment written into the Senate bill as offered by the Senator from New Hampshire (Mr. McINTYRE), relating to the allocation of petroleum supplies in order that there might be an equitable distribution.

Within the past few weeks, my attention has been called to a very bad situation prevailing in many parts of the country with reference to what we might call the independent gasoline dealers and marketers. I recall pictures in the newspapers, about the time we took the Easter recess, showing gasoline stations

closed down with the distributor not able to get gasoline with which to supply the stations he had been supplying.

I had one such situation in my State called to my attention recently. In fact, he came here and went over the situation with me. He is a rather large distributor, but an independent one. He has several hundred stations to supply. He was getting his oil from a large distributor, likewise an independent, dependent upon the independent refineries—what we might call the smaller refiners.

The result was, all the way along, that gas could not be supplied.

I have gone to just about all the large gasoline companies, refineries, and so forth, trying to get gasoline for those particular stations, but none of them have been able to come up with an adequate supply. This is a vexing problem, I realize that.

We have hearings scheduled on gasoline and rationing set for next week, but at least this provision is in here to give power to the President to allocate petroleum to the end that there might be an equitable distribution.

I have just received a letter from the gentleman who came to see me. It makes a great deal of sense. He proposes this: that there are things that can be done and can be done without further legislation, as a matter of fact.

He calls attention to this, and I read from his letter as follows:

The Secretary of the Interior is authorized by law to sell outer continental shelf royalty oil belonging to and available to the United States under oil and gas leases. Regulations have been promulgated to implement this authority and provide "except when special circumstances warrant other action, as determined by the Secretary . . ." that royalty oil may be sold to small refiners for use in their refineries and not for resale in kind. Exchange agreements for other crude oil on an equivalent value basis is not construed as constituting a prohibited resale in kind.

Then he goes on to say:

While this provides some relief to the small refiner, it gives no relief to the small marketer who has been wiped out and who stands at the mercy of the major and independent oil refiners. The Government has a responsibility in the allocation of its own resources to see that all levels of the industry are treated fairly and equitably.

He goes on and proposes that a special circumstance—indeed, an extraordinary circumstance—prevails in the oil industry warranting action by the Secretary. Under the special circumstance authority reserved in section 225a.3, royalty oil should be disposed to small marketers for use in their operations and, further, that agreements providing for the exchange or royalty oil purchased under these regulations or other petroleum products on an equivalent value basis will not be construed as constituting a prohibited resale in kind.

Mr. President, there is another thought that he advances, that some agency of Government, perhaps the Small Business Administration, or committees of Congress, should exercise oversight on this question of the small independent dealers getting an adequate gasoline supply, that the SBA, for instance, could help work out means, methods, and steps by which the smaller gasoline dealers could

be supplied with an adequate supply of gasoline.

I thought that was a very good suggestion the writer of this letter made, particularly in line with the thought that the amendment of the Senator from New Hampshire (Mr. McINTYRE) is carried in the conference report.

Mr. President, that is about all I care to say. I do hope for acceptance by the Senate of this conference report.

I yield now to the distinguished Senator from Texas (Mr. TOWER) such time as he may require.

Mr. TOWER. Mr. President, I did not sign the conference report, and I was one of those who were rather dissatisfied with the outcome of the conference. But I think that we must all subordinate the things we dislike about the conference report to the greater need of preventing the authority under the Stabilization Act from expiring at midnight tonight. It is an authority that must continue, and I think we would hesitate to forecast what might happen to the economy if we failed to extend this authority.

Economic controls are something that I think most of us dislike—those of us who believe in a market regulated economy; but when market regulation ultimately does not work, when it contains some distortion and anomalies, it becomes apparent that we have to take some sort of transitory means to restore order in the economy, and that is all I regard this as being.

I hope we will not have to come back here a year hence and ask for further extension of the authority under this act. I hope the Senate will act with dispatch this afternoon. Only a few minutes remain to us, and then the House can act. We are compelled to act first. Therefore, I hope the Senate will act with great dispatch and rush this measure over to the House so that they may act on it before the time they adjourn this evening.

Mr. President, I should like to explain the action of the conference on section 5 of the bill.

The Stabilization Act currently provides that employer contributions to certain fringe benefit programs may be controlled if the contributions are determined to be unreasonably inconsistent with the general wage and salary standards.

The bill as passed by the House would have changed current law to provide that contributions made by employers necessary to maintain reasonable benefit provisions could not be controlled. It thus would have shifted the criterion of control from the level of contributions to the level of resulting benefits. However, as he stated on the House floor, the sponsor in the House, Mr. REES, intended to make sure that building trades employees who are under the jurisdiction of the Construction Industry Stabilization Committee are treated equitably with respect to fringe benefit programs.

In order to clarify that no change was to be made as to the authority currently being exercised by agencies of the economic stabilization program to regulate employer contributions to various fringe benefit plans, the conference de-

leted this amendment and substituted an amendment which provides that the rules with respect to fringe benefits shall be administered equitably with respect to employees in all the industries subject to economic stabilization program controls. Obviously, we do not mean everyone has to get the same benefits. But all must be treated fairly and be given equal protection.

Mr. President, I should now like to turn to section 7 of the conference bill which provides for hearings before agency action to reduce wage or salary increases.

This language is not intended to supersede or repeal the explicit exemption of the economic stabilization program from the provisions of the Administrative Procedure Act, by section 207(a) of the Economic Stabilization Act Amendments of 1971.

In addition, this provision applies only to final orders which have the effect of reducing the level of wages or salaries which may be paid. It does not prevent the Cost of Living Council from withholding approval of a wage increase, and deferring the implementation of the increase, pending the outcome of the hearing which the amendment mandates.

Finally, the amendment is not intended to interfere with the very successful practice of obtaining advice from tripartite bodies on wage and salary decisions. This practice was begun by the Pay Board and has been continued and expanded upon by the Cost of Living Council through the establishment of advisory committees composed of representatives of business, labor, and the public which advise the Council on disposition of individual cases as well as other collective bargaining issues. This form of public participation in the program is essential and nothing in this amendment is intended in any way to restrict that activity.

Mr. JAVITS. Mr. President, I thank Senator CASE for staying his hand until I have had a chance to say a word, as he intends to bring up a matter in which I join very strongly, one which deals with a specialized aspect of the Economic Stabilization Act and authority.

When this matter was up before, I voted with Senator PROXMIER and others to approve this conference report. I appreciate very much that Senator SPARKMAN and Senator TOWER, in good faith, and for reasons which they considered quite appropriate, sought to have the matter referred to conference.

I agree with Senator TOWER about the overriding importance of having this law on the books. I also feel very strongly that the omission of specificity respecting rent controls in areas of the country where local action or State action will not do what needs to be done in the interests of economic stabilization, a subject to be raised by Senator CASE, also needs attention.

But, Mr. President, in the final analysis, I shall vote for this conference report, as I did before, and the reason is this: If we want the right thing done, we have to have the legal machinery to do it. In a democracy, many things can happen notwithstanding the best intentions; so that if the law is not on the books, it may very well cause a tremen-

dous dislocation in the country by the sheer vacuum which will be created in the authority of the President.

But in giving the President authority, I would be less than honest with myself and with the country if I did not state that I think the President was completely premature in installing phase III; that the theory that effective price and wage controls continue during phase III which is inactive rather than active control, is completely inappropriate to the inflationary situation. Inflation is getting worse, not better.

In my judgment, the danger that the slower remedies which are being applied, in terms of monetary and fiscal affairs, will take hold is, in my judgment, running too much of a risk or the country; and I express the hope and the expectation that the President will not wait too long to see that phase III was premature and that we will have a phase IV, which in essence will be a phase II.

The fact is that the history of the situation demonstrates that the country did very well under phase II. There was confidence that we really were trying to get hold of this inflationary situation. The doctrinaire view that controls should be taken off at the earliest possible moment, without appraising what is the earliest possible moment, in my judgment, has turned out to be harmful to the country, to the economy, and to the confidence which those who produce—including workers, not just managers and investors—must have in this economy.

So, Mr. President, I hope, with other Members of the Senate, to develop this issue as the days go on. But, in order to do anything, you have to have power, and this law will give the power.

I hope very much that the other body will see it as we do and will give the power so that it may be exercised, confident in the fact that in our country—no matter how much the President may think he is going to run it all his own way—will in the final analysis have what Congress and the people want with respect to economic stabilization. This is in no way assuming that the President wants to do anything different from what I want to do or any other Member in good faith in this body wants to do—to wit, control effectively, in the interests of our people, the inflationary movement of prices. But I express my view, at the same time I vote for this authority, which is a great authority, that the taking off of phase II and its succession by phase III was premature and that we should return, in a phase IV, to the price and wage controls, both fully equally, which had the country on a pretty reasonable level, and which I believe can again restore the country to a pretty reasonable level. I do not believe a freeze will do it, as it will freeze in many inequities which have already occurred.

For example, my dairy farmers in northern New York feel deeply abused by the rise in feed prices, whereas other commodities may be the subject of material windfalls to their producers. Therefore, utilization of the cutlass instead of the scalpel in legislation will not be effective and will not be just.

I hope very much that the power we

are giving—and it is going to be up to us to see that it is given—is used wisely and constructively. We are not yet ready to relinquish a price and wage control mechanism, and we should return to it at the earliest time.

Mr. CASE. Mr. President, I shall not keep my colleagues long. At the conclusion of a very brief statement, I expect to move—and I understand that the motion will be in order—to recommit the conference report to conference, with instructions to the Senate conferees to insist upon the Senate amendments.

Am I correct in my understanding?

The PRESIDING OFFICER. The Senator is correct.

Mr. CASE. I thank the Chair.

Mr. President, the need for effective rent control in low-vacancy areas is well documented. In my State of New Jersey, rent increases, sometimes as high as 100 percent and many averaging between 20 percent and 40 percent, have been reported.

Unfortunately, those most directly and deeply affected are people with fixed, small incomes, especially older people who in many cases cannot pay the increased rent and must search for less costly housing.

Unfortunately, for older people this means moving at a time in life when getting from one place to another is fraught with great difficulty and hardship. Moreover, the fact that there are no available apartments in many areas means moving a great distance and possibly severing family ties which provide a measure of security and affection for older people.

Mr. President, that is why the Senate rent control amendment to the Economic Stabilization Act is so needed.

That is why the Senate acted as it did in approving the amendment, when I offered it, by a vote of 50 to 38, as I recall. That amendment would impose rent controls only in those areas where needed. It would not be across the board. It would only impose them as long as they are needed and, most importantly, would guard against blatant rent gouging, but would allow reasonable rent increases where such increases are justifiable. The imposition of controls would be on the basis of rental vacancies.

I cannot imagine, assuming one is willing to accept controls in any sense at all, any system of regulation more fair or more reasonable.

I am sorry, indeed, that the House of Representatives never had the opportunity to consider the Senate's rent control amendment. Instead, the House voted on a flat, nationwide system of rent controls that would have been difficult and expensive to enforce. No one likes controls, especially controls that go beyond necessity. The amendment I presented was designed to safeguard tenants but not at the expense of landlords. Moreover, I believe it was designed in such a manner that the market mechanisms of the economy would not be adversely affected.

The many failures of the phase III economic program are well known. We know there is little that can be done to control price increases, short of a freeze on all prices. Food prices constantly increase, putting pressure on all American

households. Such increases hit hardest the rent payer, who not only faces food price increases but must also pay higher rental charges.

This, I think, is most unfair, and can be reversed if the Senate insists on its amendments to the Economic Stabilization Act. This act, when renewed, will give the President ample authority to guard against any increases that may occur should final approval be delayed for a day or two. And, as I have urged, the President should act to control prices and especially rents. We should move with all speed and do our best to see that there is no gap. But I do not worry about a day or so without nominal controls. That could be taken care of when we take the matter up again. There is a point beyond which we should not yield to unreasonable action on the part of the other body if, indeed, the other body itself is involved, as opposed to a few individuals in a position of some strategic importance.

In the long run the need will require that Congress act fairly in this matter. I believe that the President should act to control prices and in doing so should include rents. Because of the difficulty I have had, and I know other colleagues have had, persuading the administration to impose reasonable rent controls under discretionary authority, I thought it necessary for me at least to express my views about the situation by offering the amendment, which I did, and which the Senate accepted. I hope the Senate will repeat its action. I do not expect to press anyone into a position that would be difficult. For that reason I am not going to ask for a record vote. I shall be content to have this matter decided by a voice vote.

Therefore, I move that the report be recommitted to conference, with instructions to our Senate conferees to insist on the provisions of the bill as originally passed by the Senate.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CASE. I yield.

Mr. JAVITS. Mr. President, I joined with the distinguished Senator from New Jersey (Mr. CASE) before with regard to this matter in proposing the amendment, and I join him again. I have no illusions as to where we are going in this matter at this time, the 11th minute of the 11th hour. But I deeply feel the position needs to be maintained. As we have learned from long experience in this body that does not necessarily mean our voices are falling on deaf ears. I adopt everything the Senator said but I would like to add a few facts. One is that this issue of rent control by the Federal Government in those areas where local action is unlikely to result in controls, was approved by a special committee acting in the name of the President, headed by a former colleague, Tom Curtis of Missouri, after exhaustive testimony. None of the facts there adduced that brought about reasonable federal control have changed.

In my State of New York, the city of New York has, generally speaking, an effective rent control mechanism, again, without French style rent control, where properties had to be permitted to rot be-

cause increased costs could not be passed on. The amendment of the Senator from New Jersey (Mr. CASE) guarded against that, and quite properly.

Then, outside of New York City, in the suburbs surrounding New York, where we have a population in the area of 2.5 million to 3 million people, where vacancy rates of less than 2 percent exist. Some landlords, before they will give anyone any kind of lease for any period of time, insist on a 20- to 40-percent rent increase. With rent constituting 25 to 30 percent of the family budget, I could not think of anything to fire inflation more. This is something we can and should avoid. It is a national problem, and we should not depend on State legislatures where there may be a rural feeling and a feeling against rent controls which does not express the interest of the Nation or justice in the suburban community.

I have no illusion as to where the Senator from New Jersey is going with this motion, and neither does he. The important thing is that the position should be maintained and the matter should be pressed on the administration. It would have full authority under this law as it had before and I would urge at the very least what we have said and are prepared to prove may be the subject for appropriate action once the basic authority is granted. But in the interim I shall vote for and support the Senator from New Jersey, as I have before because I feel he is right on the merits and the substantive matter.

Mr. TOWER. Mr. President, I hope that the motion of the Senator from New Jersey will be defeated. I think the matter of rent controls is extremely important. It is a matter that deserves the concern of Congress. The fact of the matter is that we did adopt the amendment of the Senator from New Jersey on the floor of the Senate by a vote of 50 to 38. It is also a fact that some four rent control amendments to the Economic Stabilization Act were defeated by very heavy majorities in the House of Representatives.

Now, actually, the Senate rescission in conference on the rent control provision was the only major concession the Senate conferees made to the House.

I must confess there were some of us who were Senate conferees who would have liked to make more concessions to them, but essentially it is a Senate bill that came out of conference.

Even if we could recommit this measure to the conference committee, and if we were successful in the conference in insisting upon the Senate provision on rent controls, I am afraid that that would be a fatal action in terms of this bill.

There is no assurance at this moment that the conference report will be adopted by the House, and although the administration would like to see the conference report adopted in both Houses, there are strong elements on both sides of the aisle in the House that I think quite conceivably might seize on any particular aspect of the report to try to bring about its defeat. Certainly, an all-Senate bill, when we consider the rather strong votes in the House for the House version,

would, I think, present the bill with a fatal weakness which would prevent its survival in the House.

But I find, purely from a practical standpoint, the House at this moment is recessed, subject to the call of the Chair, and the hour is now 4:30, and I do not think they intend to stay around very long for the remainder of the afternoon. It is, therefore, incumbent upon us to act with dispatch. We could not invoke a conference today, and it is unlikely that we could act with any great alacrity once a conference was convened; and at midnight tonight phase III would die. Indeed, the authority under which the administration could revive phase II, as has been suggested by my colleague from New York, would expire.

Therefore, the exigency of the situation demands that we act now. So if we want to continue the authority, it is essential that the motion offered by my good friend from New Jersey, on a matter for which he has a genuine and abiding concern, in this instance I think must be defeated.

Mr. SPARKMAN. Mr. President, I want to add just this word to what the Senator from Texas has said about phase II. The point I want to make is as follows: Did not Dr. Dunlop testify that the power that the President had under phase II to control rents continues and that the President could invoke rent controls if he saw fit to do so?

Mr. TOWER. The Senator from Alabama is absolutely correct. If we were to adopt this motion and delay the adoption of the conference report, to the extent that the authority expired at midnight tonight there would be no authority to control rents. There is now authority to control rents. I would think that the prudent course to be followed by the Senator from New York and the Senator from New Jersey would be to use the great persuasive powers which they have with the administration, but the fact is that there is authority now to control rents. It is not presently mandated, but at least it is there.

Mr. SPARKMAN. And the Senator says there would be no authority if the law died. That is because the basic authority is in the basic Economic Stabilization Act itself?

Mr. TOWER. The Senator from Alabama is correct.

Mr. CASE. Mr. President, I have no intention to take any longer. I would be willing to move to a vote on my motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Jersey to recommit. [Putting the question.]

The motion was rejected.

Mr. EAGLETON. Mr. President, I am pleased that the conferees adopted the Senate amendment which I submitted to authorize the President to establish an equitable system for allocation of scarce petroleum products.

In the 5 weeks since this measure was passed by the Senate, the fuel shortage has gone from serious to critical in many areas of the country. It seriously threatens the operation of public utilities, farmers and a growing number of businesses.

An article in today's Wall Street Journal quotes the president of Standard Oil Co. as estimating a gap as high as 5 percent between gasoline supply and demand this summer. The same article notes reports that almost 10 percent of the independent service stations in New England have had to shut down or limit their hours of business. I ask unanimous consent that the article be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, I am concerned also that the fuel shortage is being used by certain major suppliers to eliminate competition, to abandon marginal dealerships and customers, to drive up prices, and to exercise leverage in the interest of promoting the sale of their nonpetroleum products.

It is no longer a question of whether we shall have allocation of fuels. Allocation is already a fact of life in most parts of the country. Rather, the question is whether that allocation will be controlled by the presidents of a few major companies having a vested interest in the outcome, or by the President of the United States.

The amendment I submitted does not bind the hands of the President except to provide that any system set up should be fair and equitable to all concerned and be designed to assure all areas of the country that they will get the fuel they need for essential purposes. The amendment also provides that any system established should be directed toward maintaining competition in the petroleum industry.

This latter provision has been misconstrued by some as an invitation to the Federal Government to step in and take fuel away from dealers who have contracted for it in order to give it to their competitors down the street. That was not my intent in writing and introducing the measure. I do not expect the Federal Government to be going around abridging contracts. However, if the suppliers themselves are changing the terms of existing contracts, I anticipate that the administration would step in to require some minimum standards of fairness to all concerned. Beyond that, I would hope the administration will focus on ways to increase the overall fuel supply in areas of need and to see that each sector of the market receives a fair share.

Mr. President, as an indication of the strong support this provision has among both brand name and independent oil dealers, I would note that the gasoline committee of the National Oil Jobbers Council endorsed the Eagleton amendment at its meeting in St. Louis on Friday. The measure has also been endorsed by the Society of Independent Gasoline Marketers of America.

[From the Wall Street Journal, Apr. 30, 1973]
PRICES OF GASOLINE, HEATING OIL, DIESEL
RISE AS SUPPLY TIGHTENS AND CRUDE
COSTS CLIMB

(By James C. Tanner)

NEW YORK.—Prices of fuels are beginning to increase generally, reflecting some spot shortages as well as rising costs of crude oil.

Effective tomorrow, Cities Services Oil Co. will boost dealer and consumer tankwagon prices for both regular and premium grades

of gasoline one cent a gallon throughout its marketing system.

So-called "rack" prices for gasoline are being increased 1.2 cents a gallon, the Cities Service Co. subsidiary said. These prices apply to wholesale distributors of gasoline whose contracts with the company are based upon terminal posting rather than on tankwagon prices.

Cities Service also said it is raising prices of heating oils one cent a gallon at all levels of distribution. Diesel fuel prices are being increased between one cent and 1.5 cents a gallon, depending upon supply points, the company added.

The increases, Cities Service said, are in keeping with guidelines established by the Cost of Living Council. The move also is in line with scattered price boosts made recently by several major marketers of gasoline and heating oils around the country.

Last week, Southwestern petroleum refiners generally increased their posting by one cent a gallon for No. 2 fuel pipelined to Midwestern markets. That pushed the refinery price for the home heating oil to a record 11.5 cents a gallon.

One reason for the rising fuel charges is the higher price refiners are having to pay for crude oil. Costs of crude oil have risen 25 cents to 40 cents a barrel in recent weeks, reaching \$4 a barrel for preferred "sweet" types of petroleum such as low-sulphur Louisiana crudes.

Generally, a 25-cent-a-barrel increase in the price of crude means about one cent more a gallon in the price of products. In some cases, however, prices of gasoline at the pump are up as much as four cents a gallon.

Even though they are paying higher prices, many refiners aren't able to get all the crude they need to meet surging product demand. Harry Bridges, president of Shell Oil Co., said that company's refinery processing increased 12% to slightly more than one million barrels a day in the first three months of this year. Operations would have been at a higher level, he said, if it hadn't been for crude oil shortages.

Despite the nation's refineries operating near capacity, demand for petroleum products, particularly gasoline, is so strong that inventories are shrinking to what some oil observers consider critical levels. As of April 20, according to the American Petroleum Institute, gasoline stocks totaled 204.4 million barrels, down 4.5 million barrels from the week-earlier level and down 23 million barrels from a year earlier.

George V. Myers, executive vice president of Standard Oil Co. (Indiana), estimates that the gap between gasoline supply and demand "may be as high as 5% during the heavy summer driving months".

As a result of tightening supplies, many oil companies have started rationing the amounts given their dealers. Getty Oil Co. (Eastern Operations) Inc., the refining and marketing subsidiary of Getty Oil Co., is one company that has begun a gasoline allocations program. Its customers—including dealers, distributors and commercial accounts—are receiving allocations based on 92% of their average monthly purchases made during the first quarter of 1973. Cities Service, it was learned, is restricting supplies of gasoline to its 8,700 service stations to 80% of the volumes the outlets received last year.

Independent service stations—those without major oil company and refinery connections—are being pinched even harder by the spot shortages of gasoline. According to the Associated Press, almost 10% of the independent service stations in New England have been forced to close or shorten their hours.

FPC SAYS SOME AREAS FACE ELECTRICITY PINCH

WASHINGTON.—Some regions of the nation may have problems in meeting electricity

demand during peak periods this summer, a Federal Power Commission report warns.

The staff report says electricity reserve margins of utilities in parts of the Southeast and Midwest are hurt by delays in construction of nuclear power units and that the predominantly hydroelectric Pacific Northwest area is faced with low water conditions for the coming summer and winter seasons.

Also, much of the expected reserve in several areas will depend on relatively new and immature generating units with unknown dependability for the summer season, the FPC staff says.

However, the report says that overall reserve capacity for electric utilities, as a percentage of projected peak load, will be about the same this summer as it was last year, and that the available generation is better distributed around the country than a year ago.

SENATOR GAYLORD NELSON'S FIGHT AGAINST BIG BUSINESS SECRECY

Mr. ABOUREZK, Mr. President, the Senate and House will shortly decide whether to make a small but significant change in this country's long-standing public policy of allowing giant corporations to exercise great power in great secrecy.

The decision will be made by our acceptance or rejection of the conference report (H. Rept. No. 93-148) on S. 398, the bill to extend and amend the Economic Stabilization Act of 1970.

If the Congress passes that conference report, and the President does not veto the bill, there will come into the United States Code a new legal requirement, in the form of an amendment to section 205 of the Economic Stabilization Act of 1970.

Under that new law, corporations having annual sales of \$250 million or more, desiring to raise prices more than 1.5 percent a year on a product accounting for more than 5 percent of their total annual revenues, will have to share with the public at large the information they give the Government to justify that increase.

If the conference report is rejected and we adopt instead a mere extension of the Economic Stabilization Act—as some administration and big business forces have been urging—the Congress will once again be denying the people's right to have that information. Instead we will be affirming again the existing unfair and outmoded law and policy, a policy of deep, dark secrecy for the product-line information of giant corporations.

Therefore, I earnestly hope that the Senate and House and the President will accept this conference report, with the reform that it contains of the secrecy provisions of section 205 of the Economic Stabilization Act.

If the conference report does pass, we shall all be deeply indebted to the junior Senator from Maine (Mr. HATHAWAY), the author and highly effective parliamentary shepherd of the disclosure amendment.

But win or lose on this particular amendment, I believe that the principle embodied in section 6 of the conference report before the Senate, the public disclosure section or "Hathaway amendment," is the coming principle, the wave of the future.

And if that belief is correct, the country and everyone in it who believes in freedom and democracy and the accountability of power, owe an enormous

debt of gratitude to the one man who, more than any other, is making the waves in the fight against corporate secrecy. That man is the Senator from Wisconsin (Mr. NELSON).

SENATOR NELSON'S HEARINGS AND LEGISLATIVE PROPOSALS

Patiently, persistently, for many years, Senator NELSON has been probing the complex pattern of laws and rules and regulations which add up to an overall national policy of Government-protected secrecy for the operations of giant corporations. He has been holding hearings on corporate giantism in his Senate Small Business Subcommittee on Monopoly since 1967. Since 1971, those still-continuing hearings have focused particularly on corporate secrecy.

In the fall of 1971, after the first corporate secrecy hearings, Senator NELSON proposed an amendment to the Economic Stabilization Act, similar to but somewhat broader than the amendment contained in the present conference report. While it did not pass, the "Nelson amendment" helped pave the way and create the climate that made the conference report now before us politically possible.

In the present Congress, Senator NELSON is the sponsor of S. 875—H.R. 4311—the Vanik-Nelson bill to require public disclosure of the most important information contained in the Federal income tax returns of giant corporations—those with assets of \$50 million or more.

In the last Congress, Senator NELSON was the cosponsor, with Senator METCALF and others, of S. 3923, the Corporate Ownership Reporting Act. Now being prepared for reintroduction in an improved form, that bill would take some of the mystery out of the interlocking ownership and control of big-business wealth. It would do that by requiring periodic disclosure of the names of those able to vote 1 percent or more of any class of voting stock of corporations having gross income of \$10 million or more.

Only yesterday the Potomac magazine section of The Washington Post contained a review by Rudy Maxa of recent publications of the Government Printing Office of particular interest and importance. The record of Senator NELSON's hearings on corporate secrecy headed the list.

The summer 1972 issue of Mergers & Acquisitions—The Journal of Corporate Venture contained a "Disclosure Round-up" featuring an editorial and three articles on the subject of corporate secrecy. One of the articles was by GAYLORD NELSON and reviewed the aspects of big business secrecy that are most worrisome to him.

THREE ISSUES

Of the many issues mentioned by the Senator, three are of particular relevance today.

The first is the contrast between the secrecy enjoyed by big business and the increasing lack of secrecy, even of ordinary and decent privacy, experienced by individual citizens and small business concerns. In an age in which consumers and small business must "tell all" to computerized data banks—owned and controlled by big business and big government for the most part—in order to ob-

tain the common necessities of life and commerce, privacy for the little man has all but vanished. Even worse, as today's headlines remind us, the "power establishment" is increasingly uncontent even with the information we are compelled to put on its computer tapes with our knowledge and is, therefore, resorting to clandestine electronic eavesdropping.

The second of Senator NELSON's points that is especially timely involves the current fuel shortage. Listen to these words, written many months ago and found in the Senator's article entitled "The Exposed Individual and the Secret Corporation."

Information on ownership of natural resources, especially by giant corporations, should be in the public domain. Congressional and public evaluation of the much-touted "energy crisis" is simply impossible when even the U. S. Bureau of Mines lacks data on the location and ownership of all proven and probable reserves of energy minerals.

Finally, and most in point in today's debate, are Senator NELSON's comments on the inadequacy of the Securities and Exchange Commission's line-of-business reporting requirements, as applied to big business, and their inequity, as applied to small business. The adoption of the conference report on S. 398 will move the country a short but worthwhile distance in the direction of the reforms the Senator has proposed.

I urge the Senate to vote for passage of the conference report.

Mr. President, I ask unanimous consent to insert in the RECORD at this point excerpts from an article by Rudy Maxa in the April 29 Washington Post and the four-part "Disclosure Roundup" published in the summer 1972 issue of *Mergers & Acquisitions*.

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

[From *Potomac* magazine, Apr. 29, 1973]
GLORIES OF THE GPO—THE WRITES OF SPRING
(By Rudy Maxa)

It is an exceptional spring at the Government Printing Office, with a healthy crop of interesting and instructive books and pamphlets to alternately cheer and concern you.

The publications to worry you are, as usual, products of Senate hearings. Some people complain newspapers fill their non-advertising space with bad news; a reading of most Senate hearings makes newspapers look like *Disney World* press releases.

Early last winter the Subcommittee on Monopoly, part of the Senate's Select Committee on Small Business, conducted four days of hearings on the subject of corporate secrecy.

"The word is power," said Sen. Gaylord Nelson (D-Wis.) at the opening of the hearings. "The issue is power: economic, political, social and cultural power."

In theory, Nelson stated, a corporation is subservient to the state that charters it. But those were the old days, in some cases, Standard Oil of New Jersey had 1967 sales of almost \$13.3 billion, Nelson said while the combined general revenues of the state that chartered the company (New Jersey) and all the local governments in that state were under \$3 billion.

Some people worry that when companies grow that large, corporate secrecy as it applies to product safety, political influence and fair competition pricing becomes an issue of national concern. The 75 cents Role

of Giant Corporations—Part 2 (56C) is well worth the price, if only to read the cogent testimony of Ralph Nader, who claimed the public knows more about the internal workings of the CIA than that old dragon of his, General Motors.

"How many times do you hear auto management say, 'Labor wages should not increase faster than productivity gains?'" Nader asked. "They continue to be able to say that because they don't have to disclose their productivity gains."

"United States Steel, to move to a property tax area, has, in effect, told the Gary, Ind., property tax collector that it is none of his business what kind of investment the company is putting into taxable plant facilities," Nader continued. "The IRS and its corporate clients strike almost 30,000 private tax deals a year which in effect become secret law between the IRS and the corporation, applicable to no other taxpayers, business or individual, and not subject to judicial or any other form of review."

Further interesting comments are voiced by Harvard professor John Kenneth Galbraith, Sen. Robert Taft, (R-Ohio) and three other professors.

WHERE TO GET IT

Books or pamphlets mentioned above may be obtained by making check or money order payable to "Superintendent of Documents." Print or type desired publications and item number (listed after boldface title) on one piece of paper. Then, to expedite order processing, provide your name and address on a separate piece of paper for use as a return mailing label.

Mail payment, order list, name and address mailing label to: Public Documents Distribution Center, 5801 Tabor Ave., Philadelphia, Pa. 19120.

If you would like to receive the GPO's free biweekly list of new government publications, send your name and address to: Selected List, Box 1821, Washington, D.C. 20013.

Two months ago in this space, passing reference was made to American University's Foreign Area Studies department that had assembled several books on foreign countries. The reference should have been more than passing. About 80 books exist (on 80 countries), including a 1972 book on the People's Republic of China. If you wish a copy of the list, along with order numbers and prices, drop a short note to the Superintendent of Documents, Government Printing Office, Washington, D.C. 20401 and ask for the listing of the foreign area studies handbooks.

And that's not all. In last month's "Golden Oldies Review," the book *National Forest Vacations* was incorrectly listed with a nickel price tag. The correct price is 50 cents.

[From *Mergers & Acquisitions*, summer 1972]

DISCLOSURE ROUNDUP

"When I use a word," Humpty Dumpty said, in rather a scornful tone, "it means just what I choose it to mean—neither more nor less."

"The question is," said Alice, "whether you can make words mean so many different things."

"The question is," said Humpty Dumpty, "which is to be master—that's all."

The world seems to be composed of men and institutions who function either as information sources or as information sinks. Either they produce large amounts of useful information (sources), or they absorb large amounts of information (sinks).

It is certainly a proper function of government to gather information and to reciprocate as source in the public interest. It is not the proper function of government to act as sink to protect the administration or any special interests under the cover of "secrecy" whether military or commercial.

It is certainly a proper function of the

corporation to gather information in the interest of its special constituency, the stockholder, but it must reciprocate. It must not act as a sink in the special interest of management or against the public interest under the cover of "trade secret."

In the three following articles, U.S. Senator Gaylord Nelson, the AFL-CIO's Markley Roberts and Don Etra from Nader's shop sharply question the state of "public" information in these United States. Together, they point up that controlling and managing information—whether about war casualties or product profitability—works against the public interest, that the situation is getting worse and that corrective activity is desperately needed.

What does all this have to do with mergers and acquisitions? An awesome lot because good mergers are made in a heaven of good information, and there is an identity between the information needs of labor and the consumer, and the information needs of a stockholder in a company about to be merged into a corporate sink. Most of the facts necessary to judge a proposed merger from an investment standpoint are not available to stockholders, having been suppressed in the interest of management, although ostensibly—as with so-called trade secrets—in the interest of the shareholders.

In the merger craze of the 1960s, the newly emerging corporate giants went to great lengths to convince the investing public that they were something other than what they appeared to be. One agglomerator who was buying up companies at a rate his successors in the seventies are trying to match in selling them off, stated in an address before the New York Society of Security Analysis: "We are not a conglomerate; we are a mutual fund that manages our own investments." Many little pointed heads nodded—ah, wisdom from on high! It occurred to only a few that there was a vast difference between a decision to invest in an agglomerate in which the sales, profit and capital investment profile were consolidated for many different subsidiaries and product lines, and a decision to invest in a portfolio of companies whose separate financial histories were readily available. It occurred to none that such a statement was ridiculous since a mutual fund optimizes its desired risk profile by continual portfolio buying and selling. Thus the \$64 million question—"You've bought twenty companies this year; how many have you sold?"—went unasked. The answer, of course, was none. If such subtleties escaped the New York security analysts, no wonder the artless entrepreneurs and stockholders with companies to sell were taken in by this "logic."

Agglomeration holds substantial, albeit transitory, benefits for management because of continuous opportunities to "manage" the flow of information. Games can be played with the allocation of corporate headquarters' costs and interdivisional charges such that years of mismanagement can be covered up. Even if the whole company stinks, it is possible to cover up by making more acquisitions and pooling earning backwards. Without accounting rules that require meaningful disclosure of financial data, it is a near-impossibility for a potential seller to ascertain the true state of affairs of a buyer. Thus the entrepreneur, after spending twenty years building up his company, trades it for equities whose real value can only be guessed at.

All of the indications of the impending failure of the Penn Central and the big write-offs at LTV and Litton were covered up by accounting legerdemain which converted what should have been booked as a loss, into a standing, ostensibly non-wasting asset. And many profits that need not have been booked at all—because they had not yet been realized—were booked and the taxes paid solely in the interest of preserv-

ing management's position and insulating it from criticism.

After long years of similar cover-ups in government—which were, in large measure, the cause for the continuance of the Viet Nam debacle—the Freedom of Information Act is finally making “sources” out of the “sinkers” that have been running national government. Can and should this act be extended to apply to the corporate giants, which are, after all, in a real sense, public not private entities?

All attempts at suppression and distortion of information wind up hurting the stockholder, for soon management cannot distinguish the real from the illusory. They create their own house of mirrors—mirrors that can distort the financial figures to look fat, or thin, or even invisible from without. After years of this, there's finally no way out—and in comes the sheriff. For they have finally arrived at the ultimate in self-delusionment where all the figures, like Humpty Dumpty's words, mean exactly what they want them to mean—neither more nor less.

THE EXPOSED INDIVIDUAL AND THE SECRET CORPORATION

(By Senator GAYLORD NELSON)

(NOTE.—Gaylord Nelson, a Democrat and a lawyer, was elected to the Wisconsin Legislature in 1948, as Governor of Wisconsin in 1958 and again in 1960, and U.S. Senator from Wisconsin in 1962 and again in 1968. He currently serves as Chairman of two Senate subcommittees, the Labor and Public Welfare Subcommittee on Employment, Manpower and Poverty and the Small Business Subcommittee on Monopoly. In the latter post, since 1969, he has been studying and holding hearings on “The Role of Giant Corporations in the American and World Economies.” The probe has increasingly focused on “corporate secrecy” as a problem that needs, and is susceptible to legislative reform.)

“Unlike democratic society, totalitarian organization claims secrecy for the regime and full surveillance over the lives of groups and individuals.”—Zelman Cowen in “The Private Man.”

A typical credit file contains a person's name, address, date of birth, marital status, social security number, place of employment, approximate salary, charge accounts, checking and savings accounts and other financial information, and even, in the case of insurance company files, medical and psychiatric histories and “moral hazards”—extramarital affairs, homosexuality, heavy drinking or other social observations which might conceivably affect the risk.

As the eminent Australian barrister Zelman Cowen noted, such surveillance is characteristic of a totalitarian state—as is the contrasting demand of “secrecy for the regime.” In America's complex society, “the regime” has many faces, of which Big Business and Big Government are easily the two major factors which largely determine the quality of every individual's life. Increasingly, these and other components of the power pyramid no longer act as “countervailing powers,” to use the term coined by Professor J. K. Galbraith, to provide an effective system of checks and balances. Instead, business and government reinforce one another in their mutual craving for secrecy and mutual disregard for individual privacy. It is our contention that insofar as we gratify that insatiable demand for secrecy, this nation will move closer and closer to totalitarianism.

If we accept this thesis, it follows that the individual who values his freedom and hates totalitarianism must fight as hard against secrecy for Big Business and Big Government as he will fight for his own privacy. Sadly, most individuals—the political grass-

roots—are largely unaware of the issue. Even those who instinctively accept the thesis that secrecy for “the regime” is dangerous—Jeffersonian conservatives, liberals, radicals and populists all do when it is put to them squarely—assign it a rather low priority. Yet preservation of secrecy is at or near the top of any list of Big Business priorities.

As a result of this imbalance, the battle against “secrecy for the regime” fares badly. To the extent that it exists, the thrust is almost entirely against secrecy in the government sector. A notable victory for the forces opposed to secrecy was the Freedom of Information Act, passed in 1966 after a long, hard battle spearheaded by Representative John E. Moss (D-Calif.). But that act, which gives the individual qualified rights of access to the files of Big Government, contains an express exemption for anything in those files that is a secret of Big Business!

GIANT CORPORATIONS AS “THE REGIME”

Some readers may not accept the first premise of our thesis, which is that Big Business today is a co-equal half (at least!) of “the regime.” Yet the evidence is everywhere around us. A few examples plucked from the record of the corporate giantism/corporate secrecy hearings of the Senate Small Business Subcommittee on Monopoly will illustrate.

“Big Business,” as used here and in any realistic appraisal, means, at most, the 2,400 concerns, more or less, included in the pre-notification (Tier I) and notification (Tier II) segments of the Nixon Administration's price stabilization scheme. That means firms having annual business receipts of \$100 million or more (Tier I) or in the \$50 million to \$100 million range (Tier II). For most meaningful analyses however—political, economic and social—“Big Business” may be defined as only the billion-dollar-and-up corporations, so great has their share of the total power and property become.

The largest corporations now dwarf not only the states that chartered them, not only the industries in which they operate, but even most sovereign nations of the world. A listing of the 100 largest “money powers” of the world in 1970—in which both countries (by gross national product) and corporations (by net sales) were interspersed and ranked by size—included 51 corporations and only 49 sovereign national states. (General Motors, number 24 in the ranking, came just after Switzerland and just ahead of Yugoslavia. The slots from 61 through 70 inclusive were all occupied by business corporations, sandwiched in between the Republic of China (Taiwan), No. 60, and Malaysia, No. 71.)

The total budget receipts of the United States government from all tax and other revenue sources were \$210 billion in fiscal 1970 (ending in mid-1969). The total 1969 sales of the “Fortune 500” were \$444.7 billion, or more than twice as much.

And who can doubt that the needs of giant corporations are a prime determinant of giant government's policies? In a country where decent mass transportation has almost vanished—choked nearly to extinction by cars and highways—the President could think of no better way to attack unemployment, in his New Economic Policy of August 15, 1971, than to give tax and trade-policy stimulation to the sale of automobiles!

Perhaps the strongest statement at the Monopoly Subcommittee hearings on the giant corporations' role as full partner in “the regime” came from Professor Galbraith. Summarizing his now-familiar argument in *The New Industrial State*, he said:

“In the actual development of the great corporation there is a full break with the private firm of the classical market. As it enters the company of giants, the 2,000-odd firms that do around half of the non-public business of the country, it must be regarded

by any man of minimally untrammelled mind as a public institution.

“The clichés of private enterprise are used by such corporations primarily to disguise their essentially public character, including their private exercise of what is, in fact, public power.

“What do we mean by the exercise of public power, and how do we define a public corporation? Such a corporation fixes its own prices. It has extensive control over its costs. It influences its consumers. It has extensive power in relation to its suppliers. It has great paid and unpaid access to public and political opinion. What it needs from the government is sound public policy.

“It has, on frequent occasions, a hammerlock on the Pentagon. The case is clearest with the large specialized weapons firms, including one, Lockheed, which was extensively discussed before this body earlier this year. Much of the fixed plant of the corporation is publicly owned; even the shop in which it is building the Tristar belongs to the government. Working capital comes from the government. Its business comes all but exclusively from the government. Its cost overruns are socialized. Its capital needs, even those resulting from the mismanagement of its civilian business, have now been guaranteed by the government.

“Only its earnings, when it makes them, and the salaries of its executives are strictly in the private sector.”

For powers such as these to justify secrecy on the grounds that they are “private” enterprise is simply unacceptable to anyone of “minimally untrammelled mind.” Yet secret the giants are, and secret they have insisted (thus far successfully) they shall remain.

THE INDIVIDUAL'S EXPOSURE

The disparity between what the individual can find out about the giant corporations and what the giant corporations can find out about the individual, comports all too closely with Cowen's two characteristics of “totalitarian organization.”

Congress in 1970 tried to impede the spreading erosion of personal privacy with passage of the Fair Credit Reporting Act. The law imposes modest restrictions on the collection, use and dissemination of data in the mushrooming files of the country's 2,000-odd credit bureaus. It also gives the beleaguered individual the right to see and correct the information about himself in those files—if he happens to discover it. But the law is as impossible of enforcement as that requiring a “beep” signal anytime a telephone conversation is being tape-recorded.

Corporations—with their computerized data banks containing detailed, personal dossiers on just about anyone who has ever applied for credit, insurance or employment—are, of course, not alone in their disregard for personal privacy. The Senate Judiciary Subcommittee on Constitutional Rights brought to light the extensive network of military surveillance of private citizens. Following hearings early in 1971, the Army issued a well-publicized order to its domestic intelligence officers to destroy the records they had gathered on hundreds of civilian peace organizations and “political dissidents” in its mission to help cope with domestic disorders in the late 1960s.

Computer people only snicker about the “order.” There can be no real assurance that any information that has ever been committed to a computer tape has been expunged from all existing electronic storage media or will be made available only to “authorized” persons for “legitimate” purposes.

At this point, then, there seems to be little basis for hope that the individual can ever regain his own lost privacy. He can, however, at least insist that “the regime”—including both Big Business and Big Government—become as exposed to him as he is to them.

THE GIANT CORPORATIONS' SECRETS

What kinds of corporate data are not, but should be, available to the individual?

Segmental financial information

For too long, one element of socially useful business competition has been prevented from functioning in the way that Adam Smith himself thought was essential. That element is public information about where the profits are being made and where the losses are being experienced, stated in recognizable, comparable terms of corporate organization, standard industry classification, and geography. Competitive equity between large and small businesses, and competition itself, are endangered when the giants refuse—and are permitted to refuse—to tell how they are doing on an itemized basis.

Recent requirements of the Securities and Exchange Commission for information on "lines of business" in registration statements and annual reports (see M&A, Vol. 4, No. 2, pp. 12-19) are but a meagre step in the right direction. Besides being totally inadequate, the SEC rules are unfair to small business in defining what constitutes reportable lines of business. The SEC presently requires disclosure of a maximum of ten lines of business each accounting for at least ten percent of sales or income—whether the company has \$50 million or \$20 billion in annual sales.

A far more equitable approach would be to require segmented reporting of sales and profit (or loss) data for any Standard Industrial Classification (SIC) segment of the registrant's business that accounts for \$10 million or more in sales (\$5 million for companies with sales under \$50 million). There would, of course, be no maximum number of separate SIC segments to be reported under this formula.

Nor would it matter whether the unit of business for reporting purposes corresponded with a two-digit or seven-digit SIC level. Reporting at the two-digit SIC level (e.g., SIC Code 37, Transportation Equipment) might conceivably be too fine for a small but diversified registrant, who would therefore be permitted to lump two or more two-digit industrial segments into one "line of business" accounting for \$5 million in sales. Conversely, the giant auto makers would find the seven-digit Census product codes (e.g., Code 37111 11, Passenger Cars, Knocked Down or Assembled, and Chassis for Sale Separately) too gross. They would accordingly be required to itemize still further by product within that seven-digit code, or perhaps by brand names, plants, or geographic distributions, to produce reporting segments of approximately \$10 million each in sales.

It is admittedly open to question whether such detailed disclosure would be good for General Motors (although it is by no means certain it would not be); but it most certainly would be good for the country!

Ownership and control information

Senator Lee Metcalf (D-Mont.) related for the corporate secrecy hearings an incident concerning the Federal Communications Commission that would be, in his term, ludicrous—if it weren't so alarming. The FCC had a rule that no party could hold more than one percent of a broadcast company's stock, but only sporadic, and usually outdated, information on compliance with the rule was available. When a survey revealed that some banks were holding over five percent of the stock in stations and at least one held over ten percent, the FCC changed the rule!

Senator Metcalf remarked:

"Under the new rule the one percent limit applies to individuals, but the limit is raised to three percent for a mutual fund and five percent for a bank. . . . Instead of enforcing the rules, the Commission simply rewrote them. And it gave the banks three years to comply with the new five percent

rule. Then the banks may come in and get a ten percent limit."

The real (not straw-party) names of all persons and companies having power to vote one percent or more of the voting securities of all corporations in regulated industries and all other corporations with sales of \$10 million or more a year should be a matter of public record, with the records kept current quarterly. Such disclosure is already required for regulated corporations, but is not adequately enforced. Legislation to that end, for unregulated corporations, was introduced in August 1972 by Senator Metcalf, Senator Fred R. Harris (D-Okla.) and the writer.

Information on ownership of natural resources, especially by giant corporations, should be in the public domain. Congressional and public evaluation of the much-touted "energy crisis" is simply impossible when even the U.S. Bureau of Mines lacks data on the location and ownership of all proven and probable reserves of energy minerals. Full details of the ownership and control of agricultural properties and other real estate by giant corporations should also be fully and easily accessible to the public.

Product information

Ralph Nader, testifying on this point, stated:

"Product information to the consumers is the critical touchstone of the effective functioning of the market system. Without the consumer knowing what he or she is buying, they cannot feed back critically through the market system and raise the quality of competition by choosing the better product or service and rejecting the shoddy."

"This, of course, is the touchstone of the classical market theory which big businessmen like to pay lip service to at Chamber of Commerce luncheons. But what do they do in practice?"

"They systematically deny consumers basic information on the contents of the most important products they buy, from food to automobiles."

Competition is not the only element of a democratic society that suffers when manufacturers knowingly withhold from the public information they possess about the serviceability, life expectancy, safety hazards and performance limitations of their products. Lives and property are endangered. Morality is eroded.

Innovation information

The "hows" of this proposal are still unclear, but it would seemingly be in the public interest to require public disclosure of new and useful inventions for which giant corporations have obtained patents, but have no intention of developing and marketing. Such business decisions may protect a corporation's markets or investments, but impoverish mankind.

Procurement information

There should be no secrets whatever about the negotiation for and awards of contracts by big government to big business for the purchase of unclassified goods and services.

Environmental impact information

The recent rediscovery of the Refuse Act of 1899, Ralph Nader charged in the corporate secrecy hearings, is an example of big business utilizing disclosure to obtain a "license to pollute." That indictment may, however, have been too harsh. For if the disclosure of effluent discharges into waterways, in accordance with the Corps of Engineers' new permit system, improves general knowledge of what has been happening all along anyway, the public is no worse off and may, with the new information, be better able to insist on improved enforcement of both old and new statutes, or amendment of the laws.

Employment practices and working conditions information

Is an employer morally obligated to disclose to its employees known health hazards

in the plant, even those that are lawful? To the extent such failures to disclose are not already illegal under the Occupational Safety and Health Act or other statutes, they must be made so.

On the civil rights front, demands of minority and ethnic groups, and of women, for a fairer shake in American enterprise cannot be evaluated, much less met, without public information from corporations on their hiring practices and existing employment at all wage and salary levels. Claims that such data are "proprietary" must be challenged.

Political activity information

The Federal Election Campaign Act passed early in 1972 may help reduce the influence of giant corporations and enhance the influence of individuals in the electoral process; but this remains to be seen. The law should make it easier to link big individual contributors both to the candidates they support and the corporations they serve.

Information on tax settlement deals

Only about one revenue ruling in fifty is ever published. The unpublished decisions not only involve vast amounts of revenue lost to the Treasury, but also amounts to a species of private, secret "law" for the corporate taxpayers whose accounts are closed out in that fashion. Further scrutiny of this practice appears to be in order.

CORPORATE ARGUMENTS AND PUBLIC ANSWERS

It is significant that witnesses representing a spectrum of sharply divergent economic viewpoints—Nader, Galbraith, Mueller, Walter Adams and Donald F. Turner—were unanimous in their assessment of secrecy on the part of the corporate giants: they all agree it has to end. Nevertheless, the giants themselves defend the practice and their arguments deserve consideration. They claim that the types of disclosure advocated here are too complex or costly for their present accounting systems and that such disclosure would put them at a competitive disadvantage, especially with foreign competitors.

The accounting argument was perhaps best answered at the hearings by Professor Turner, who was chief of the Justice Department's Antitrust Division during the Johnson Administration. He remarked:

"That some managements may keep inadequate or inappropriate cost accounting records is quite possible; that their records are such that they have virtually no idea as to whether they are making a profit or a loss on various product lines is wildly implausible. But if there are such cases, the stockholders deserve to know them, and the management thrown out as hopelessly incompetent."

It seems improbable that such incompetence is, in fact, very common among the giant corporations. It simply taxes one's credulity when the executive head of the Financial Executives Institute testifies (as he did at a meeting of a panel of the Business Advisory Council on Federal Reports on January 21, 1971), that: ". . . the requirement to report by Enterprise SIC codes would be very burdensome and costly to reporting companies. . . . We know that major companies do not maintain financial data by Enterprise SIC codes."

In the context in which that statement was made, it amounted to an assertion that corporations having sales of a billion dollars or more a year would be unable to estimate on an annual basis their total revenues and net income (nothing more) for separate industrial segments having sales amounting to no less than \$10 million and no more narrowly defined than the three-digit Enterprise SIC level (e.g., Code 13.0, Oil and Gas Extraction; Code 37.3, Ship and Boat Building and Repairing).

Since the real reason the giants are fighting such disclosure is not the accounting situation cited, it must stem from competitive

qualms. Here again Professor Turner offered some helpful insights:

"It is often suggested that to force corporations to disclose more precise cost and profit or loss data to their competitors would have undesirable effects on competition. How so? One can perhaps see the private interest a particular company may have in not periodically disclosing its vulnerability to its competitors.

"It may well feel that with that knowledge the competitors would compete more aggressively in price than they would otherwise do. But certainly as a general proposition, that is what we like to see. One of the main purposes of competition is to reward the more efficient firms, and to punish the less efficient.

"It is desirable that firms who find themselves to be more efficient than other firms endeavor to take full advantage of that fact.

"It is desirable that the firm which finds itself less efficient than others should be under heavy pressure to pull up its socks."

Another answer to the argument, of course, is that single-line producers, if they are public corporations, are openly exposed to their competitors. Even if closely held, the small single-line producers increasingly will have the same kind of exposure as the individual citizen through the computerized networks of data banks containing information furnished in connection with credit applications, contract negotiations, etc. To put it most simply, if Maytag can live in a world in which its giant conglomerate competitors—including General Electric, Westinghouse and GM—know how it is doing on a product line basis (because it has only one product line), why could not GE, Westinghouse and GM live in a world in which Maytag had the same product-line data about them?

TWO LOST SKIRMISHES

The power of the giants to protect the system of secrecy was demonstrated in two recent skirmishes with forces opposed to secrecy. The first involved a proposal made early in 1971 by the Federal Trade Commission to collect confidential data on the various industrial segments of the nation's largest corporations. The idea was to provide an annual check on the industry statistics included in the FTC's *Quarterly Financial Report for Manufacturing Corporations*. That report, which costs the government about \$900,000 a year to produce, is supposed to provide data on profits and losses in industries at the three-digit Enterprise SIC level. Its usefulness for that purpose is suspect, however, due to the FTC's practice of collecting only consolidated balance-sheet and income-statement data from the corporations in its sample, no matter how large or diversified they are. Each corporation's data are then assigned to a single industry. It seems, for example, that until recently the entire consolidated operating results of the electronics and aerospace giant, Ling-Temco-Vought, were attributed to the industry "food and kindred products."

The FTC was willing to continue to "make do" with the consolidated quarterly reporting. But it wanted a supplemental annual report, containing profit-and-loss data from corporations broken down into the broad standard industrial groupings. The Commission also was willing to limit the requirement for line-of-business reporting to the very largest corporations—initially, those with assets of \$1 billion or more. And it was willing to keep the annual line-of-business reports of individual companies completely confidential, as has always been the case with the quarterly, consolidated reports.

Despite the excessive modesty of these reform proposals, big business interests raised a chorus of opposition when the Office of Management and Budget invited them to comment on the form the FTC planned to use. The program was tabled, and while not

formally dead, there is no indication when it may be revived.

The other skirmish, fought in Congress, involved an effort to amend the economic stabilization legislation to provide for public disclosure of information offered by corporate giants in support of price and wage increases. The amendment failed in both houses of Congress, and the law was passed instead with a section guaranteeing secrecy for corporate data.

Despite this defeat, the economic stabilization program has provided an important basis for future assaults on corporate secrecy. Indeed, economic historians may well record one feature of the program as the Nixon Administration's most significant contribution. That is the deliberate, clear recognition of a double standard—in fact, a triple standard—for the application of onerous regulation, a standard based on *no other criterion than business size*. Galbraith referred to it as "a watershed action, one that recognizes the new shape in the American economy." He observed:

The consequence, therefore, of the actions that have been taken since August 15 is acceptance of the fact that the big corporation has a special public standing.

Thus while secrecy may be of no concern when practiced by the neighborhood pretzel peddler, it is unacceptable when practiced by the corporate giants.

Can the gloomy future implicit in the ominous phrase—"1984: minus twelve and counting"—yet be averted? An end to unwarranted secrecy of the giant powers in our lives could still stop that count.

FTC RELEASES PRODUCT SHIPMENTS DATA FOR 1,000 LARGEST CORPORATIONS—TWENTY YEARS LATE

Now it can be told! General Motors shipped household refrigerators valued at \$176.6 million that year. Those shipments accounted for only 2 percent of GM's total shipments—but for over 19 percent of the total shipments of refrigerators by fifteen corporations, all members of the "1,000-largest club." GM shipped 73 product classes, ranging from passenger cars (\$4.3 billion) to edge tools (\$74). Refrigerators ranked fifth for GM, but GM ranked first for refrigerators.

All these fascinating nuggets of information are contained in a publication released by the Federal Trade Commission in mid-September 1972—after this article was written. There's just one hitch. The data are for 1950. Nevertheless, this one-time-only collection and related release of "Value of Shipments Data by Product Class for the 1,000 Largest Manufacturing Corporations in 1950" is immensely important. It demonstrates what can be done and what should be done, with refinements and improvements, annually.

THE CURTAIN OF CONGLOMERATE SECRECY

(By Markley Roberts)

(NOTE.—Markley Roberts is an economist with the American Federation of Labor and Congress of Industrial Organizations.)

Conglomerates present unions with an extremely difficult position in the area of collective bargaining. One such corporation having contracts with a dozen or more unions may well be able to sustain a strike in any single segment of its far-flung operations. Thus the ultimate sanction that makes collective bargaining viable—the economic power it can wield through the strike—may not exist when dealing with a huge, diversified concern.

Equally important, however, may be the loss of bargaining power which results because the unions have no meaningful financial data on a conglomerate's operations to back up their demands. Corporate financial reports to stockholders and to the Securities and Exchange Commission (10-K reports) at

best don't provide much hard data for union negotiators to utilize, but the consolidated financial statement of the conglomerates present a nearly impossible situation. Even the most basic statistics—total sales and net income—for any particular segment of the conglomerate's operations are unavailable.

Even under the SEC's "line of business" disclosure requirements, essential information on individual subsidiaries or divisions of a conglomerate remain buried in the consolidated financial statement. Most big corporations—especially the multi-product, multinational companies—refuse to break down their sales, cost, price and profit data by product line in a meaningful way. Thus, when a large conglomerate swallows up a major U.S. corporation, information that was previously available to the public disappears forever after into the consolidated earnings statement and balance sheet.

ITT, for example, has taken over more than 100 businesses in the past ten years, including such major U.S. employers as Avis, Sheraton Corp. of America, Rayonier, Marquis-Who's Who, Levitt & Sons, Bobb-Merrill and Continental Baking Co., whose products include Wonder bread, Hostess cakes and Morton's frozen foods. Each such acquisition leaves the public with virtually no further information on the acquired companies. ITT has traditionally divided its sales and revenues into three broad categories for reporting purposes: manufacturing, consumer and business services and telecommunication utilities. But what does that tell one about the continued profitability or lack of it of Rayonier?

Or consider the case of Sunshine Biscuits, one of the top three U.S. producers of crackers, cookies and snack foods. It was taken over in 1966 by American Brands, a major cigarette and cigar producer. In line with SEC requirements, American Brands provided the following percentage breakdown of its operating results by product lines in 1971:

	[In percent]			
	Sales		Oper. Inc.	
	1971	1970	1971	1970
Tobacco products:				
Domestic.....	35.3	38.5	61.3	67.3
International.....	37.0	38.4	16.8	1.8
Hardware.....	2.7	1.0	6.6	1.8
Distilled beverages.....	4.8	5.1	5.8	1.9
Food products.....	12.3	13.1	2.1	1.9
Office services and supplies.....	2.4	1.8	1.8
Toiletries.....	2.1	1.7	3.6	2.2
Less intra-co. sales.....	dr0.5	dr0.5
Total.....	100	100	100	100

From this we can see that American Brands' food product line was relatively unprofitable, accounting for 12.3 percent of total sales, but only 2.1 percent of total operating income (in contrast to domestic tobacco products, which accounted for 35.5 percent of sales and 61.3 percent of profits). But there's still no way to separate financial data for Sunshine Biscuits from the financial data for another wholly owned American Brands subsidiary, Duffy-Mott Co. (acquired in 1968-69), which processes and markets food products such as applesauce, apple juice, puddings, vegetables and seafood. The detailed information that was once available for both Sunshine Biscuits and Duffy-Mott no longer exists—at least not for public consumption. Is it fair that a corporation should be protected in this way from public scrutiny merely because it has been taken over by some larger corporate entity?

It is readily apparent that, even with line of business reporting, the financial report still conceals far more than it reveals about specific operations. It does not show what items within a particular line of business account for what share of sales and income;

thus one cannot calculate product-by-product connections among costs, prices and profits. The union is still unable to point to high profits for a particular product or plant to justify higher wages—even if this is the case.

As far as the public which needs specific information about a particular product or particular subsidiary of a multi-product corporation is concerned, these vast enterprises may as well be family-held, non-public corporations. The helpless individual gets no cost-price-profit information from the latter, and no meaningful data from the former.

In contrast to the multi-product conglomerates, which, with their consolidated balance sheets can avoid public disclosure of product-by-product cost and profit data, the single-product companies—large and small—must file informative financial reports. Publicly held, single-product corporations (such as American Motors or Maytag), as well as corporations in regulated industries (the airlines, for example), have been putting out product-related financial data for years—without ever giving away legitimate trade secrets. Profits on a product line of a single-product corporation can be estimated with a high degree of accuracy from the quarterly and annual reports submitted to stockholders and filed with the SEC. These reports show net sales, major costs and investments, depreciation and amortization of plant and equipment, net income before and after taxes and earnings per share. Anyone—a consumer watchdog, a government investigator, a business competitor or a union negotiator—can arrive at reasonably accurate estimates of the effect on profits of a specific wage or price increase.

Obviously, managers of conglomerates are being rewarded by these inadequate reporting standards. For by not requiring detailed reports for each of their operating subsidiaries, it is impossible to obtain a meaningful indication of how successfully a giant company is managing its various acquisitions. By shuffling what is to be included in each reportable "line of business" (this is left to the judgment of management, hardly an unbiased party), a multi-unit company can easily ensure that it will look good to investors by obscuring operating results, hiding profit declines and overstating growth in earnings.

THE PRICE PROGRAM

The need for accurate cost, price and profit data came to public attention with special urgency as a result of the price program put into effect by President Nixon last year. Labor skepticism about this unenforced program stems in part from the fact that corporate financial data given to the Price Commission to justify requests for price boosts don't get public scrutiny. Since the price panel has no labor or consumer representatives, the public has no way to find out if the Price Commission's decisions are justified. Individual company costs, profit margins and mark-up percentages are concealed in documents available only to the Price Commission and to the Internal Revenue Service.

The AFL-CIO has called for open Price Commission hearings and an end to secrecy in the commission's proceedings. Sen. Gaylord Nelson (D-Wis.) issued a prophetic warning about the potential loss of public confidence in the price control program which could result from the secrecy curtain on price decisions:

"At the present time, when labor wins a wage increase, all the essential information is in the public domain. Anyone interested can find out exactly what the workers got before the wage increase and what they will get after the wage increase. The public has what it needs to form an intelligent, independent judgment on whether the Pay Board acted wisely or unwisely. It is terribly im-

portant that the public be able to perform this function of Monday-morning-quarterbacking the decisions of the Pay Board.

"It is just as important for the public to be able to evaluate the decisions of the Price Commission. But here the situation is very different. The public cannot carry out its vital function of Monday-morning quarter-backing the commission's decisions. That is because the TV screen goes blank during the winning plays and there is no live audience admitted to the "game."

"These 'games'—the proceedings and reasoning of the Price Commission—result in immense taxation of the American consumer, in the form of approved price increases. Yet they are played with no spectators. There is no one there but the players: the corporation that wants the price increase and the Price Commission that approves it.

"This can truly be described as a kind of taxation without representation. It is unfair and unreasonable, and it will, if it persists, cost the whole Phase 2 program the public confidence that it needs to succeed."

Arch Booth, executive vice president of the U.S. Chamber of Commerce, was one of the many who opposed Price Commission disclosure of big corporations' financial data to the general public. He warned that business cooperation might be withdrawn if the Price Commission "let the public see confidential records" of these corporations. Congress once again came to the aid of the big corporations and refused to add anti-secrecy provisions to the Economic Stabilization Act, which authorizes the price control program. The Senate rejected a 1971 proposal by Sen. Nelson to require corporations with annual sales of \$50 million or more to justify their price increases publicly. The House turned down a similar proposal by Rep. Herman Badillo (D-N.Y.).

The public's right to know goes far beyond the present price control program with its anti-consumer inequities and its pro-business bias—because that right to know is an essential feature of a democratic society. Even if the price program didn't exist, it would be essential for the public to understand how giant U.S. corporations—not only the "top 500" but also the 2,400 firms with annual sales over \$50 million—manipulate their costs, prices and profits in ways that may be contrary to the public interest.

The public needs detailed, standardized corporate financial reporting to understand how the economic giants are shaping the economy. The public's right to know and the public interest require an end to corporate secrecy on cost, price and profit information that vitally affects more than 200 million American citizens.

CORPORATE DISCLOSURE: A CHALLENGE TO ACCOUNTANTS

(By Donald Etra)

(NOTE.—Donald Etra is associated with Ralph Nader's Corporate Accountability Research Group and is coauthor of Citibank by the Nader Task Force on First National City Bank, New York City, to be published soon. He holds a B.A. from Yale College and J.D. and M.B.A. degrees from Columbia University, and is a member of the New York Bar.)

"Accounting should provide to the public an understandable presentation of a corporation's financial progress and social impact."—Statement of Accounting Objectives, Corporate Accountability Research Group.

The public's right to know about a corporation's activities stems from two sources. First, every corporation owes its existence to the public which has granted the corporation its charter. It is this charter which furnishes a corporation with its indispensable assets—immortality (the privilege of continuing beyond the lives of its members) and

limited liability (the privilege of subjecting to risk only those assets designated as belonging to the corporation). A corporate charter constitutes a kind of public subsidy; in return for this subsidy, a corporation has certain obligations to the public. One area of responsibility is to furnish the society with information about its activities; for without such information the public cannot decide if the corporation merits continued subsidization.

The public's right to know also derives from the fact that, in this day of giant corporations, corporate decisions influence the entire community. As J.A.C. Hetherington observes:

"If American Motors, the largest industrial employer in Wisconsin, were to discontinue the manufacture of automobiles in Racine, Wisconsin, this would be a matter of considerable importance to the economic interests and prospects of the entire state, including many persons who live far from Racine and who never owned an American Motors car."

Still more broadly, the health and safety of every individual is predicated on corporate decisions, especially in the realms of product safety and environmental protection. When the largest corporations wield more financial power than the states in which they reside, it is unrealistic to believe that the public can avoid either the beneficence or wrath of corporate influence.

Since it is from the public that corporations derive their power, and at the public that corporations direct their activities, it is to the public that corporations owe forthright and meaningful disclosure. Some of the interest groups which are vitally interested in a corporation's activities are consumers, labor, investors, creditors and government. These segments of the public need various kinds of information and can thus benefit from various kinds of corporate disclosure.

CONSUMERS

Consumers are most directly interested in the finished products of corporations. Their initial concern is a product's price. Adequate price information entails disclosure of unit prices to facilitate the buyer's assessment of the comparative costs of similar products. Similarly, disclosure of the profit margins of goods would enable a consumer to judge whether the retail price is commensurate with the company's production costs. (Disclosure of profit margins by product line would also benefit the consumer by creating potential entrants to the marketplace. The very threat of entry has an ameliorative effect on price, and actual entry results in greater competition. As economists and historians are wont to illustrate, competition—either actual or potential—results in the production of better goods at lower prices.)

Consumers are also entitled to know more about the products they buy. Is the product safe? Durable? Nutritious? Without access to such information, the decision to buy must too often be based, not on the quality of the goods, but on superficial packaging and unsubstantiated advertising claims.

Cynics might argue that consumers are lazy and do not bother to read even that information which is already available. Studies have shown, however, that not only do consumers want more information, they act on the basis of it. For instance, in 1971, the Consumer Research Institute studied the buying habits of 950 households that were given nutritional information on various food items. Among the conclusions of this test were these: (1) nutrient information was used by the consumers, as demonstrated by the fact that their purchase patterns changed after the introduction of nutrient labeling; and (2) in situations where a product brand had a real nutritional advantage,

Footnotes at end of article.

there was a major increase in that product's share of the market.²

LABOR

Labor groups need to know the profits of a company in order to determine if wages constitute a fair share of those profits. Workers are also concerned with the financial performance of a company because their own financial security is tied to the fortunes of their employer. The corporate pension plan is another area of particular concern to employees. Is it adequately funded? Under what circumstances do employees risk forfeiture of their accumulated pension rights?

A study by the State of New York Insurance Department indicated that employers have been less than honest in telling employees about their pension funds:

"Only 84 out of 188 plans analyzed for this purpose clearly stated that pension benefits were not promised or guaranteed. *Contrary to the facts*, 70 plans out of 188 expressly stated or implied that the benefits were guaranteed or promised without reservation. An additional 34 plans were completely silent on the conditional nature of the pension 'promise.'"³ (emphasis added)

INVESTORS AND CREDITORS

Investors and creditors use the traditional kinds of data presented in balance sheets and income statements to derive such ratios as earnings-per-share and debt-to-equity for comparison of alternative investment or loan opportunities. But the life of a corporation is dynamic, not static. A wise investment or credit decision requires not only a snapshot of the present financial condition of a company, but also some indication of where the company has been and where it is going. Some companies already follow the commendable practice of including in their annual reports, a ten-year summary of past earnings to provide perspective. The next step should be forecasting of some sort.

In the past, by not allowing even limited forecasting, the SEC has created the conditions under which companies can hide by omission significant data bearing on future earnings. Depreciation allowances, tax credits and so-called extraordinary items can all be manipulated to improve the immediate picture at the expense of a future year's result. It is often hard to believe that management has not foreseen the necessity for certain extraordinary write-offs years before they finally appear on the income statement. If so, the lack of forewarning to the public is deceitful. A company should be required to disclose what depreciation allowances and tax incentives it has already used up and, on the positive side, any special items it is holding in reserve for possible future use should real performance not meet expectations. The SEC seems to be moving in this direction, as well it should since under securities law an omission of a material fact is as fraudulent as a willful misstatement of fact.

The objective of certified financial statements should be to tell a candid and objective story—what has happened, what is happening, and what might reasonably be expected to happen to a company.

Is there any limit, then, to what should be disclosed? The country's larger corporations should be required to make public everything except trade secrets. Trade secrets should be redefined as that information which a company would not pay to develop if it had to make it public. Outside of processing techniques, the burden should be on the corporation to prove that something is, in fact, a legitimate trade secret.

GOVERNMENT

The government's interest in the disclosure of a company's financial performance stems from its need to accurately and fairly determine the company's tax liability. The gov-

ernment also needs microeconomic statistics, such as productivity and return on investment data for individual firms, so that macroeconomic statistics can be developed to describe the course of the economy as a whole and to assess the effectiveness of government fiscal and monetary policies.

Although the government's utilization of corporate data differs from that of investors and creditors, it needs the same basic financial information. If financial disclosure is to be anything but a farce, the data provided to the government must be computed in the same way as the data disclosed to shareholders. For instance, the profit a company reports to its shareholders should be the same profit figure quoted to the government. Under present accounting rules, however, no such requirement exists.

A 1971 study of 100 corporations chosen at random from the Fortune 500 revealed significant discrepancies between the way corporations broke down their sales and profit data for the public in their annual reports and the way they broke down the same data for the government in the 10-K forms filed with the Securities and Exchange Commission. Only 39 companies gave identical breakdowns of both sales and earnings in their annual reports as in their 10-Ks; 12 companies disclosed different figures in their 10-Ks and annual reports; 10 companies reported both sales and profit breakdowns to the SEC and identical sales, but not identical profit figures to shareholders; and 39 reported by classes of products or services to the SEC, but did not give shareholders any product line breakdowns in the annual report.⁴ Consistent reporting practices should certainly be required.

Having sketched some of the interest groups that have a need and a right to know about corporate activities, the next question is how accountants can help serve these groups. Because it is the accounting profession which formulates the "generally accepted accounting principles" which determine how (and to some extent, what) financial information must be presented, accountants play a vital role in determining whether the public get the information it requires.

IMPARTIALITY

Because the financial information disclosed by a company reflects the performance of its management, management has a particular interest in the form and content of corporate disclosure. If the kind of information to be disclosed were left solely to the discretion of management, they would understandably seek to present those facts which would show them in the most favorable light.

Is the role of accountants one of aiding and abetting management, or one of serving the public? Contrary to the views of Robert Mautz⁵ and his followers, who assert that the accountant's sole role is to serve management, the law is clear:

"The responsibility of the public accountant is not only to the client who pays his fee, but also to investors, creditors, and others who may rely on the financial statement which he certifies."⁶

If the certified public accountant is to live up to his middle name, he must remain absolutely impartial. And if he is to satisfy the legitimate informational needs of the public, he must resist the temptation to be merely a pawn, a tool of management, who creates a morass of "generally accepted accounting principles" that are acceptable to only one interest group.

To ensure that accountants once again achieve independence, the following changes are called for:

The creation of a rule-making body that represents all interest groups.

A prohibition against accounting firms providing management consulting services to accounting clients.

A limitation on the length of service that any one accounting firm can provide to the same company.

The group that established accounting principles, formerly the Accounting Principles Board and now the Financial Accounting Standards Board, must include in its ranks representatives from all interested parties—consumers, labor, creditors, investors, scholars, government and management. Economists and other social scientists would also be welcome additions to this rule-making body. These public representatives would force the accountants to justify existing, as well as proposed, accounting principles and procedures and would ensure that corporations reveal the kinds of information the public needs to make wise investor and consumer decisions. At all costs, the situation must be avoided which existed under the Accounting Principles Board, where the accounting principles were determined by a small clique representing the Big Eight accounting firms. It is not surprising that current accounting principles reflect the interests of their clients—Big Business—rather than the interests of the public as a whole.

A second area of potential abuse exists when an accounting firm performs management consulting services for its regular accounting clients. Critics rightfully question whether the firm which provides advice can objectively evaluate the results of having followed that advice. As Professor Abraham Briloff has shown, the public feels that any firm which performs both services compromises its independence.⁷ To avoid such conflict-of-interest situations, accounting firms should be prohibited from offering consulting services to the firms they audit—or, at the very least, should be required to disclose in the certification statement the fact that they have done so.

The very fact that management (in form only is it the board of directors) retains an accounting firm, inevitably creates a community of interest between management and the accountants. Without nationalizing the accounting profession, there is no way to change the system of who pays the fee. However, there may be ways to prevent the community of interest from growing too strong. A rule could be established that no accounting firm may serve the same client for more than four consecutive years—thus preventing long-term back-scratching relationships from developing. Under such a system, an accountant would have less incentive to present management in a deceptively favorable light, just to be retained.

Admittedly, changing accounting firms every four years would be inconvenient. The new firm would have to adjust to a company's internal accounting idiosyncracies. On the other hand, an accountant who has been on retainer for many years is sometimes too familiar with a company's procedures. He no longer asks questions. However, it is because old assumptions *must* be challenged that a company should periodically change accountants for the good of all. The annals of accounting might well be different if auditors and accountants had asked: Is there really salad oil in those tanks; or, What is the collateral behind that loan? A new accountant must ask these questions. He is starting from scratch and has no old information to rely upon.

UNDERSTANDABILITY

Much of what is disclosed by way of corporate financial statements is more or less incomprehensible to the general public and even to the average investor. It behooves the accounting profession to work to ensure that the information which companies disclose is understandable. It was Homer Kripke who wisely observed:

"My assertion is that a typical prospectus cannot enable a lay investor to achieve an informed investment decision."⁸

Footnotes at end of article.

If accounting statements are to be of any use, they must be understood. To promote this objective, the first aim should be to eliminate unnecessary technical jargon. While words like "flow-through" and "pooling method" which are bandied about in footnotes are a convenient shorthand for the experts, they constitute a trap for most laymen. Where such terms can be avoided by using nontechnical terminology, this should be done. In any case, a glossary of definitions should be included for the benefit of the many.

No financial statement is an island. To be meaningful, it must be comparable with financial statements of other companies, particularly those of similar size within the same industry. To accomplish this, a uniform system of accounting is necessary. There is no justification for retaining six alternate methods for evaluating inventories or three methods of accounting for the investment tax credit. The whole realm of accounting principles desperately needs to be scrutinized for instances where the same economic event is amenable to varying accounting treatments, each producing a different income statement result. As long as such options are available, management can be expected to exploit the situation to its own advantage.

The private accounting profession would do well to take note of the Cost Accounting Standards Board, a federal body created to implement uniform cost accounting standards for defense contractors. One study estimated that the government could save two billion dollars a year if defense contractors were required to use standardized methods of computing costs. Is not the private sector entitled to similar savings?

Accountants offer two arguments against uniform accounting principles. The profession pleads that flexibility is needed to account for the myriad of economic events that besiege a corporation, and the profession cries out that uniform procedures would transform putative professionals into pedestrian pencil pushers.

Flexibility for flexibility's sake has no merit in accounting. When those rare circumstances crop up where a uniform accounting method would not accurately reflect the actual economic event, exceptions should be allowed. But the burden of proof should be on the firm wishing to deviate from the norm, rather than the present situation where alternative methods may be used at the whim of management.

In addition to allowing widely differing methods for describing the same event, another problem with present accounting rules is that many simply fail to make sense. We strongly recommend that all accounting rules and all the Opinions of the old Accounting Principles Board be reexamined to determine if they are reasonable or whether they merely cater to a particular interest group. Each rule must be put to a common sense test: does the rule describe an event that has happened in the real world?

It is enlightening to submit the APB's pooling rule to this test. In the real world when one company acquires another company's assets, it almost always acquires the assets at their market price. Pooling, however, permits an acquiring company to represent that it still values the acquired assets at their historical cost basis—something which is not at all reflective of what has really taken place. Our conclusion: APB Opinion No. 16 (the pooling opinion) does not meet the common sense test; therefore, pooling should be eliminated as an accounting procedure.

Accountants should also subject their rules to a functional test: Is the rule merely procedural or will it have substantive impact? Some assert that the merger movement of the 1960s was fired up in no small part by the availability of pooling. Indeed, as one corporate financial officer observed, if the Ac-

counting Principles Board had outlawed the use of pooling:

"... the merger movement would have been stopped more effectively than by anything the Department of Justice [by invoking the antitrust laws] might do."

When an accounting rule changes the behavior of firms that use it, accountants are in some measure responsible for its social consequences. The accounting profession has traditionally shied away from attaching value judgments to their rule-making responsibility. Yet they must be sensitive to whether the rules will be to the benefit or detriment of the public.

SOCIAL COST ACCOUNTING

Every once in a while, accountants should think about the broad cost relationships within society. What, for instance, is the relationship between the automobile industry and the insurance industry? Why are insurance rates so high? What is the average cost of fixing a car that has been in a low-speed collision? How much would it cost GM to provide decent bumpers? If GM invested ten dollars more per car for better bumpers, what would the aggregate savings be to car owners in terms of lower repair costs and insurance premiums? These are the kinds of questions which can lead to significant change. It is this kind of analysis that has led some insurance companies to reduce insurance costs for those people who have taken driver education courses.

Accountants are trained to analyze cost-benefit relationships. They are familiar with the procedures used to compute costs, and they have the wherewithal to communicate complex financial information. Such qualifications make the accounting profession an indispensable party to the task of translating the newer sophisticated concepts of costs into concrete accounting practices.

Some will contend that social cost accounting is doomed by its own complexity. They argue that no one can compute all the factors that bear on real-world relationships. However, the advent of new technologies, greater sophistication about what is of value, and recent successful experiments have shown that the contrary is true. Ecologists and zoologists have proven that one kind of tampering with the environment (the use of pesticides) leads to a directly attributable result (a harder strain of insects). Doctors have proven that antibiotics have caused stronger strains of virus. Bankers, in their weaker moments, admit that their conservative policies which caused them to redline certain districts wherein mortgages were not issued, resulted in neighborhood decay and riots. Many of these relationships, considered quite tenuous a short time ago, are now recognized as valid and form the basis for important policy decisions about future actions.

CORPORATE IMPACT STATEMENT

A full-scale reevaluation of the corporation's impact on a community—the costs it foists on the community, as well as the benefits it provides to the community—is in order. Under the National Environmental Policy Act, federal agencies must file "impact statements" whenever their actions affect the environment. The larger corporations—whose actions often have far greater impact on the environment—should be subject to the same requirement.

In the area of pollution, the technology now exists to measure the environmental impact of a corporation. With devices to measure the chemical content of the air, the source of pollution—by plant and smokestack—can be identified. Other measures exist to compute the effect of effluents on a body of water.

As the traditional experts in computing costs, it would be natural for accountants to play a central role in devising the indices for computing the costs of a company's pollution. In so doing, accountants would be pro-

viding remedies for those who bear the brunt of corporate pollution. The individual whose car is corroded by fumes from the local plant, and the community that is forced to install a new sewer plant must be provided with facts to back up their case in court.

It took a long time for the courts to develop the principles of product liability. Now the principles of environmental liability—that corporations are liable for the harm they do to the environment—are just beginning to be formulated. Corporate impact statements, which force a company to reveal and assess its adverse effect on the community, can play a vital part in their development.

A PUBLIC INTEREST CPA FIRM

Many of the suggestions described above will forever remain suggestions, unless the accounting profession takes it upon itself to implement these and similar ideas. One concrete way accountants can begin to change their profession is by establishing a public interest CPA firm.

What is a public interest CPA firm? Not too long ago, people were equally vague about public interest law firms. Yet, today the idea of public interest law firms, acting as private attorneys general, to initiate suits having widespread implications for the public and to lobby for consumer legislation is widely acclaimed. Why not a similar role for accountants as well?

If every CPA taxed himself three dollars per annum, the money could be used to pay five or six accountants a competitive wage so that they could sever their interests from private practice and form the first public interest CPA firm. Suggestions for meaningful projects requiring accounting expertise could come from professional colleagues or members of the public.

CONCLUSION

We began by examining why the public has a right to know and sketched the kind of information needed. We then turned to the profession whose task it is to present corporate information understandably and impartially. Now is the time for accountants to move beyond the basics, to fight for more and better prepared information. The possibilities have been outlined; it is up to individual accountants and public interest CPA firms to make them realities.

FOOTNOTES

¹ J.A.C. Hetherington, "Fact and Legal Theory: Shareholders, Managers, and Corporate Responsibility," 21 *Stanford Law Review* 248 (Jan. 1969).

² *Federal Register*, Vol. 37, No. 62, March 30, 1972, p. 6495.

³ Martin S. House, *Private Employee Benefit Plans: A Public Trust*. State of New York Insurance Department, 1956, p. 105.

⁴ "10-K and the Annual Report, How 100 Leading Corporations Reported Sales and Earnings to the SEC and to Shareholders," Selva, Lee and Howard, Inc., New York, October 1971, p. 7.

⁵ Walter F. Frese and Robert K. Mautz, "Financial Reporting by Whom," *Harvard Business Review*, Vol. 50, No. 2, Mar.-Apr. 1972.

⁶ *Touche, Niven, Bailey & Smart*, 37 SEC 629, 670 (1957).

⁷ See Abraham Briloff, *The Effectiveness of Accounting Communication*, Praeger Publishers, New York, 1967, especially Chapter 6, "The Proliferation of Services to Management."

⁸ Homer Kripke, "The SEC, Some Myths and Some Realities," 45 *New York University Law Review*, 1151, 1153 (Dec. 1970).

⁹ Frese and Mautz, *Op. Cit.*, p. 10.

Mr. STEVENSON. Mr. President, during the Easter recess, I met with independent petroleum refiners, marketers, and retailers in Illinois. These independents are desperate. Many of them are being forced out of business by the cut-

off of their supplies by major oil companies.

The Penn-Guin Oil Co., a branded independent distributing Citgo Products in Chicago, has been a family business for more than 60 years and has been associated with Cities Service since 1930. It has been told by Cities Service that its contract will be terminated as of May 31. The owner of Penn-Guin believes this policy will effectively puts his company out of business.

The Cropsey Independent Oil Co. of Cropsey, Ill., has been a family business for 18 years. Now its independent supplier, Hicks Oil & Hicksgas of Roberts, Ill., which also receives its product from Cities Service, has been cut off—and in time this independent may be forced out of business.

The Concord Oil Co. operates 12 independent gas stations in the Chicago area. Concord's suppliers have been Triangle Refining, Conoco, and Clark. Triangle closed its Chicago terminal on April 15, and Conoco has put Concord on allotment. It may soon have to close all 12 of its stations.

These are but a few examples. There are many of the independent companies in Illinois which are in similar straits. Hundreds of gas stations are involved, and the number can be multiplied nationwide.

The major oil companies, who are cutting off the independents, seem to have their storage tanks full in the Chicago area. And many of the majors are reporting record first quarter sales and profits.

This threat to the independents cannot be ignored. The biggest loser if the independents are forced out of business will be the consumer. The independents "keep the majors honest" in their pricing practices. They provide the primary source of competition in an industry that sorely needs competition.

The administration has ignored the threat. Last week an administration spokesman said there is no present or prospective gasoline shortage, and that "just a few independent" and "a few marginal gas stations" may be forced out of business. Gasoline should be available, we are told, down the road at the next station. The "next station," of course, will be owned by a major oil company, and the cost will be many cents more per gallon with the extra profits going to the big companies.

The administration, through the Justice Department, should be conducting a major investigation of the practices of the major oil companies. My talks with the independents and the evidence they presented to me strongly suggest the need to determine whether the major oil companies are violating the antitrust laws. The actions of the majors are curtailing competition. Gasoline is not being made available to the independents, and yet the majors are opening up their own discount stations. Independent refiners are not selling to independent marketers because the majors can promise the refiners a continuing source of crude oil if the refiners in turn give the majors first call on their refined products. Many refineries are not being operated to their full ca-

capacity, and it is uncertain whether this is solely the result of an overall shortage of crude oil or whether certain major refineries are deliberately being operated at less than maximum capacity.

Despite such evidence, I see little to suggest that any investigation is contemplated by the Justice Department. With the imminent prospect of price increases that may raise the cost of gasoline to 50 cents a gallon at the pump, there can be few higher priorities in the antitrust field.

Such an investigation would take time, and action is needed now to preserve competition in the oil industry. Section 2 of the Economic Stabilization Act amendments gives the President the authority to systematically allocate supplies of petroleum products "in order to meet the essential needs of various sections of the Nation and to prevent anti-competitive effects resulting from shortages" of petroleum products.

As soon as the President signs this act, he should use this authority. I urge him to act to save the independents, and in turn to save consumers hundreds of millions of dollars.

Time and again, the President and his advisers have acted to favor big oil and harm small oil and the consumer. The Presidential task force on the oil import quota system recommended in 1970 that the quota system be scrapped. Senator KENNEDY and I, along with over 30 of our colleagues, urged a temporary suspension of the quotas in Senate Joint Resolution 23 introduced in January of this year—and I recommended a similar action in letters to the President and the Secretary of the Interior last year. But until a week and a half ago the President failed to heed any of these recommendations and took only the most incremental steps in regard to the quota system. He now says he realizes that the mandatory import program was "of virtually no benefit any longer."

In his energy message, the President gave us a new "tariff" system. But it is doubtful that this change will benefit the independents at all, and in other sections of his energy message Mr. Nixon proposes other actions that promise more of the same—million of dollars in tax breaks to the major oil companies and billions more in costs to the consumers of energy.

This provision will give the President the specific authority to help independents and consumers. Today, the major oil companies control about 95 percent of the production of oil used in this country. They control 68 percent of the retail gasoline outlets. If the majors are allowed by the administration to use the present fuel shortage for their own purposes and allocate petroleum products according to their own formulas and priorities, they will surely push that 68 percent much higher and could end up monopolizing every phase of the oil production and distribution system.

The concentration of power in one oil company, Standard Oil, was a major cause of the first great antitrust movement in the United States. The very word "trust" was devised by Standard Oil attorneys in 1879. Standard was viewed as an archdemon in the public eye

in the latter years of the 19th century. From this perception came the public pressure that led to State antitrust legislation in the 1880's and the passage of the Sherman Act in 1890. The very culmination of the great "trust-busting" era was the dissolution of Standard Oil into 34 companies in 1911. Wholesalers and retailers buying from independent refiners had been threatened with destructive competition by Standard. By 1882 it was estimated that Standard Oil controlled from 90 to 95 percent of all oil refined in the United States.

How current this all sounds. Now it is all the major oil companies apparently trying to control the entire industry. History could be repeating itself, and we may be in another era when a major antimonopolistic effort by the Government is necessary.

The Senator from Michigan (Mr. HART) has introduced new antitrust legislation. Appropriately enough the first subject of hearings on this legislation will be the oil industry. But that is a long-term solution. The antitrust tools may be there now for an administration that wants to use them. And now this act will give President Nixon the power to take administrative action.

The oil companies are fond of telling us "the Nation that runs on oil cannot afford to run short." The Nation that runs short of independent oil companies may not be able to afford the gasoline it needs. Action must be taken now to preserve the independents and in turn to protect the consumer. I urge the President to use the power Congress is about to give him.

Mr. HATFIELD. Mr. President, as one of the two Senators who voted against Senate extension of the Economic Stabilization Act of 1971, I would like to briefly explain the reasons why I opposed this measure and why I am voting against the conference report.

First, and most importantly, is the reality of congressional power eroding to the Executive. A great deal of criticism within this body, within the House of Representatives, and in the private sector, has centered on congressional irresponsibility and acquiescence to the executive branch. Yet, we continue to pass bills such as the one before us today. The Economic Stabilization Act potentially eliminates the Congress from any meaningful role in guiding the principles of our economy. We simply hand over the reins to the President. It is time we started exercising the authority and responsibility granted us under the Constitution and take a step toward consistency in action as well as rhetoric.

The second reason is the impracticality of wage and price controls. They can no longer serve the purpose they were originally conceived to serve. The original purpose was to give a psychological push to the economy. I do not think anyone really expected the freeze to work in an economy of our complexity and size. It has not worked in any economy in the past, and there was no reason to expect it to work here. But it was hoped that a good psychological shock, coupled with effective Government action in its budgetary allocations, could curb inflation. The former occurred; the latter did not.

Consequently, inflation and unemployment continue to plague us as before.

Unless and until the Federal Government reduces its expenditures, inflation will continue unabated. I applaud congressional efforts to reform budgetary procedures and limit Federal expenditures within a system of proper national priorities, and I hope that these efforts will be successful. The onus for inflation is on the Federal Government. The consumer, the worker, the businessman, the housewife, and the farmer should not be made to bear any more of the burden for the Government's mistakes than they have already had to bear.

Mr. SPARKMAN. Mr. President, I move that the conference report be adopted.

The PRESIDING OFFICER. The question is on the adoption of the conference report. [Putting the question.]

The report was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. SPARKMAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTER REGISTRATION ACT

The Senate continued with the consideration of the bill (S. 352) to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

The PRESIDING OFFICER. Pursuant to the unanimous consent order, the Senator from Wyoming is recognized.

Mr. McGEE. Mr. President, may I inquire into the parliamentary situation?

The PRESIDING OFFICER. The Senate has returned to the consideration of the voter registration bill.

The clerk will state the bill by title.

The assistant legislative clerk read the bill (S. 352) by title, as follows:

A bill to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. McGEE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McGEE. May I suggest the absence of a quorum with the understanding that I do not lose my right to the floor, by unanimous consent?

The PRESIDING OFFICER. If unanimous consent is granted.

Mr. McGEE. Mr. President, I make that request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. McGEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask

unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 5:30 P.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 5:30 today.

The PRESIDING OFFICER. Without objection, it is so ordered. Thereupon, at 4:40 p.m., the Senate took a recess until 5:30 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. ALLEN).

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the distinguished Senator from Wyoming (Mr. McGEE) was to be recognized at this time.

Mr. MANSFIELD. Mr. President, standing in for him, I yield to the distinguished Senator from Kentucky (Mr. COOK).

LITTLE CIGAR ACT OF 1973

Mr. COOK. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of my motion of April 10, 1973, to reconsider the passage of S. 1165.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOK. Mr. President, I ask unanimous consent that the Senate reconsider the vote by which S. 1165 was passed.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read the bill (S. 1165) by title, as follows:

A bill to amend the Federal Cigarette Labeling and Advertising Act of 1965 as amended by the Public Health Cigarette Smoking Act of 1969 to define the term "little cigar," and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

The question is on the passage of the bill.

The bill was passed as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Little Cigar Act of 1973".

Sec. 2. Section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1331-1340) as amended by the Public Health Cigarette Smoking Act of 1969 is amended by inserting the following new subsection:

"(7) The term 'little cigar' means any roll of tobacco wrapped in leaf tobacco or any substance containing tobacco (other than any roll of tobacco which is a cigarette within the meaning of subsection (1)) and as to which one thousand units weigh not more than three pounds."

Sec. 3. Section 6 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1331-1340) as amended by the Public Health Cigarette Smoking Act of 1969 is amended by inserting the words "and little cigars" after the word "cigarettes".

Sec. 4. The amendment made by this Act shall become effective thirty days after the date of enactment.

AUTHORIZATION FOR CERTAIN ACTION TO BE TAKEN DURING THE ADJOURNMENT

Mr. MANSFIELD. Mr. President I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the House of Representatives during the adjournment of the Senate and that the Vice President, the President pro tempore, and the Acting President pro tempore be authorized to sign any duly enrolled bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that immediately following the recognition of the two leaders on tomorrow under the standing order, the following Senators be recognized, each for not to exceed 15 minutes, and in the order stated: Mr. HASKELL, Mr. CURTIS, Mr. PERCY, Mr. DOMENICI, Mr. GRIFFIN, and Mr. ROBERT C. BYRD.

The PRESIDING OFFICER. Without objection, it is so ordered.

EULOGIES TO THE LATE FORMER SENATOR BENTON

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished Senator from Connecticut (Mr. RIBICOF), I ask unanimous consent that the RECORD, for eulogies to the late former Senator William Benton remain open for an additional week, so that Senators who, due to the recess, have not had an opportunity to make statements may do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER (Mr. HUDDLESTON). Without objection, it is so ordered.

RECESS UNTIL 6:15 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 6:15 p.m. today.

The motion was agreed to, and, at 5:40 p.m., the Senate took a recess until 6:15 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. TALMADGE).

RECESS UNTIL 6:30 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 6:30 p.m. today.

The motion was agreed to, and at 6:16 p.m., the Senate took a recess until 6:30 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. ALLEN).

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 398) to extend and amend the Economic Stabilization Act of 1970.

The message also announced that the House had passed without amendment the bill (S. 1494) to amend section 236 of the Central Intelligence Agency Retirement Act of 1964 for certain employees to limit the number of employees that may be retired under such act during specified periods.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 398) to extend and amend the Economic Stabilization Act of 1970.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW AND FOR CONSIDERATION OF UNFINISHED BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the orders for recognition of Senators on tomorrow, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements limited therein to 3 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business, S. 352.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

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

The Senate will convene at 12 o'clock noon. The two leaders or their designees will then be recognized under the standing order, after which the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated: Mr. HASKELL, Mr. CURTIS, Mr. PERCY, Mr. DOMENICI, Mr. GRIFFIN, and Mr. ROBERT C. BYRD.

There will then be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements limited therein to 3 minutes, at the conclusion of which the Senate will resume the consideration of the unfinished business, S. 352, the post card registration bill.

A motion to invoke cloture will be

entered tomorrow, and the vote on that motion will occur on Thursday next.

During the afternoon of tomorrow, the leadership intends to set aside—with consent, of course—the unfinished business and to proceed to the consideration of S. 795, a bill to amend the National Foundation on the Arts and the Humanities Act of 1965. Other measures on the calendar may likewise be taken up, if consent is given.

There will be yea-and-nay votes tomorrow, quite surely, especially with respect to the bill to amend the National Foundation on the Arts and Humanities Act and with regard to amendments thereto.

ADJOURNMENT

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

The motion was agreed to; and at 6:34 p.m. the Senate adjourned until tomorrow, May 1, 1973, at 12 o'clock noon.

NOMINATIONS

Executive nomination received by the Senate on April 19, 1973, pursuant to the order of April 18, 1973:

NATIONAL COMMISSION ON MATERIALS POLICY

Frederick B. Dent, of South Carolina, to be a Member of the National Commission on Materials Policy, vice Peter G. Peterson, resigned.

Executive nomination received by the Senate on April 24, 1973, pursuant to the order of April 18, 1973:

DEPARTMENT OF THE INTERIOR

James T. Clark, of Michigan, to be an Assistant Secretary of the Interior, vice Richard S. Bodman, resigned.

Executive nomination received by the Senate on April 27, 1973, pursuant to the order of April 18, 1973:

DEPARTMENT OF JUSTICE

Mitchell A. Newberger, of Florida, to be U.S. marshal for the middle district of Florida for the term of 4 years, vice Andrew J. F. Peeples, retired.

IN THE NAVY

Rear Adm. Merton D. Van Orden, U.S. Navy, to be Chief of Naval Research in the Department of the Navy for a term of 3 years in accordance with title 10, U.S. Code, section 5150.

IN THE AIR FORCE

The following-named Air National Guard of the United States officers for promotion in the Reserve of the Air Force, under the appropriate provisions of section 593 (a), title 10, United States Code, as amended.

LINE OF THE AIR FORCE

Major to lieutenant colonel

- Leroy A. Aafedt, xxx-xx-xxxx
- Ray D. Airy, xxx-xx-xxxx
- Winfred L. Appleby, xxx-xx-xxxx
- Shirley E. Ashby, xxx-xx-xxxx
- Dale G. Bailey, xxx-xx-xxxx
- Ronald N. Browne, xxx-xx-xxxx
- James J. Butler Jr., xxx-xx-xxxx
- William F. Carroll Jr., xxx-xx-xxxx
- William G. Caudill, xxx-xx-xxxx
- Alfred P. Christoffersen, xxx-xx-xxxx
- Edward B. Cogswell Jr., xxx-xx-xxxx

- Thomas C. Costin, xxx-xx-xxxx
- Patrick J. Crakes, xxx-xx-xxxx
- James L. Delaney, xxx-xx-xxxx
- John A. Earll, xxx-xx-xxxx
- Jerry R. Edwards, xxx-xx-xxxx
- Robert P. Ellingson Jr., xxx-xx-xxxx
- Gerald L. Glade, xxx-xx-xxxx
- Charles W. Harris, xxx-xx-xxxx
- Robert E. Harris, xxx-xx-xxxx
- Jesse J. Henderson, xxx-xx-xxxx
- Bernard J. Hevel, xxx-xx-xxxx
- Richard E. Higgins, xxx-xx-xxxx
- Herbert L. Johnson, xxx-xx-xxxx
- Jack H. Lykes, xxx-xx-xxxx
- Roy B. McKanna Jr., xxx-xx-xxxx
- Thomas C. McLaughlin, xxx-xx-xxxx
- James L. Metzger, xxx-xx-xxxx
- Clifford R. Moore, xxx-xx-xxxx
- Allan L. Olson, xxx-xx-xxxx
- Richard A. Pihl, xxx-xx-xxxx
- Robert W. Schaumann, xxx-xx-xxxx
- Donald G. Simpson, xxx-xx-xxxx
- Pinckney B. Smith, xxx-xx-xxxx
- Ted D. Tyus, xxx-xx-xxxx
- Harry E. Warlick, xxx-xx-xxxx
- Clarence B. Wingert, Jr., xxx-xx-xxxx

IN THE AIR FORCE

The following officer for appointment in the Reserve of the Air Force (Line of the Air Force) in the grade in lieutenant colonel, under the provisions of sections 593 and 8351, title 10, United States Code, and Public Law 92-129:

Frymire, Richard L., Jr., xxx-xx-xxxx

The following officers for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

DENTAL

To be lieutenant colonel

Roraff, Arthur R., xxx-xx-xxxx

To be first lieutenant

Marx, Robert E., xxx-xx-xxxx

The following officers for appointment in the Regular Air Force, in the grade indicated, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be first lieutenant

- Abram, Leslie D., xxx-xx-xxxx
- Abramson, Bruce D., xxx-xx-xxxx
- Allenson, Stephen P., xxx-xx-xxxx
- Allison, Charles L., xxx-xx-xxxx
- Alward, John B., xxx-xx-xxxx
- Anderson, Ralph P., xxx-xx-xxxx
- Andrea, Ronald L., xxx-xx-xxxx
- Arant, Michael H., xxx-xx-xxxx
- Artz, John C., xxx-xx-xxxx
- Austermiller, Daryl L., xxx-xx-xxxx
- Austin, Gregory A., xxx-xx-xxxx
- Aylsworth, George W., xxx-xx-xxxx
- Bannon, Edward A., xxx-xx-xxxx
- Barber, Joan E., xxx-xx-xxxx
- Barnett, Barbara J., xxx-xx-xxxx
- Bates, Francis C., xxx-xx-xxxx
- Batstone, Brian G., xxx-xx-xxxx
- Beck, Christopher A., xxx-xx-xxxx
- Beemer, James E., xxx-xx-xxxx
- Bellinger, Robert W., xxx-xx-xxxx
- Berner, Brent A., xxx-xx-xxxx
- Bidzila, Joetta A., xxx-xx-xxxx
- Black, William A., xxx-xx-xxxx
- Bostick, James K., xxx-xx-xxxx
- Bowling, Vernon B., xxx-xx-xxxx
- Brandon, William G., Jr., xxx-xx-xxxx
- Brashear, Dick D., II, xxx-xx-xxxx
- Bridges, Gary L., xxx-xx-xxxx
- Brown, Donald E., xxx-xx-xxxx
- Brown, William R., xxx-xx-xxxx
- Buchanan, Paul E., Jr., xxx-xx-xxxx
- Burch, Bob C., xxx-xx-xxxx
- Burman, David T., xxx-xx-xxxx

Burton, Charles D., Jr., xxx-xx-xxxx
 Cadalzo, Alberto, Jr., xxx-xx-xxxx
 Carosella, Peter, xxx-xx-xxxx
 Chalmer, Lawrence R., xxx-xx-xxxx
 Chandler, John W., xxx-xx-xxxx
 Chappell, James R., Jr., xxx-xx-xxxx
 Christensen, John L., Jr., xxx-xx-xxxx
 Clark, Fred M., xxx-xx-xxxx
 Clark, Jerry W., xxx-xx-xxxx
 Clark, Lawrence E., xxx-xx-xxxx
 Clifford, Randolph J., xxx-xx-xxxx
 Cole, Alvin R., xxx-xx-xxxx
 Colon, Luis R., xxx-xx-xxxx
 Combs, Michael B., xxx-xx-xxxx
 Connolly, Thomas V., III, xxx-xx-xxxx
 Cooper, William T., xxx-xx-xxxx
 Corbit, Richard E., xxx-xx-xxxx
 Corrigan, Richard, xxx-xx-xxxx
 Crane, Charles E., xxx-xx-xxxx
 Crawford, Frederick L. II, xxx-xx-xxxx
 Criss, George W. III, xxx-xx-xxxx
 Cronin, Andrew T., xxx-xx-xxxx
 Culberson, Dennis D., xxx-xx-xxxx
 Darden, Robert S., xxx-xx-xxxx
 Dennard, Michael D., xxx-xx-xxxx
 Dennis, Gerald D., xxx-xx-xxxx
 Deppe, Larry D., xxx-xx-xxxx
 Devlaming, Douglas M., xxx-xx-xxxx
 Deyde, Ronald A., xxx-xx-xxxx
 Dickerson, David L., xxx-xx-xxxx
 Dow, John C., xxx-xx-xxxx
 Duhe, Richard J., xxx-xx-xxxx
 Dunton, Frank P., xxx-xx-xxxx
 Duplantis, Allan J., xxx-xx-xxxx
 Eagar, William E., xxx-xx-xxxx
 Eccard, Lawrence D., xxx-xx-xxxx
 Ellis, Billy B., xxx-xx-xxxx
 Engstrom, William H., xxx-xx-xxxx
 Etter, Leo F., xxx-xx-xxxx
 Famulare, Eugene J., xxx-xx-xxxx
 Farver, Douglas K., xxx-xx-xxxx
 Fell, James H., xxx-xx-xxxx
 Figun, Stephen L., xxx-xx-xxxx
 Fischer, Wayne A., xxx-xx-xxxx
 Fitch, Thomas M., xxx-xx-xxxx
 Flomer, William A., xxx-xx-xxxx
 Foley, Philip A., xxx-xx-xxxx
 Folmar, William A., xxx-xx-xxxx
 Foster, Stanley R., xxx-xx-xxxx
 Francis, David G., xxx-xx-xxxx
 Fraunfelder, Richard D., xxx-xx-xxxx
 Frome, Richard J., xxx-xx-xxxx
 Gerasimowicz, Gary A., xxx-xx-xxxx
 Gerber, Donald J., xxx-xx-xxxx
 Giles, Truett A. II, xxx-xx-xxxx
 Glomski, Gerald J., xxx-xx-xxxx
 Gordon, Bruce A., xxx-xx-xxxx
 Grant, James R., Jr., xxx-xx-xxxx
 Grant, Russell J., xxx-xx-xxxx
 Greenfield, John P., xxx-xx-xxxx
 Gregg, Duncan S., xxx-xx-xxxx
 Gunn, William B., xxx-xx-xxxx
 Hall, Michael S., xxx-xx-xxxx
 Hamilton, Wilbur R., xxx-xx-xxxx
 Hammond, David A., xxx-xx-xxxx
 Hardin, Philip R., xxx-xx-xxxx
 Hash, Jay R., xxx-xx-xxxx
 Head, Barry L., xxx-xx-xxxx
 Heeb, Jeffrey O., xxx-xx-xxxx
 Heller, Stuart C., xxx-xx-xxxx
 Helwick, Thomas P., xxx-xx-xxxx
 Henderson, Joseph S., xxx-xx-xxxx
 Hickman, Burl E., xxx-xx-xxxx
 Hilbus, Essley C., xxx-xx-xxxx
 Hill, James B. III, xxx-xx-xxxx
 Hinkle, Charles W., xxx-xx-xxxx
 Hite, Bruce E., xxx-xx-xxxx
 Hoffman, Frederick C., Jr., xxx-xx-xxxx
 Holcombe, David E., xxx-xx-xxxx
 Holliday, Charles R., xxx-xx-xxxx
 Hough, Richard F., xxx-xx-xxxx
 Hudson, Timothy D., xxx-xx-xxxx
 Hulgán, Benford H., Jr., xxx-xx-xxxx
 Hunnewell, Neil F., xxx-xx-xxxx
 Hurt, Michael G., xxx-xx-xxxx
 Hutson, Paul E., xxx-xx-xxxx
 Hwang, Shu M., xxx-xx-xxxx
 Hythecker, Norman L., xxx-xx-xxxx
 Jackson, George F. III, xxx-xx-xxxx
 Jackson, John P., xxx-xx-xxxx
 Jessen, Jerome D., xxx-xx-xxxx

Johnson, Dion W., xxx-xx-xxxx
 Johnson, Melvin N., xxx-xx-xxxx
 Jones, Charles D., xxx-xx-xxxx
 Joy, Harold S., xxx-xx-xxxx
 Kelly, Dennis P., xxx-xx-xxxx
 Kent, Jesse G., Jr., xxx-xx-xxxx
 Kepner, Richard S., xxx-xx-xxxx
 Kermes, Robert J., xxx-xx-xxxx
 Knobler, Harry A., xxx-xx-xxxx
 Koczur, Manfred, xxx-xx-xxxx
 Krop, John M., xxx-xx-xxxx
 Kunsemiller, Alan R., xxx-xx-xxxx
 Lackey, John E., xxx-xx-xxxx
 Lafon, Edward C., xxx-xx-xxxx
 Larcum, Eugene L., xxx-xx-xxxx
 Larson, Jay L., xxx-xx-xxxx
 Latino, Thomas J., xxx-xx-xxxx
 Laut, Thomas J., xxx-xx-xxxx
 Lee Joseph I., Jr., xxx-xx-xxxx
 Legg, James R., xxx-xx-xxxx
 Leighton, Porter C., xxx-xx-xxxx
 Levine, Barry H., xxx-xx-xxxx
 Lindeman, Harvie D., xxx-xx-xxxx
 Lippincott, Robert L., Jr., xxx-xx-xxxx
 Low, Howard B., xxx-xx-xxxx
 Lumby, Ronald L., xxx-xx-xxxx
 Lund, Dennis E., xxx-xx-xxxx
 Maguire, Thomas J. III, xxx-xx-xxxx
 Maheux, Randolph M., xxx-xx-xxxx
 Mahlum, Walton C., xxx-xx-xxxx
 Maier, John C., Jr., xxx-xx-xxxx
 Male, Evan J., Jr., xxx-xx-xxxx
 Maltman, Douglas T., xxx-xx-xxxx
 Matthias, Craig S., xxx-xx-xxxx
 McAlister, Jerry P., xxx-xx-xxxx
 McAndrew, William P., III, xxx-xx-xxxx
 Mead, Robert C., xxx-xx-xxxx
 Mengel, Jay A., xxx-xx-xxxx
 Mentzer, David R., xxx-xx-xxxx
 Messier, Donald A., xxx-xx-xxxx
 Milwer, Frederick P., xxx-xx-xxxx
 Moore, Dwight A., xxx-xx-xxxx
 Moyle, Gregory W., xxx-xx-xxxx
 Mullen, Thomas M., xxx-xx-xxxx
 Murray, Gerald W., xxx-xx-xxxx
 Mutty, Judith, xxx-xx-xxxx
 Nabb, Alan G., xxx-xx-xxxx
 Nelson, Robert O., xxx-xx-xxxx
 Newton, Peter H., xxx-xx-xxxx
 Nishi, Clark D., xxx-xx-xxxx
 Noll, Clifford J., xxx-xx-xxxx
 Nuber, James R., xxx-xx-xxxx
 Nute, Cyril T., xxx-xx-xxxx
 O'Neill, Thomas M., xxx-xx-xxxx
 Orrell, Bennie D., xxx-xx-xxxx
 Ott, Edgar A., xxx-xx-xxxx
 Packard, Cynthia L., xxx-xx-xxxx
 Panza, Robert C., xxx-xx-xxxx
 Parmelee, James W., xxx-xx-xxxx
 Patterson, Dennis C., xxx-xx-xxxx
 Payne, Milton O., Jr., xxx-xx-xxxx
 Perkins, B. R. Jr., xxx-xx-xxxx
 Phillips, Roy B., xxx-xx-xxxx
 Poch, Keith F., xxx-xx-xxxx
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 Ulmer, Richard M., xxx-xx-xxxx
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 Veatch, Raymond J., xxx-xx-xxxx
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 Veldman, Francis E., II, xxx-xx-xxxx
 Vinnedge, William C., xxx-xx-xxxx
 Vitelli, James, xxx-xx-xxxx
 Vogel, Eric M., xxx-xx-xxxx
 Vogler, James B., III, xxx-xx-xxxx
 Voigt, Robert E., xxx-xx-xxxx
 Volkman, Kenneth A., xxx-xx-xxxx
 Volodzko, Konstantin, xxx-xx-xxxx
 Wachs, Calvin O., xxx-xx-xxxx
 Wagaman, Richard S., xxx-xx-xxxx
 Wagoner, John H., xxx-xx-xxxx
 Walker, Donald L., xxx-xx-xxxx
 Walker, Harry C., III, xxx-xx-xxxx
 Walker, Joseph P., xxx-xx-xxxx
 Walker, Keith A., xxx-xx-xxxx
 Walker, Michael A., xxx-xx-xxxx
 Wallace, Raymond E., xxx-xx-xxxx
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 Waller, Steven D., xxx-xx-xxxx
 Wassenaar, Kenneth D., xxx-xx-xxxx
 Watt, Vance L., xxx-xx-xxxx
 Wauchop, Johnnie H., xxx-xx-xxxx
 Way, Spencer, Jr., xxx-xx-xxxx
 Welcome, Gerald F., xxx-xx-xxxx
 Welteroth, James R., xxx-xx-xxxx
 Wenger, Michael S., xxx-xx-xxxx
 West, Paul R., Jr., xxx-xx-xxxx
 Westbrook, Landon L., xxx-xx-xxxx
 Western, James R., Jr., xxx-xx-xxxx
 Wetekam, Donald J., xxx-xx-xxxx
 Wetzel, Michael R., xxx-xx-xxxx
 Whitaker, Johnny, xxx-xx-xxxx
 Whitt, Earl E., Jr., xxx-xx-xxxx
 Wickers, Rodney W., xxx-xx-xxxx
 Wigington, John T., III, xxx-xx-xxxx
 Wigle, Gary B., xxx-xx-xxxx
 Wilcox, Donald A., xxx-xx-xxxx
 Wilken, Michael J., xxx-xx-xxxx
 Williams, Larry T., xxx-xx-xxxx
 Williams, Lester D., xxx-xx-xxxx
 Willis, Henry S., xxx-xx-xxxx
 Willis, Stephen B., xxx-xx-xxxx
 Wilmert, Terance L., xxx-xx-xxxx
 Wilson, Scott, xxx-xx-xxxx
 Wilson, William M., Jr., xxx-xx-xxxx
 Winburg, Roger S., xxx-xx-xxxx
 Winburn, James K., xxx-xx-xxxx
 Witkowski, Mark H., xxx-xx-xxxx
 Womack, Kenneth W., xxx-xx-xxxx
 Wright, Bruce A., xxx-xx-xxxx
 Wrisley, Dale E., xxx-xx-xxxx
 Wurster, Donald C., xxx-xx-xxxx
 Wyatt, William C., xxx-xx-xxxx
 Yagher, Ray A., Jr., xxx-xx-xxxx
 Yamato, Masaaki, xxx-xx-xxxx
 Yaniglos, James, xxx-xx-xxxx
 Yavorsky, Philip G., xxx-xx-xxxx
 Yestness, Steven R., xxx-xx-xxxx
 Youel, Roger H., xxx-xx-xxxx
 Young, Bradley C., xxx-xx-xxxx
 Young, Christopher R., xxx-xx-xxxx
 Young, Karlon K., xxx-xx-xxxx
 Young, Michael M., xxx-xx-xxxx
 Zachrist, Robert E., Jr., xxx-xx-xxxx
 Zeigler, Bloise A., xxx-xx-xxxx
 Zimmerman, Lee W., xxx-xx-xxxx
 Zwiebel, John M., xxx-xx-xxxx
 Zwirko, Edward J., Jr., xxx-xx-xxxx

The following Cadets, U.S. Military Academy, for appointment in the Regular Air Force in the grade of second lieutenant, effective upon their graduation, under the provisions of section 541 and 8284, title 10, United States Code. Date of rank to be determined by the Secretary of the Air Force:

Benoit, Mark E., xxx-xx-xxxx
 Bjurstrom, Richard G., xxx-xx-xxxx
 Bull, Stephen D., III, xxx-xx-xxxx
 Critchlow, Carl L., xxx-xx-xxxx
 Cromack, Douglas T., xxx-xx-xxxx
 Cronin, John M., xxx-xx-xxxx
 Currie, Paul T., xxx-xx-xxxx

Dickinson, Richard H., xxx-xx-xxxx
 Hawkins, James A., xxx-xx-xxxx
 Hill, Philip W., xxx-xx-xxxx
 Jaremko, Joseph E., xxx-xx-xxxx
 Kincart, Jack L., xxx-xx-xxxx
 Kippie, Peter W., xxx-xx-xxxx
 Krahl, Robert J., xxx-xx-xxxx
 Lubozynski, Frank T., xxx-xx-xxxx
 Marsh, Robert A., Jr., xxx-xx-xxxx
 McInerney, Patrick J., xxx-xx-xxxx
 McMurtry, Walter P., xxx-xx-xxxx
 Moline, William P., xxx-xx-xxxx
 Naum, Michael C., xxx-xx-xxxx
 Ohagan, Michael, xxx-xx-xxxx
 Owens, William S., xxx-xx-xxxx
 Pearson, William R., xxx-xx-xxxx
 Robnson, John N., III, xxx-xx-xxxx
 Shaka, Gregory M., xxx-xx-xxxx
 Spielberger, Michael C., xxx-xx-xxxx
 Stanton, Michael R., xxx-xx-xxxx
 Topping, Gary E., xxx-xx-xxxx
 Vaccaro, Kenneth, xxx-xx-xxxx
 Westfall, Christopher I., xxx-xx-xxxx
 Young, Carlton E., xxx-xx-xxxx
 Zielinski, John J., xxx-xx-xxxx

IN THE MARINE CORPS

The following-named officers of the Marine Corps for temporary appointment to the grade of colonel:

Dan C. Alexander
 Francis Andriiunas
 Kermit W. Andrus

Leon N. Angelo
 Glen H. Barlow
 William D. Bassett, Jr.
 Sydney H. Blatchelder, Jr.
 Harold L. Blanton, Jr.
 John R. Braddon
 Albert E. Brewster, Jr.
 Ernest C. Cheatham, Jr.
 Gerald B. Cornwall
 John V. Cox
 Joseph Deprima
 Daniel M. Duffield, Jr.
 Ronald P. Dunwell
 Hans G. Edebohls
 Edward F. Fitzgerald
 Paul K. German, Jr.
 Richard O. Gillick
 Harry T. Hagaman
 John B. Harris
 Francis J. Heath, Jr.
 Maurice Hunter
 John W. Irlon, Jr.
 Frederick S. Johnson
 Chester T. Jones
 Joseph F. Jones
 Raymond H. Kansier
 Floyd A. Karker, Jr.
 James P. King
 Charles R. Kucharski, Jr.
 Richard A. Kuci

Ray G. Kummerow
 Robert W. Lewis
 Ronald J. Lynch
 Robert W. McInnis
 Don A. Mickle
 Robert L. Milbrad
 Wendell P. Morgenthaler
 James H. Olds
 Evan L. Parker, Jr.
 James R. Penny
 Horacio E. Perea
 John Phillips
 Gerald H. Polakoff
 Wesley H. Rice
 William E. Riley, Jr.
 Melvin H. Sautter
 Joseph Scoppa
 Arthur B. Shilan
 Don J. Slee
 Melvin J. Steinberg
 Richard D. Taber, Sr.
 John J. Tolnay
 Henry R. Vitall
 Dallas R. Walker
 George M. Wilson

The following-named officers of the Marine Corps Reserve for temporary appointment to the grade of colonel:

Alvin W. Bowen.
 Billy M. Mitchell.

HOUSE OF REPRESENTATIVES—Monday, April 30, 1973

The House met at 12 o'clock noon.

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

If any man will come after Me, let him deny himself, and take up his cross and follow Me.—Matthew 16: 27.

O God, our Father, who hast led us apart from the busy world into the quiet of Thy presence, grant us grace to worship Thee in spirit and in truth that our hearts may be strengthened, our spirits refreshed, and our minds stimulated to think clearly and cleanly.

On this first day of the rest of our lives, we confess that we have done that which we ought not to have done and we have left undone that which we ought to have done. Do Thou have mercy upon us; pardon and deliver us from all our sins; confirm and strengthen us in all goodness that henceforth we may serve Thee and our country in newness of life and with the glory of love.

Bless Thou the leaders and the people of our beloved Republic. So reign in their hearts and so rule them in their endeavors that justice and peace may prevail: to the glory of Thy holy name and the good of all mankind; through Christ our Lord. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

A TIME TO WEEP

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, the announcement today of the resignations of Richard Kleindienst, H. R. Haldeman, John Ehrlichman, and John W. Dean III will stun the country even though anyone following the daily news reports knew these resignations had to come. This is a tragic time for our country and for our Government. It is particularly distressing for a public officeholder because when any government officer betrays his public's trust, the people's confidence in all government officials is diminished.

Unfortunately, the public at large holds politicians in very low regard and this latest assault on good government by those closest to the President will add to the contempt that so many of our citizens have for those in public office. Indeed, the current joke in the Halls of Congress today relates to the conversation that one member of the remaining White House staff allegedly had with another:

When you see my mother, please don't tell her I'm on the White House staff. She thinks I'm a piano player in a bordello, and I don't want to upset her.

Mr. Speaker, a scandal comparable to the one we are suffering took place in Great Britain; it was known as the Profumo affair. There the government toppled. I really do not know what the President can say tonight which can rehabilitate his administration but I shall listen with great interest. I want to support the President not because he is Richard M. Nixon, but because of the respect I have for the Presidency and for our form of government. I silently weep because unintentionally or otherwise, Richard Nixon has allowed the office of the Presidency to fall to such a low level. This is not a time to gloat. This is a time to weep.

U.S. COMBAT DEATH IN CAMBODIA

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BINGHAM. Mr. Speaker, it is imperative that Congress take immediate steps to cut off all funding for America's military involvement in Indochina. With the signing of the cease-fire agreement in Paris this January, it was hoped that an end to the U.S. armed presence in the Asian conflict had been reached. Instead, the President soon ordered resumption of massive bombing attacks in Cambodia and Laos without congressional authorization. Moreover, ominous threats have been issued by Secretary of Defense Richardson to the effect that our military forces may be sent back into action in Vietnam in response to the increased fighting between the Thieu government and the Communist forces. To quote Senator WALTER MONDALE of Minnesota, our "light at the end of the tunnel" is turning into a "tunnel at the end of the light."

The U.S. bombing of Cambodia causes untold suffering and devastation for the inhabitants of that distant, war-torn land, and our military involvement causes tragedy right here at home as well.

According to an April 26 Department of Defense bulletin, Air Force Lt. Joseph Gambino, Jr., of the Bronx, a resident of my district, was shot down on April 7 while piloting a small propeller-driven lookout plane in Cambodia. The Defense Department listed him as the first American serviceman killed in Cambodia since the Vietnam cease-fire agreement was signed. His death represents a terrible personal tragedy for his family and a loss to his home community and to the Nation of a bright young life.