hours. Senators are alerted to the fact, I repeat, that probably there will be several yea-and-nay votes tomorrow.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

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 11 a.m. tomorrow.

The motion was agreed to; and at 5:16 p.m., the Senate adjourned until tomorrow Thursday, June 14, 1973, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate June 13, 1973:

AMBASSADORS

John Hugh Crimmins, of Maryland, a Foreign Service Officer of the Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Brazil.

Ernest V. Siracusa, of California, a Foreign Service Officer of Class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Uruguay.

THE JUDICIARY

William H. Webster, of Missouri, to be a U.S. circuit judge, eighth circuit vice Marion C. Matthes, retiring.

John F. Nangle, of Missouri, to be a U.S. district judge for the eastern district of Missouri vice William H. Webster.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 13, 1973:

DEPARTMENT OF COMMERCE

John K. Tabor, of Pennsylvania, to be Under Secretary of Commerce.

Tilton H. Dobbin, of Maryland, to be an Assistant Secretary of Commerce.

U.S. COAST GUARD

The following named officers of the Coast Guard for promotion to the grade of rear admiral:

Glen O. Thompson
Julian E. Johansen
Abe H. Siemens
John B. Hayes
Robert H. Scarborough

Harold James Barneson, Jr., of the U.S. Coast Guard Reserve, for promotion to the grade of rear admiral.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

EXTENSIONS OF REMARKS

LOUISIANA IS READY FOR THE SUPERPORT

HON. DAVID C. TREEN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. TREEN. Mr. Speaker, as a sponsor of H.R. 7501, an administration-supported bill which would facilitate the construction of deep sea ports, I am pleased to see the leadership which is coming from my State of Louisiana in the development of the superport.

In recent articles by Mr. Sam Hanna, of the New Orleans' States-Item, and Mr. Paul Atkinson of the New Orleans Times-Picayune, the question of a Louisiana superport is discussed.

Mr. Speaker, I believe these articles illustrate that with a total effort a solution to the problems surrounding the superport can be found; and that academicians, environmentalists, business leaders, as well as local and national political figures can work together harmoniously. However, it is now the time for Congress to act, so that superport proposals, like that of Louisiana, can become a reality. As a member of the Merchant Marine and Fisheries Committee, one of the three House committees with jurisdiction over this question, I will do all I can to make the superport a reality.

In my continuing effort to inform my colleagues of superport developments I am inserting in the CONGRESSIONAL RECORD some recent articles on this subject for their benefit:

[From the New Orleans Times-Picayune, Mar. 31, 1973]

OIL PORT IS URGED BY INDUSTRY GROUP—$278 MILLION PROJECT WOULD BE BUILT OFFSHORE LOUISIANA

(By Paul Atkinson)

A corporation representing 13 major oil companies Friday asked the Louisiana Superport Authority to consider adoption of its proposal to build a $278 million offshore oil port as the first stage of the planned Louisiana superport.

William B. Read, president of the oil industry group (known as Louisiana Offshore Oil Port Inc.—LOOP) said the port would utilize up to five floating single-point mooring buoys (SPMs) constructed in Gulf of Mexico Waters 21 miles south of Bayou Lafourche.

He said all offshore works would be situated in about 110 feet of water.

Superport Authority chairman Andrew Martin said the proposal will be taken under advisement.

Before approval can be given to the LOOP proposal, the Superport Authority must make an environmental impact study which is now underway. During the meeting at The Rivergate, authority executive director P. J. Mills said that a $50,000 economic impact study is also to be undertaken immediately.

Mills said $20,000 will be put up by the Louisiana Science Foundation; $22,000 by LOOP; and the remaining $8,000 by the Superport Task Force. Gulf South Research Institute and Kaiser Engineers will make the study.

For the first time, Read unveiled current thinking of the combine of oil companies. He said they will have onshore storage on a portion of 1,600 acres leased near the mouth of Bayou Lafourche in Lafourche Parish.

The tank farm would be connected by another 80-mile pipeline to the St. James terminal of the Capline, one of the world's largest crude oil pipelines.

Capline, with a potentially daily capacity of 1.2 million barrels of crude oil, serves refineries throughout the Midwest, as far north as Chicago, Ill.

During a news conference after his presentation, Read readily admitted that location of the 80-mile pipeline could have an effect on the environment.

He said a 60-foot-wide canal six to eight feet deep will be needed to service the large diameter pipeline. He said the pipeline would be larger than 48 feet wide.

"Probably half of the 80-mile distance will be serviced by a canal," said Read. "There are existing canals that we are considering using."

"It is one of the critical phases of our project, this picking out the pipeline location to minimize its effect on the estuarine area."

Read said his group is working with the Louisiana State University Center for Wetland Resources to select the best site that will do the least environmental damage.

Read said the facility is being designed to handle tankers of up to 500,000 deadweight tons.

Initially, the terminal would be able to pass on 1.7 million barrels of crude per day, an amount he said is comparable to the daily production of the thousands of producing wells offshore Louisiana. Ultimately the proposed terminal would have a throughput capacity of more than 4 million barrels a day, or almost 25 percent of the entire Nation's daily oil consumption.

Read said LOOP would like to begin construction of the terminal in mid-1974 and anticipate limited operation by mid-1976.

Utilization of the SPM system offshore Louisiana is proposed because it has proven sound in more than 100 locations around the world, he said, many of which have wind and current conditions similiar to those in the Gulf of Mexico.

Read estimated that using the SPM system, the offshore port will be able to operate 90 percent of the time in weather conditions generally found in the Gulf of Mexico.

"Because of their design, SPMs are less vulnerable to hurricane damage," said Read. "They allow quick reaction on the part of unloading supertankers to threatening weather. In the event of a collision with the SPM, a tanker will simply ride over the floating buoy with a little likelihood of serious damage to either."

Speaking of onshore storage Read said the tank farm complex would be designed to handle a number of different kinds of crude oil and may ultimately be capable of storing 50 million barrels of oil.

"The proposed location of the tank farm complex was selected from among a number of alternatives, the most important consideration being its potential impact on coastal wetlands environment," Read told the authority.

"The existence of firm sand foundation in much of the area will allow minimal land fill, and thus minimal construction impact. The facility avoids existing oyster leases, and is in an area of general development that includes roads sufficient to meet operating needs."

The LOOP timetable calls for a permit application by September, 1973, and possible approval by spring of 1974.

Member companies of LOOP are Ashland Oil Inc., Chevron Pipe Line Co., Exxon Pipe Line Co., Marathon Oil Co., Murphy Oil Corp., Shell Oil Co., Tenneco Oil Co., Texaco, Inc., Toronto Pipe Line Co., Union Oil Co. of California, Clark Oil and Refining Corp., Standard Oil Co. of Ohio and Texas Eastern Transmission Corp.

The pipeline connecting LOOP storage to Capline would not be owned by LOOP but by

a number of LOOP's shareholder companies, Read said.

Read said LOOP has a $2.5 million budget for the planning phase.

Mills, fielding a question at the press conference, hinted strongly that the Superport Authority will eventually adopt LOOP's proposal as part of its superport plan. He got into it indirectly in response to what would happen if the authority didn't adopt the LOOP idea.

"Should this authority not adopt LOOP's proposal as the first phase of its operation, then an entirely different picture would be presented," he said. "I don't at this time envision that being the case assuming the proposal that has been submitted satisfied the various environmental assessments to which we will test it prior to the authority's action."

Mills revealed that LOOP is not the only organization seeking an offshore port.

"There have been international terminal firms contacting us showing interest," he said. "I can't give you their names though."

[From the New Orleans States-Item, Apr. 19, 1973]

IMMEDIATE CONSTRUCTION OF LOUISIANA SUPERPORT IS URGED IN LSU STUDY

(By Sam A. Hanna)

WASHINGTON.—A Louisiana State University research team, working with Commerce Department support, says work should start immediately on a superport to handle giant tankers in the Gulf of Mexico south of New Orleans.

Starting now, the report said, the port could be ready by 1978 to handle massive imports of oil and gas for Louisiana refineries faced by growing shortage of raw materials.

The team outlined a stringent list of measures to protect the Gulf of Mexico and the Louisiana wetlands, including prompt clean-up measures if spills occur, strict navigational controls and constant monitoring of the unloading operations.

Urgency of the construction is demonstrated by the fact that blueprints are already being drawn for giant American tankers too large to enter any existing U.S. port, the team stated.

The LSU researchers, funded by a sea grant from the Commerce Department and money from the privately supported Louisiana Superport Task Force, recommended a location in waters at least 100 feet deep between the mouth of Bayou Lafourche and the Southwest Pass of the Mississippi River.

The port would be capable of receiving ships with a minimum deadweight tonnage of 200,000 and drafts up to 90 feet. This would accommodate all but a few of the giant tankers expected to be in service during this century.

The research team, working at the University's Center for Wetland Resources at Baton Rouge, said only one such facility should be built off Louisiana and the port should be designed so that it could later handle other commodities.

The cost for a platform structure limited to unloading oil and gas into pipelines was estimated at from $20 million to $60 million. The price tag on a port handling dry bulk commodities as well starts at $300 million.

Private interests have already indicated a willingness to finance the Louisiana superport, but government agencies have delayed approval. The President's energy report recommended increased port facilities as a short-term answer to the nation's growing fuel shortage.

Two environmental dangers were described by the research team: the disruption of wetland areas by on-shore pipelines and pumping stations and the possibility of oil spills at sea.

The techniques used by civil defense agencies during hurricane protection could be adapted to prevent oil spills from spreading, the report said. This involves immediate containment and rapid clean-up of the oil.

Some form of protection should be provided along all the passes of the port area, the team said. These should prevent oil from reaching the estuaries but should not interfere with sea life migrations either during construction or when no emergency exists.

The report also called for intensive research on such matters as how oil spills drift, the prevailing weather in the area, locations of spawning grounds and the effects of oil on marsh grass and microbes.

There are 50 deep-draft ports elsewhere in the world, the report said, but none in the U.S., where the normal limit is about 45 feet—enough to handle ships up to 80,000 tons deadweight. Only Long Beach and Los Angeles harbors in California and Puget Sound in Washington can handle ships of 100,000 tons.

Meanwhile, the tremendous economy of shipping oil in giant ships is spurring construction of ever-larger giants. The Japanese are operating a 373,000 DWT tanker and construction has started on a 477,000 DWT vessel. By 1980, the first million ton ship is scheduled for launching. Most of the largest tankers to be built before the year 2,000 however, are expected to be less than half that large.

The sea grant program, operated by the Commerce Department's National Atmospheric and Oceanic Administration, also has supported similar studies at Texas A&M University, the University of Delaware, Massachusetts Institute of Technology and the State University of New York.

LOUISIANA SUPERPORT CONSTRUCTION SUPPORTED BY WILDLIFE GROUP

The Water Control Projects Committee of the Louisiana Wildlife Federation passed four resolutions during the group's 34th annual convention here Saturday, including one to support the construction of a superport in Louisiana.

The committee passed the resolution in support of the superport with the stipulation that construction would result in no environmental damages to the state's offshore waters.

Committee secretary Carl Fontenot of Lake Charles said he felt Louisiana was the proper location for a superport. "I believe a superport would eliminate the need for the widening of ship channels in the state that could eventually cause more environmental damage than the construction of the port," he said.

A second resolution was passed asking for the U.S. Corps of Engineers to hold public hearings before plans are carried out for the widening and deepening of the Intercoastal Canal. It was brought out at the meeting that the corps was making plans for improving the canal without any regard to environmental studies.

In a separate resolution, the committee also voted that the engineers be asked to hold a public meeting concerning the Lafourche auxiliary channel and jump waterway projects near Houma.

Chairman of the committee, Rick Bryan of Alexandria, said the project could damage two state game management areas with the intrusion of salt water into fresh water channels. He said over 10,000 acres of public marsh land would be flooded with salt water and that the water supply of Houma would also be affected.

A fourth resolution by the Ouachita Wildlife Unit was also passed, asking that a study be made concerning the cleaning of Black Bayou Lake near Monroe. It was pointed out that Black Bayou was almost completely taken over by moss.

NSU GETS OIL PORT STUDY GRANT

An offshore environmental assessment study of the proposed Louisiana Offshore Oil Port Terminal has been commissioned by LOOP, Inc., with the Nichols College Foundation.

A contract was signed Friday noon between officials of LOOP, Inc. and the Nicholls College Foundation. The Nicholls State portion of the total LOOP study is estimated to cost in excess of $300,000. LOOP, Inc. is a group of 13 major oil and pipeline transportation companies formed to build an offshore oil terminal to receive super tankers.

Signing the contracts were Donald Peltier of Thibodaux, president of the College Foundation, and William Read, president of LOOP, Inc. Representing Read today at signing ceremonies in the office of Dr. Vernon Galliano is Ken Ring of LOOP.

According to Galliano, president of Nicholls State University, the research project will involve a one-year assessment of the environmental and ecological factors at the proposed offshore oil port site and the pipeline corridors from the port to the shore.

Dr. Alva Harris, head of the Marine Biology program at Nicholls State will be in charge of the research team. The NSU professor of biology explained that the study will account for the marine life and chemical and physical parameters found at the port site and in the shore-to-port pipeline corridor, in addition to recording meteorological data.

Wayne Davies, director of government and community relations for LOOP, said the study must be completed by May 5, 1974. Seven professors from NSU and two full-time research assistants will be working directly on the study.

The 12-month contract is for $210,000, but Davies said that if the cost of the study exceeds that amount, LOOP could provide more funds.

In addition to the $210,000 LOOP has leased from Cheramie Marsh Buggies Inc. of Cut Off a 60-foot shrimp boat "The Robert Frank" which has been converted into a marine testing facility for use by the NSU research team.

The team will be studying the area about 10 miles wide and 25 miles long near Grand Isle Black 46.

Davis added that most of the equipment bought with the $210,000 will remain with NSU after the study is completed.

The research team will consist of members of the Nicholls State University departments of biology and chemistry. Initial steps in the research work already have begun. Following the tabulation of ocean plant and animal life and the sampling of bottom sediment and water columns for chemical data, the research team will assist in projecting the effects of the port construction and pipeline on the Gulf's environment.

The composite reports will be used by LOOP, Inc. in their application to state and federal granting agencies for permission to build the oil port. The proposed port site is approximately 20 miles offshore southeast of the mouth of Bayou Lafourche.

The LOOP terminal will be the first of its type operation in the waters of the continental United States. The port will receive oil from super tankers now in operation in other ports of the world.

"The large oil tankers of the past," Dr. Harris reported, "were approximately 600 feet in length. The super tankers are 1,300 to 1,400 feet long and can hold 35 times the capacity of the old tankers." Dr. Harris added that the super tankers "can hold over 540,000 deadweight tons and draw 90 feet of water." The LOOP terminal site is located in 110 feet of water.

In pointing to the selection of Nicholls State as the research unit for the offshore study, Galliano noted that the university received a special $100,000 budgetary supplement for the Marine Biology program during the 1972–73 fiscal year from the Louisiana legislature.

"These funds, received with the help of

area legislators," Galliano said, "enabled us to build marine sciences laboratory at Port Fouchon near the mouth of Bayou Lafourche. This building coupled with an expansion of our Marine Biology Program allows Nicholls State to meet the research demands of the LOOP study."

CAMBODIA: PRELUDE OR EPILOG?

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. WHALEN. Mr. Speaker, one of the most thoughtful assessments of the Cambodia problem which I have read appeared in the May 11, 1973 issue of National Review. Author James Burnham concludes that the bombings of Cambodia serve as epilog to U.S. involvement in Southeast Asia. I believe my colleagues will find the entire text of Mr. Burnham's article of interest, and I insert it for their consideration:

THE PROTRACTED CONFLICT

(By James Burnham)

Mr. Nixon's operations in Indochina during the past six weeks suggest he may be suffering from an ailment to which successful politicians are prone: believing one's own rhetoric. The January ceasefire agreement, as I have had past occasion to point out, signaled the failure of the U.S. mission in Indochina. In essence it amounted to a protocol for American military disengagement from Vietnam. On this, since it was what both sides wanted, there was a meeting of minds. And the disengagement, which included the release of American POWs in correlation with the withdrawal of American troops, was carried out just about on schedule.

Concerning everything else there had been no genuine meeting of minds. Disengagement apart, the other matters referred to were what the fighting had been about all these years. Since the fighting had been inconclusive, these matters naturally couldn't be settled just by writing a lengthy text. Apart from the sections dealing directly with the disengagement and prisoners' return, the agreement is ambiguous, unrealistic, and unworkable. And in any event it is not working.

Interestingly enough, when the Administration spokesmen seek to justify the renewed bombing of Cambodia or Laos, the episodic suspension of mine removal, or the threat of no future aid to Hanoi, they refer not to any specific clauses of the written agreement but to secret "understandings" that Henry Kissinger is now alleged to have reached with Le Duc Tho, although when presenting the text of the agreement to newsmen and the world, Kissinger thrice denied the existence of any secret understandings.

When boiled down to its essence, the agreement is a narrow, uninspiring, and in truth humiliating document. It is hardly surprising that the President covered it with a good deal of rhetorical sauce in serving it up to the citizens and voters. We had won, we heard, "peace with honor," and had taken a big stride toward "lasting peace." We had honored our commitment, our men would be coming home "with heads high," etc.

What has been happening in Indochina since the signing of the agreement is what anyone who had made a correct assessment of its meaning expected to happen. But to those who believed the agreement really did signify peace and the fulfillment of the basic American commitment—i.e., defeat of the Communist struggle to take power in all Indochina—what the Communists throughout Indochina have been doing is a "violation" of the ceasefire and a sabotage of peace that merit punishment.

Moreover, what has been happening tends to clarify the true meaning of the agreement, and thus to prick the inflated rhetoric with which the President surrounded it.

BOMBING AS PANACEA

Therefore the bombers over Cambodia, and a few now and then over Laos. The rhetoric demands them. There is no need for the bombers in order to carry out the essence of the agreement—the U.S. military withdrawal and the POW release. That has already been accomplished, and the bombings only risk re-engagement and a new lot of POWs. There is no serious military point in the bombings. In the Cambodian conditions the military efficiency of B–52s is minimal if not negative, and will have no long-term effect on the chaotic political situation on the ground. It will be unable, specifically, to salvage the Lon Nol government. But for Mr. Nixon to have "done nothing" about the Communist moves toward power in Cambodia would have exposed the emptiness of his rhetoric—to himself first of all. Mr. Nixon is not yet willing to face the simple Vietnam reality, and to ask us to face it with him: to accept the fact that we failed in our Indochina mission, and pulled out.

Is the Cambodian bombing, then, a prelude to more general military re-entry? I don't think so; I think the Cambodia bombing serves as epilogue, not preclude—a bitter and futile lashing out by the retreating tiger. Given a little time, reality takes precedence over rhetoric. Some sort of political formula will be found, probably fairly soon, that will serve as an excuse to leash the bombers. The President has announced that he will be making his Grand Tour of Western Europe this autumn. He is not going to visit London, Paris, Bonn, and Rome while his B–52s are carpet-bombing Indochina.

Cambodia doesn't have any sort of coherent political structure anyway, so there is opportunity for improvisation. What Mr. Nixon wants is a breather: a chance to say the fighting has died down and from now on you local people will have to take over. He is pressing for some sort of political arrangement, however temporary, that could be called, as in Laos, a "'coalition," and thus not "Communist rule imposed by force."

And now Prince Norodom Sihanouk has popped back onstage. Granted the limited range of Mr. Nixon's options, it is not excluded that he might settle for Sihanouk. In his journey this spring to Cambodia and Hanoi, Sihanouk rounded up support from the Communists in the field and from the North Vietnamese. Pham Van Dong greeted him as "head of state, the holder of the legality, authenticity, and continuity of the Cambodian state." Peking has given him a home in exile and consistent political support, and Chou En-lai was at the airport April 10 to welcome him back.

Sihanouk is not a Communist, and cleverly described himself in his broadcast message to Cambodia from Hanoi as "internationally the authentic representative of independent, non-aligned, and anti-imperialist Cambodia with territorial integrity." Thus a restored Sihanouk government in Cambodia might be an acceptable face-saver for nearly everyone. Moscow, which recognizes the Lon Nol government and has been cool to Sihanouk in exile, might not be overly enthusiastic to see a Peking client installed in Phnom Penh. Under the circumstances, this might seem an added recommendation from Washington's perspective.

THE KILLING CONTINUES IN IRELAND

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. BIAGGI. Mr. Speaker, early last year I had occasion to visit the strife-torn community of Newry in Northern Ireland. I witnessed firsthand the climate of fear in which so many Irish citizens are living, and was shocked and saddened by the fact that the prospect for an end to the almost random terrorism was nowhere in sight.

Unfortunately, a full 16 months later, the same atmosphere of civil war and cold-blooded execution still exists in Northern Ireland. An article which appeared in today's New York Times—and which I would like to insert in the RECORD—further documents the reign of terror which is decimating the Belfast population, both Catholic and Protestant. In this latest incident, six more innocent citizens were killed in the explosion of a concealed bomb, and 33 others were wounded.

Mr. Speaker, the American people and its representatives must not make the mistake of allowing themselves to be lulled into apathy by the attitude that the Irish dispute is an ocean away and not our affair at all. We have the responsibility to contribute to an ultimate settlement of the Irish issue by both keeping totally aware of the situation and bringing international pressure to bear on the combatants whenever possible.

The Times article reads as follows:

ULSTER BLAST KILLS SIX AS VIOLENCE SPREADS TO A UNIVERSITY TOWN

BELFAST, NORTHERN IRELAND, June 12.—Six persons, four of them women, were killed today and 33 were injured by an explosion of a 100-pound bomb in a busy shopping street in a town 50 miles north of Belfast.

It was the heaviest loss of life from a terrorist bomb for more than a year and the first major attack in Coleraine, a predominantly Protestant university town of 15,000 people, which has been almost untouched by the four years of violence.

Eighteen of the injured were hospitalized, three of them children and one a baby, four of the injured were said to be in a serious condition.

Two bomb warnings were telephoned to the police. The first bomb exploded in a car showroom after the area had been cleared. But the anonymous caller gave the wrong location for the second bomb, and as the police hustled people away from the area the car-bomb exploded outside a bar 200 yards away.

One theory is that the bombers, who hijacked one of the two cars used in the attacks, found the route to the chosen location blocked and, with the bomb primed and ticking away, panicked and fled.

I.R.A. SUSPECTED

Security forces believe the bombs were planted by the provisional wing of the Irish Republican Army, perhaps in retaliation for a blast at a Roman Catholic school a month ago, which broke Coleraine's long spell of peace.

But the attack is regarded in political circles as part of the wider I.R.A. campaign to

polarize the two communities in Northern Ireland in advance of elections June 28 for the new Northern Ireland Assembly, so that hard-line Protestant and Catholic candidates will be returned.

The British have decreed that the assembly members must agree to shape power between Protestants and Catholics before March, 1974, and the I.R.A. may be calculating that if the assembly collapses the British will begin withdrawing their troops.

The latest provocation comes after two nights of shooting by Protestant gunmen in Belfast, which resulted in the death of a Protestant bus driver caught in terrorist crossfire and the wounding of at least six civilians claimed by British Army marksmen.

More than 100 shots, most of them from automatic weapons, were fired at troops in the Protestant Shankill area last night, but attempts to draw the army into a trap failed and by early morning the streets were cleared.

BEATING THE GUN LAW

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. GAYDOS. Mr. Speaker, in 1968, Ohio adopted a gun control law requiring the registration of certain types of weapons and the posting of bonds by the owners of some of them.

The law, according to Ohio's adjutant general, Col. William D. Haines, has not worked out entirely as its sponsors expected. For instance, Colonel Haines' office has disclosed, the Associated Press says, that only 177 of the known 3,000 machineguns owned by Ohioans have been reported.

The 3,000 figure is a sound one for that many Ohio-owned machineguns have been listed under the Federal law, hundreds as war trophies brought home by servicemen. But Ohio police officials, the Associated Press adds, estimate the total of such guns in their State at three times that many. So the Federal law has been only a little better obeyed than the Ohio statute.

What does this Ohio experience mean to the Nation at large? It gives validity, in my opinion, to the stand taken by sportsmen's groups in my State of Pennsylvania and elsewhere that gun registration legislation does not help solve the crime problem—that, indeed, it is useless as a deterrent and as a control means, the reasons given for it by its advocates.

Such legislation does not automatically bring about the registration of all specified weapons, but only those held by the meticulously law-abiding citizens. The criminals do not report their guns and so the result is that the good citizen, under these control measures, is restricted in his right to bear arms while the lawbreaker is not. Thus the law-abider is placed more at the mercy of the armed thug.

The issue, therefore, is whether we want to further confuse the crime problem by resorting to false solutions, or whether we want to get at its true sources and attempt to correct them. One major source, shown consistently by crime statistics, is court leniency with criminals, a practice which has seen the crime rate rise almost in direct ratio to the easy sentences handed down.

What we need—and this need is becoming clearer every day—is tougher courts and less coddling of the criminal element by judges who have allowed themselves to be caught up in the flimsy, damaging, and now discredited theories of would-be penal reformers. Gun registration in itself is no answer to this grave matter. The Ohio test shows it.

CAN ACTING DIRECTORS ACT?

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. LEHMAN. Mr. Speaker, several weeks ago I requested the Library of Congress to investigate whether or not acting directors of agencies and departments have any legal authority to act in an official capacity after 30 days.

In light of U.S. District Court Judge William B. Jones' decision yesterday regarding Acting Director Howard J. Phillips, I believe that the text of the Library of Congress study may be of interest to my colleagues. The text of that study follows:

APPOINTMENT OF ACTING OFFICIALS WHILE THE SENATE IS IN SESSION

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C.

The framers of the Constitution gave proper attention to the problem of filling offices which might become vacant during a time when the Senate was not in session. The pertinent provision of the Constitution; Article II, section 2, paragraph 3 reads as follows:

"The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session."

The significant word in the above grant of power has come to be "happen." Attorneys General, from the earliest days, have interpreted this word to mean "happen to exist" and usage has secured this interpretation. Historically, there have been many controversies surrounding "recess appointments." While the rules governing such appointments are at least reasonably explicit and have been subjected to judicial interpretation, Presidents have proven to be rather inventive in circumventing these rules.

The problem of temporary appointments does not end, however, with "recess appointments." What is the legal status of ad-interim, or temporary, appointments made by the President while the Senate is in session and capable of conducting advice and consent proceedings?

In an opinion issued in 1832, the Attorney General stated: "It is the intention of the Constitution that the offices created by law, and necessary to carry on the operations of the government, should always be full, or, at all events, that the vacancy should not be a protracted one." 2 Ops. Att'y Gen. 527 (1832).

While the right of the President to fill vacancies with temporary or acting officials has never been seriously challenged, Congress has placed several statutory restrictions on this power. The most notable Congressional effort to restrict Presidential discretion was the Vacancies Act of 1868. (15 Stat. 168, 169). This short statute was passed with little public interest or legislative debate during the period when Congress was involved in challenging the first President Johnson. The objective clearly was to prevent the incumbent President from appointing Cabinet officers who could function indefinitely without Senatorial confirmation. As originally passed, the power of the President to appoint ad-interim officers was limited to 10 days. This restriction was altered to read 30 days by the Act of February 6, 1891. (26 Stat. 733).

The revelant sections of Title 5 of the U.S. Code read as follows:

"No. 3345. Details; to office of head of Executive or military department

"When the head of an Executive department or military department dies, resigns, or is sick or absent, his first assistant, unless otherwise directed by the President under section 3347 of this title, shall perform the duties of the officer until a successor is appointed or the absence or sickness stops. (Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 425.)"

"No. 3346. Details; to subordinate offices

"When an officer of a bureau of an Executive department or military department, whose appointment is not vested in the head of the department, dies, resigns, or is sick or absent, his first assistant, unless otherwise directed by the President under section 3347 of this title, shall perform the duties of the offices until a successor is appointed or the absence or sickness stops. (Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 426.)"

"No. 3347. Details; Presidential authority

"Instead of a detail under section 3345 or 3346 of this title, the President may direct the head of another Executive department or military department or another officer of an Executive department or military department, whose appointment is vested in the President, by and with the advice and consent of the Senate, to perform the duties of the office until a successor is appointed or the absence or sickness stops. This section does not apply to a vacancy in the office of Attorney General. (Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 426.)"

"No. 3348. Details; limited in time

"A vacancy caused by death or resignation may be filled temporarily under section 3345, 3346, or 3347 of this title for not more than 30 days. (Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 426.)"

"No. 3349. Details; to fill vacancies; restrictions

"A temporary appointment, designation, or assignment of one officer to perform the duties of another under section 3345 or 3346 of this title may not be made otherwise than as provided by those sections, except to fill a vacancy occurring during a recess of the Senate. (Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 426.)"

These sections of Title 5 have not been subjected to judicial interpretation. Nor are the opinions by the Attorney General directly related to the problem of ad-interim appointments lasting more than 30 days during which time the President has not submitted a name to the Senate for confirmation although the latter body has been in session.[1] The Comptroller General, however, in response to a recent query by a Senator as to his interpretation of the above mentioned sections stated:

"It is clear that sections 3345 through 3349 were intended to preclude the extended fill-

Footnote at end of article.

ing of an office subject to Senate confirmation without submission of a nomination to the Senate. Cont. Gen. Op. B-150136, p. 4 (February 22, 1973)."

The recent examples of temporary appointments extending 30 days, such as those of Ramsey Clark who served as Acting Attorney General from September 21, 1966 until his confirmation by the Senate on March 2, 1967; Richard Kleindienst, who served as Acting Attorney General from February 15, 1972 to June 8, 1972; and L. Patrick Gray, designated Acting Director of the Federal Bureau of Investigation May 3, 1972, nominated by the President February 20, 1973, and his name withdrawn April 17, 1973, appear to have been governed by a "gentleman's agreement" that the prolonged "acting" status was not a subterfuge to avoid confirmation proceedings. Indeed, the number of officials who serve in an ad-interim or temporary capacity for more than 30 days has probably increased in the last four years due, some observers believe, to the longer time Congress takes to make confirmations. A brief survey of nominations submitted but not yet acted upon, May 21, 1973, indicates that a number of nominations have been pending in the Senate for some period, one at least since January 11, 1973. In some cases these pending nominees are already performing in an ad-interim or acting capacity. The question must therefore be settled in each instance whether the individual who is performing in an ad-interim capacity for over 30 days is doing so because the President has not submitted a nomination, or because the Senate has not acted upon a nomination submitted by the President within the prescribed 30 days.

Notwithstanding the implication that actions taken beyond the 30 day limit might be under a cloud of suspicion, there has never been a concerted effort to limit the authority of the officials serving in an ad-interim capacity. As a practical matter, their actions have enjoyed the same legal force as those of confirmed and commissioned officers.

In a recent order and opinion handed down by the United States District Court, the Acting Director of the Office of Economic Opportunity was enjoined from terminating the OEO agency and community action programs in particular. (American Federation of Government Employees v. Phillips, Civil Action No. 371-73, Civil Action No. 375-73, Civil Action No. 379-73, April 11, 1973). In the plaintiff's brief it was argued that the defendant, Howard Phillips, Acting Director of OEO, had been functioning in an unlawful manner in direct violation of the process for filling vacancies provided in statute which allows for a maximum of 30 days for a temporary appointment before the individual must be confirmed, or at least have his name submitted to the Senate as an indication of good faith.

"By reason of his unlawful appointment as Acting Director, defendant Phillips has exercised powers and performed duties which were not authorized by law; in the exercise of power unlawfully conferred upon him, he continues to promulgate policies and to perform acts which have resulted and will continue to result, unless he is enjoined from so doing by the Court, in the dissolution of OEO and its consequent loss of employment to members of the plaintiff and the class whose rights plaintiff herein asserts."

Phillips was designated as Acting Director on January 31, 1973, and his name has not been submitted for confirmation as of May 21, 1973.

The defendant's brief argued that the OEO is not an Executive nor military department as defined by 5 U.S. Code 101, 102 and hence the Vacancies Act does not apply. The defendants further argue that only the "Director" of OEO is required to be confirmed, and the President appointed Phillips as "Acting Director" rather than "Director," hence the requirement for Senate confirmation does not apply. The authority for such an appointment is found under the "implied power of the President to appoint temporary officials within the Executive branch." The brief cites as authority 6 Ops. Att'y Gen. 357, 365 (1854).

While the issues revolving around the problem of ad-interim appointments made while the Senate is in session were clearly joined in the briefs of both the plaintiff and defendant, the judge did not base his ruling on the question of the legality or illegality of the appointment of Howard Phillips as Acting Director of OEO. There was no discussion of the status of Phillips' appointment in the order. Therefore, we are still without firm judicial guidelines in the field of appointment of acting officials in the Executive Branch.

In conclusion:

1. There is a statutory requirement that temporary appointment of one individual, whether a civilian or an officer of the United States, to perform the duties of an officer who is absent or ill, whether such appointment be to head an Executive or military department, or to a subordinate position such as a bureau chief, shall be for a period not in excess of 30 days. (See 5 U.S. Code, 3345, 3346, 3347, 3348, 3349.)

2. It will probably require an act of Congress to clarify the intent of 5 U.S. Code 3348 which reads: "A vacancy caused by death or resignation may be filled temporarily under section 3345, 3346, or 3347 of this title for not more than 30 days." Does the 30 day limit include both the time required by the President to determine whether or not to submit the name for the permanent position and the time consumed by the Senate in the confirmation proceedings? Or, does the limit apply only to the period permitted the President to submit a name to the Senate? If the intent of Congress is reflected in the former interpretation, then a relatively large number of acting appointments have exceeded the 30 day limit and the appointees have therefore been serving in apparent violation of the statute. If the latter interpretation is correct, however, then the number of infractions have been few. The significant fact at this point is that the statute as presently written is vague and has not been substantially clarified either by the courts or by the opinions of the Attorney General.

3. Historically, Presidents have not abused their power to appoint temporary officials nor have they used this power as a subterfuge to avoid the Senate confirmation process.

4. The recent judicial order requiring the Acting Director of the OEO to continue to fund statutory based activities is silent on the question of whether Mr. Phillips' appointment as Acting Director of the agency for a period in excess of 30 days requires Senate confirmation for his actions to have legal standing.

FOOTNOTE

[1] The 30 day limit in Section 3348 on such "acting" powers has been held applicable to a position filled both by the succession authority of Sections 3345 and 3346 and the "detailing" authority of Section 3347. 32 Op. Att'y Gen. 139, 141 (1920). In speaking to an Acting Secretary of State who had exceeded this limit: "In the absence of a specific case it is difficult to suggest what course you and the other officers of the department should take pending the confirmation of Mr. Colby's nomination.

It is probably safer to say that you should not take actions in any case out of which legal rights might arise which would be subject to review by the courts." It is proper to note in this instance that the opinion referred to a situation in which the 30 day limit expired after the President had submitted a name but before the Senate had completed confirmation proceedings.

CALIFORNIA FLYING

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. WALDIE. Mr. Speaker, it has recently been brought to my attention that a large and unfair disparity exists between regulations for boating and general aviation. It seems to me, considering the accident rates for the two fields, that the safety standards should be comparable. In addition, inequities such as the proposed "gasoline excise tax" should not be allowed to exist. I believe that the attention of Congress should be directed to these inequities. I urge all Members to read carefully the case of general aviation presented in the May 1973 issue of California Flying, a monthly magazine for California pilots:

WHY?

In the past two years, expressions such as "too much government control", have become commonplace within the General Aviation ranks. The FAA's Cost Allocation Study proposals, "Recovery" of administrative costs, Airspace use restrictions; new and stiffer pilot qualification requirements and demands for more and more expensive avionics are among those things which have spawned such expressions. Just how much government control over General Aviation does exist becomes graphically evident when the restrictions, requirements and costs are compared with boating. It is important during this comparison between boating and flying to remember that both modes of transportation fall under the Department of Transportation. Boating is placed by the DOT under the direction and control of the Coast Guard and flying under the direction and control of the FAA.

Perhaps the first comparison between boating and flying which becomes apparent can be found in the Coast Guard's sponsorship of boating safety advertising. Television features which show the most common causes of boating accidents and mishaps are broadcast across the nation during the spring and summer months in an effort to reduce the number of boating incidents which involve the Coast Guard with private boaters.

Production and broadcasting of such features are obviously motivated by a high accident rate in the boating field. While General Aviation's accident rate is nothing to be proud of, the promotion of boating safety in ways designed to reach the general population presents a strong suggestion that boating too is plagued with the accident problems which have put GA in such disfavor.

Because flying holds some sort of romantic and adventuresome air in the public's mind, airplane accidents are prone to receive wide news coverage. Should two Piper Cubs collide in flight, injuring or killing two people, the public quickly hears about it. But let two boats collide on some small river or lake in a remote corner of the nation, injuring a half dozen people, you'd be lucky to find it reported by any of the media save that most local to the boating accidents. Boats just don't have the news value that airplanes have; which is one reason why the public is so aware of airplane accidents. While boat-

ing accidents happen regularly, as suggested by the boating safety programs sponsored by the Coast Guard, the public is more acutely aware of aviation accidents.

To bring aviation accidents under control, the FAA (acting in behalf of the DOT), has determined to impose higher standards of qualifications for the issuance of pilots' licenses, along with frequent proficiency checks of already licensed pilots to assure that skill and knowledge is maintained. It has stiffened the standards for flying schools to maintain; establish stiff physical demands for pilots to meet; governs the quality and frequency of airplane maintenance; has specified the standards for electronic equipment installed in airplanes (as well as the technicians who are permitted to install, repair and maintain such equipment); and firmly governs the airspace in which airplanes fly. Added to all of this are the financial requirements for the aviator to pay for all these governing factors as well as the airspace and airports he must use.

When these requirements are put under the microscope and compared with requirements imposed upon the boat owner or operator, it is apparent that a terrible injustice to the aviator is perpetrated. The first, and perhaps most glaring injustice, may be seen in the qualifications required of the boatman vs. aviator. Anyone, regardless of his age or physical condition; regardless of his experience or the condition of his boat; regardless of the weather conditions or the time of day or night; whether he is alone or carrying a full capacity of passengers, may start up a boat and drive away with it if he has the key to it and is not violating the boat's ownership rights to do so. And he is not required to receive any special training in advance or hold any particular license to do so. Furthermore, he has no mandatory requirements to meet as to the condition of his boat, or for any specific maintenance to be performed on it.

Unlike the aviator, the boatman is free to use the waterways of the nation and its navigation systems and harbors without the need to concern himself over paying to the government "user costs" or "administrative costs." He pays the local and state sales tax on his boat, and perhaps a county property tax each year, and he is through paying afterwards. Unlike the airplane owner, he has no concern or worry about paying an annual relicensing fee or being required to overhaul his engine after a specific number of running hours. And whether he enjoys good health or suffers from a heart condition, he has no physical requirements or medical examination to meet. By comparison, he enjoys that rare privilege of freedom from governmental interference which only existed in aviation for a brief period following Wilbur Wright's first flight at Kittyhawk.

An ironic contrast which further highlights the degree of government control persistently being imposed upon General Aviation is found in the Federal Government's "aviation gasoline tax", which has no equivalent in the boating field. Under the FAA's Cost Allocation Study proposal, an additional four cents per gallon federal tax is being considered for aviation gasoline, with a provision that this figure will increase under a policy of "gradualism" upwards to a yet undetermined figure. Earlier proposals had set the eventual figure at somewhere near $1 per gallon, and this would only be the federal government's tax; not the basic cost of the gasoline or the various other state and local taxes. Yet the boat owner or operator continues to enjoy a gasoline cost even less than that of an automobile owner, since he does not have to pay state and federal road and bridge taxes in his gasoline expenses.

Essentially, the gasoline used by the boat owner is the same as that used by the private airplane owner, except for the small quantity of lead which is found in the gasoline sold at marinas. It is a common practice for seaplanes to refuel at the same pumps used by boats at Marinas. The difference in gasoline costs enjoyed by the boat owner which the aviator does not enjoy is the result of FAA control over the aviator not found in the Coast Guard control over the boatman. Yet, immediately over each of these agencies, the Department of Transportation continues to place more and more burdens upon the private pilot while at the same time remaining totally aloof to the fact that the boating field has shown for decades that such quantities of control and government is not necessary.

The weight of government control over General Aviation today is suffocating it. The future shows no promise of relief. Many experts feel that the proposed FAA Cost Allocation Study and Administrative Operating Costs fees will eventually bring an end to General Aviation. One must seriously wonder if this is not the real intent, the objective, if you will, behind the increased governmental control General Aviation has been subjected to so aggressively these past few years. If it is, then Bill Ottley, executive director of the National Pilots Association was right when he said, "Perhaps General Aviation is like a Super Nova, the giant star that reaches its brightest just before going dark forever."

THE PROBLEM OF OVERCLASSIFICATION

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. FRENZEL. Mr. Speaker, yesterday, I introduced House Joint Resolution 613 calling for the creation of a joint committee on security classification. Actually, I have mostly stolen the good work of the gentleman from New York (Mr. ADDABBO) and made only slight changes in his resolution. I must commend him for his good work in this field and for being the first to produce a concrete reaction to the concern that many Members have about overclassification.

My first preference is that we not create another joint committee. However, since I think it will be an incentive for a standing committee of original jurisdiction to take a look at this subject, I cheerfully introduce this resolution. Joint, special and select committees seem to me to be more suited to political purposes than to legislative results. The problem of overclassification is one that needs legislation, not rhetoric.

The slight changes from Mr. ADDABBO'S original creation both occur in section 3. One requires that procedures to be studied must be explicitly contrary to public welfare. The second substitutes a negotiation with the executive branch instead of allowing public disclosure of material which has been determined by the joint committee to have been classified without merit. These changes are made simply to provide a less volatile vehicle for reform of the present classification mess, if the House decides that a joint committee is the best way to do it.

Again, Mr. Speaker, my personal preference is to have the matter handled, and promptly so, by a regular standing committee.

THE REGIONAL MEDICAL PROGRAM

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. STUCKEY. Mr. Speaker, anyone who saw the "Harry Reasoner Report" on ABC last Saturday night might argue with the administration's notion that programs such as the regional medical program, hospital construction and modernization, community health centers and public health training have either outlived their usefulness or are wasteful.

The nationally televised program was about the regional medical program in particular and focused on the small rural community of Rochelle in Wilcox County in south-central Georgia.

The closest doctor to Rochelle is 25 miles. He might as well be 250 miles away for the many residents without transportation. Moreover, in an emergency situation, and Rochelle has had its share, 25 miles can make the difference between life and death.

In April 1972, a health access station was opened in Rochelle. Sears, Roebuck & Co. donated the building; the city obligated itself for maintenance and accepted a small charge per visit from patients who could pay. The salaries for the three nurses staffing the station and the station's phones were provided by the Georgia regional medical program.

The regional medical program with its local base has enabled Rochelle to obtain at long last basic care for the sick, something many Americans take for granted. When speaking of budgetary priorities, we are talking about a top priority. Rural health is not a luxury or a convenience, not a wasteful, giveaway program. It cannot stand on its own feet initially, nor can it be supported by already over-burdened State and local budgets, even with revenue sharing. It is filling a gap that would otherwise be wide open.

The bill to extend existing authorizations for the Public Health Service Act is now on the President's desk awaiting his signature and I hope he will soon move affirmatively.

As I wrote the President last February when I learned that he wanted to terminate the Regional Medical program when it expires in June:

> The least the Administration's budget should provide in the realm of social services is minimum health care for those Americans who because of where they live are outside this nation's health care structure.

THE ENERGY CRISIS

HON. WILLIAM H. HUDNUT III

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. HUDNUT. Mr. Speaker, America is facing a serious energy crisis. For the first time in this Nation's history, there is a very real danger that we are entering a period of insufficient fuel supplies to meet our economic and social needs. And, quite justifiably, there is rising concern among my constituents in Indiana that they may awaken some day soon and find gasoline unavailable for their cars, diesel fuel for their farm equipment, or heating oil for their homes.

Throughout the late winter and spring and now into the summer, if there is one topic of conversation with "the man in the street" in my district which has consumed more of my time and attention than any other, it is the anticipated shortage of fuel. I return to my district at least once a week, and it is a rare weekend when I do not talk with at least half a dozen persons or groups about their apprehension regarding short supplies of fuel oil, gasoline, liquid propane gas, and natural gas.

And of course, they want to know what their Congressman is going to do about it. Gasoline stations are cutting down to a maximum of 10 gallons a customer. The local Citizens Gas Co., has announced it will take no new customers. The LP people are saying that next November when crop drying time comes, they will be some 80 million gallons short. Independent suppliers complain that they are being forced out of business because they cannot get the fuel to meet their contractual obligations: One man who came in to talk with me about his problems said that next winter, he will not be able to fulfill his contracts with 5,000 homes, 30 churches, and the Goodwill Industries—and what, he asks, is going to happen then?

A couple of fine young black businessmen who have made a good start in the fuel business, with minority enterprise assistance, tell me now they are going out of business because they cannot get the fuel oil they need to compete with larger major suppliers. Representatives of a local refinery come all the way to Washington to tell me their concerns about Mideast oil, sweet and sour crude, sulfur content, refining capacity, et cetera. And local TV stations are running programs on the energy crisis.

If people cannot take their vacations this summer, or if power shortages force reductions in air conditioning, it will be bad enough; but if, come winter, people cannot heat their homes, America is going to be in the middle of a severe crisis the proportions of which I shudder to contemplate.

We, in Congress, have a heavy responsibility thrust upon us. We must see that our fears do not become reality. And we have no time to waste looking for a scapegoat to blame for the energy shortfall. Instead, we must devote our efforts to solving the energy supply dilemma as quickly as possible. And we must take steps to see that we do not find ourselves short of domestic energy in the future.

A few years back, one of the popular phrases heard in Washington was the "domino theory." As used then, it applied to international politics, where the fall of one government would inevitably lead to the fall of another.

Today, we are faced with another "domino" problem—that of energy supplies. And it is not a problem of some remote and foreign land. And it is no longer a theory in the United States that what affects one energy source inevitably affects another.

Let me give an example of the energy "dominoes" at work:

For many years now, the Federal Power Commission has set the wellhead price of natural gas—and it has been set well below the marketplace value. Consequently, there has been an unnaturally increased demand for natural gas. But the price the consumers were paying for gas did not allow for a sufficient return to investors that would encourage them to look for new reserves. The result was predictable: A gas shortage was created.

Many electric utilities switched from coal to natural gas in the 1960's and 1970's, when it became apparent that nuclear power would not be available as scheduled, and that coal was being "outlawed" for its high-sulfur content. But when the prospects for curtailment of natural gas supplies arose, these same utilities turned first to residual oil and, later, to distillate for energy. Distillates are, of course, home heating oils and diesel fuels.

In fact, in 1967 the Nation's electric utilities used only 434,000 barrels of residual oil a day—at 42 gallons to the barrel—and 8,000 barrels of distillate. Just 5 years later, their demand for residual oil had risen to 1.2 billion barrels daily, and their use of distillate had risen to 186,000 barrels a day.

But the energy domino problem does not stop there.

To give you some idea of what this means, the amount of distillate used daily by electric utilities is equal to approximately 80 percent of distillate used by America's railroads each day; or about 41 percent of the distillate used by all the diesel trucks in the country daily; or 129 percent of the distillate used each day by farm equipment. And, as the public utilities use more distillate, less is available for other critical needs—needs which cannot be served by alternate fuels.

Once more, however, the problem of the energy dominoes does not stop there. To meet the rising demand for distillate fuels, the Nation's 250 refineries set new records in production, and we were able to get through the past winter with a minimal number of local shortages.

But the massive effort to produce distillate had an adverse effect on the production of gasoline. Even though America's refineries set a new record for gasoline production, too, during the first 4 months of this year, they simply could not keep up with growing demand by motorists. They had to draw upon already short stocks of gasoline. As a result, unless there is a general belt-tightening in the use of gasoline this summer, the 1973 vacation season will witness some gasoline shortages at the service station pumps. Another domino down.

I do not have to tell the few farmers in Marion County, or in the rest of Indiana for that matter, what a shortage of fuel might mean. And I do not have to tell a factory worker in Indianapolis what will happen if his employer is unable to get the fuel necessary to keep plant machinery running. But I do have to tell them—as my colleagues in Congress must tell their constituents—what we are doing to stop the energy dominoes from tumbling. And I do have to tell them what we must do to restore the energy dominoes that have toppled over.

There are a number of bills before Congress concerning the emergency allocation of fuels. These are designed to replace the voluntary system of fuels allocation presently being encouraged by the administration with a mandatory allotment system. For our part, we must give these bills careful study, and determine beforehand—to the extent possible—both their immediate and long-term effect, should they become law. Congress must act speedily but not hastily. It could be disastrous to delay action too long.

There are, however, a number of other actions which we should begin considering now to meet the energy problems of the near, medium, and long-term. To meet the immediate needs, for example.

First. The States must be encouraged to take full advantage of the flexibility built into the Clean Air Act of 1970. That act provides for a 2-year extension to States where necessary technology or alternatives are not available soon enough to permit compliance with the act. Moving too swiftly to enforce secondary standards will result in banning the use of millions of tons of coal. This, in turn, could cause an additional demand for as much as 1.6 million barrels of oil a day by 1985.

Second, At the same time, in the interest of both fuel savings and safety, we should consider ways by which we can encourage reducing speed on our superhighways. It is estimated that a reduction in highway speed from 60 to 50 miles per hour could result in as much as 11-percent fuel saving.

Third, The Congress must take steps to speed up efforts to complete and place on-stream nuclear power plants, taking into account, of course, environmental considerations.

Fourth. And Congress must lead the way in establishing programs to educate the American people in more efficient uses of energy—in business, government, agriculture, and homes.

As for actions we should take to help meet the energy demands of the next 10 years, the medium term, Congress must:

First. Do everything it can to encourage the development of our potential energy resources. And, for the next decade or decade and a half, that means encouraging the search for and development of new oil and natural gas reserves here in the United States—both on land and under our Outer Continental Shelf.

And, again, this must be done in a manner consistent with environmental requirements.

Second. We should move quickly with legislation to allow an increase in the field price of natural gas, so as to encourage additional investment in the high-risk search for this clean burning fuel and thereby help assure a continuing supply.

Third. We should act favorably on well conceived proposals to permit the construction of offshore terminal facilities essential to the accommodation of the very large tankers needed to transport more economically and with far less chance of pollution the huge volumes of oil this Nation will need to import to meet consumer demands in the coming years.

Fourth. And we should begin work immediately to develop a realistic pricing program that will balance the need to control inflation with the equally important need to encourage the development of sufficient domestic energy supplies.

Fifth. We should act immediately to determine the best method of delivering the oil resources on Alaska's North Slope to the increasingly oil-thirsty United States. In this connection, I have joined a number of my colleagues in sponsoring a bill—H.R. 8477—which would direct the Comptroller General to make a crash 6-month study to determine whether the Canadian or Alaskan pipeline is the best method of delivery. In arriving at a recommendation, the study would weigh equally national security, economic cost, and environmental factors. The study may show that over the long run we will need both lines to transport oil and gas from Alaska. One thing is certain, the country desperately needs the 10 billion barrels of oil and 26 trillion cubic feet of natural gas discovered there in 1968.

And for the long term—10 years or more from now, but which require a start today:

First. The Congress should support research and development programs into nonconventional energy sources—solar, oil shale, coal gasification, and all other possible sources—while encouraging and expediting private development of systems to convert synthetic fuels into oil and gas.

Second. And we should encourage the development of mass transit, because in many urban areas mass transit is clearly essential to the public good—as part of a balanced transportation system.

What has been suggested here is not a simple nor quick solution to our energy problems. There is no simplistic answer. It is going to take hard work. And it is going to take sacrifice.

Our country has reached its position in the world through a combination of unique American ingenuity and a seemingly endless quantity of "cheap" energy. At least, we thought it was cheap. But it is becoming increasingly obvious that we have not been paying the full cost of energy.

Today, with the available energy reserves running dangerously low, we are coming to realize that if there had been greater incentives to encourage the search and research needed for additional energy reserves—we might not be in our present predicament. No, it is going to take all of our ingenuity to get us back to a position of reasonably adequate domestic energy supplies.

But the mistakes of the past can be corrected. We can improve our energy supplies; we can develop new energy sources; and we can meet the national, social, and economic goals of this great country. But it is going to take the cooperation of industry, of government, and—most importantly—of the people of the United States.

We must modify some of our habits, consume energy more sparingly, and use the energy we have more efficiently. Congress must take the lead in making these goals a reality.

EULOGY FOR TOM BRAUN

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. SNYDER. Mr. Speaker, last Thursday, June 7, I inserted here in the RECORD a resolution praising Mayor Tom Braun of the city of Villa Hills, Ky. The people in our area were truly sorry to see Tom's selfless public career cut short by his illness. Ironically, on that same day, Tom Braun died—a victim of cancer. Those who admired his dedication as a public servant admired even more his qualities as a man, as a human being.

We shall miss Tom.

Below appears the editorial eulogy for Tom which appeared in the Kentucky Post of June 9.

TOM BRAUN, MAYOR

Calm courage in hopeless circumstances is a quality men have admired in other men for centuries. The English call it the stiff upper lip. The armed forces reserve their highest awards for it.

Tom Braun, the mayor of Villa Hills, who died Thursday after a protracted battle with cancer, won't get any medals. He fought the disease that killed him with his strongest weapons, fortitude, faith and humor.

Braun, who was the first chief executive of this 10-year-old community refused to let his infirmity get in the way of city business. He missed only three council meetings and maintained his interest to the end.

He could make others, who were seriously concerned over his condition, laugh and thus relieve their pain, though he could not relieve his own.

One acquaintance had injured his leg and came limping up to Tom, who, by this time was confined to a wheel chair.

"Dammit," the mayor said, "I started something and now everyone wants to get into the act!"

No, Tom Braun won't get any medals for his nerve and determination; but a grateful community has found a way to express its love and gratitude to its mayor and friend.

The two knothole fields named for him will keep his memory alive as long as kids enjoy baseball in Villa Hills.

And among his many friends Tom Braun will be remembered as long as men admire other men who carry on in the face of personal adversity.

MANISTEE, MICH., DEPRIVED OF VITAL COAST GUARD SERVICES

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. VANDER JAGT. Mr. Speaker, in my judgment the Coast Guard has made a serious misjudgment in disestablishing its Manistee, Mich., Station and others on the Great Lakes, as an economy measure. The Manistee station has increased rather than decreased in importance throughout the last decade. Many thousands of recreational boaters and sport fishermen use this port throughout a steadily lengthening boating season. Coast Guard resources on Lake Michigan generally were already inadequate prior to these disestablishments, and I believe that the agency will be unable to fulfill its responsibility of assuring the safety of the boating public if the cuts are sustained.

Despite my repeated objections, the closing of the Manistee Station also has resulted in the deactivation of the fog signal at that port. In the event of sudden fog such as arises rather commonly on the lake, boaters will be without directional guidance. The Coast Guard has indicated to me that consideration is being given to reactivation of the fog signal, but I urge the agency once again to reconsider the station closing and fog signal deactivation. The potential for a boating tragedy in these waters is extremely disturbing.

The June 1973 issue of Michigan Out-of-Doors, the monthly journal of the Michigan United Conservation Clubs, contains an article by associate editor Bill Gardiner which describes a recent episode on Lake Michigan involving inadequate Coast Guard protection. A 25-foot cruiser was heading north from South Haven to its home port of Frankfort when it struck a portion of a 2 by 4 log, penetrating the hull and causing severe leaking. The persons on board, not knowing that the Manistee Station had been closed, tried to reach it by radio. They received no response from Manistee or other stations in the vicinity, namely the Ludington and Frankfort stations which the Coast Guard claims will be able to meet the needs in this region. Finally their call was picked up by the Sturgeon Bay, Wis., Coast Guard station, which in turn notified the Ludington and Frankfort stations of the emergency. Three hours later, at about 10:30 p.m. on a darkened Lake Michigan, the first rescue boat arrived. However, its pumps could not be started. Fortunately the second rescue boat arrived soon thereafter, and its pump was in working order. A rescue helicopter which had been dispatched to the scene arrived during the pumping operation, but had to leave almost immediately because of low fuel. Finally, after considerable confusion, the vessel was towed to port, arriving in Manistee at about midnight.

Because of the timeliness of this report, I include it in the RECORD at this point. Mr. Speaker, I have urged the

Appropritaions Committee to provide funds for the reopening of the Manistee Station and other vital Great Lakes Coast Guard facilities. I have also suggested an alternative source of savings in the Coast Guard budget that would more than offset this essential public service. I renew my request for a responsive action on the part of the Coast Guard. The article follows:

OUTDOOR OUTLOOK

(By Bill Gardiner)

If you get into trouble while boating on the Great Lakes, to whom do you turn for assistance?

In the past it's been the U.S. Coast Guard, but recent developments have left a big void in the service they can provide to aid boaters in trouble on these big waters in the future.

This year six Michigan stations have been closed—Keweenaw, Beaver Island, Harbor Beach, Munising, South Haven and Manistee. Money seems to be the prime reason for the cutbacks.

What might well be a prelude to what will happen in the future because of this void in services, happened just last month when a boat, on which I had been fishing out of South Haven, ran into trouble while returning to its home port of Frankfort. And although no lives or property were lost, it was only because of luck.

Mike Bradley, captain of the Sea Joy, a 25-foot Chris Craft cruiser out of Frankfort, had piloted his boat to South Haven to take part in the annual "Fishing Safari" put on by charter captains and the South Haven Chamber of Commerce for members of the news media and the sport fishing industry. Following the activities he set out with companion Del Parsons, who was skippering his boat "The Tadpolly," for the run up the coast.

Bradley was approaching Manistee, about three miles off shore in choppy water, when the boat broke over a wave and struck a floating object—he now believes it was a piece of 2 x 4—in the water. The force of the impact knocked a hole in the plywood hull of his boat and it began taking water.

Bradley and Alex Kozma of Crystal Lake, who was making the trip with Bradley, immediately started the bilge pumps and then put out a call to the Manistee Coast Guard. Of course, neither was aware that the station had been closed.

They finally received an answer from the station at Sturgeon Bay, Wis. that it would notify the stations at Ludington and Frankfort. Both stations dispatched craft to the aid of the crippled boat and a helicopter was sent to the scene. The time was about 7:30 p.m.

About 45 minutes later, as the Sea Joy limped toward Manistee, enough water had come through the hole to drown the engine. Bradley then called The Tadpolly over and was taken in tow.

While the bilge pumps were working at full force off the battery, they could not keep up with the inrushing water that was getting deeper in the bottom of the boat as time went by. But at 8:15 p.m., while still a half mile south of Manistee and about 200 yards off shore, the engines in Parsons' boat, a 30-foot Chris Craft, fouled and quit. This left the two boats adrift. To stop from crashing in on the beach both boats anchored.

They waited from 8:15 to 10:30 p.m. until the first Coast Guard boat arrived. However, the Ludington boat couldn't start the engine on its emergency pump. The Frankfort boat arrived five minutes later and its pumps did work.

After pumping the Sea Joy, it was taken in tow by the Ludington boat. They were about half way to Manistee before Bradley finally got their attention and informed them that they had left The Tadpolly behind. The Frankfort boat then returned and took it in tow. Oh yes, the helicopter arrived on the scene during the pumpout process, but had to return immediately because it was running low on fuel.

It was midnight before the Sea Joy was finally lifted out of the water at Solberg's Boat Yard in Manistee. All was safe, the boats, skippers, crew and all.

But the question is, what is a life worth?

The Coast Guard doesn't think it's worth $208,000. That's the amount it took to operate the South Haven and Manistee stations last year—areas where thousands of boaters flock during the spring, summer and fall to fish for coho, chinook, brown, steelhead and lake trout.

It appears that if any boater gets into trouble out of these ports—there were 275 search and rescue requests during the last three years at both stations, 129 at Manistee and 146 at South Haven—they'll just have to tough it out until a boat from further away can come to their rescue. That is, if they can wait that long. Bradley and Parsons were lucky. I sure hope the next ones in trouble are just as lucky.

POST CARD REGISTRATION BILL

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. FRENZEL. Mr. Speaker, the Senate has passed S. 352, the post card registration bill. I commend that body's interest in increasing voter opportunity and participation but, in my judgment, the Senate hearings were insufficient to develop reasonable information on this complicated subject.

The House Elections Subcommittee will hold hearings on this issue on June 27 and 28. I certainly hope that the House will not commit the same error that the Senate did; that is, to embrace an appealing idea without careful scrutiny.

Specifically, Mr. Speaker, the Senate committee heard mostly from people who do not supervise registration procedures. The Senate committee's long list of witnesses contained only three people who are active in State and local registration affairs.

I did not see any predictions on the percentage of people who might be attracted to register and vote under the post card system. There seemed to be no consideration of alternative systems, such as mobile deputy registrars, which might be more effective than a post card system.

Proponents on the Senate side did not seem terribly interested in the cost of the programs, yet sources within the Department of Commerce, which is saddled against its will with some of the administration of such a program, have hinted at costs of up to $500 million. There was no cost estimate for monitoring the system against possible violations. There was little mention of fraud possibilities and procedures to defend against fraud.

In short, Mr. Speaker, the Senate may have a good idea, but it certainly did not look into the problem very closely. We should compensate for that mistake, and give this subject the closest possible scrutiny. Particularly we should hear from those local officials who must administer the program proposed for them. We do not need to hear from Governors; we need to hear from county auditors, from secretaries of state who carry registration responsibilities, and most of all from the municipal clerks who actually do the work. In addition, we should insist that the GAO furnish studies of voter and registration fraud which it is either conducting or contemplating.

Mr. Speaker, every Member of this Congress wants to be sure that our systems allow the greatest number of Americans to participate by voting in our processes of government. We all want to remove registration and voting barriers. However, we do not want to adopt programs that merely sound attractive. The Senate has given us a good example of how not to proceed on this subject. I hope we will observe the usual House style instead.

LEE HAMILTON'S JUNE 13, 1973, WASHINGTON REPORT CONCERNING THE NATION'S HEALTH CARE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include my June 13, 1973, Washington report concerning the Nation's health care:

CONGRESSMAN LEE HAMILTON'S WASHINGTON REPORT

Few problems of social policy are more difficult than the appropriate federal role in providing quality health care for a nation of 210 million.

At present the federal role in health care primarily involves helping the poor obtain medical services, distributing medical resources evenly, and checking the current rise in medical care prices.

Medicaid, the federal government's major program to improve access to medical care for the poor, Medicare, the government's largest health care effort, and private health insurance cover a substantial part of the nation's medical bills. However it is still true that one's health and his chances of getting good medical care in this country depend more than we would wish on who he is, how much he has, and where he lives.

In reference to the uneven availability of medical resources in the United States, the federal government has initiated several programs to improve the distribution of medical manpower by awarding federal contracts to areas short in medical resources, making available scholarships for students who agree to serve in manpower-short areas, encouraging medical schools to admit students from low-income backgrounds, and providing health professionals directly to shortage areas.

The federal government is also working to put the lid on the rising cost of health care through price controls. However, the feasibility of controls is open to serious question because of the gargantuan machinery necessary to enforce them, and because the controls can be easily bypassed.

Even with these efforts, the health care system in the United States is showing signs of stress with spiraling costs, short resources and heavy demand. It appears to be on the brink of fundamental change, and it seems that alterations are inevitable.

One proposal before the Congress would encourage the growth of Health Maintenance Organizations (HMO's), health care groups which agree to provide comprehensive medical services for a defined population in exchange for a fixed annual payment for each member. The President supports this concept, and both houses of Congress have passed HMO bills.

Theoretically, at least, HMO's should have a beneficial cost-reducing effect since there is an incentive for an HMO to prevent illness and keep its members healthy. HMO's would increase competition, and they can lower costs by pooling resources and using manpower more efficiently.

However, our experience with HMO's is limited and we should not draw quick conclusions. One of the more serious problems HMO's present is whether they contain incentives to downgrade the quality of remedial care, since they can increase their income by reducing the quality of the treatment of illness. With the President supporting legislation to encourage HMO's, and both houses of Congress having already approved such legislation, it is likely that this new approach to the delivery of medical care will be tried at least in an experimental way.

National health insurance is a second major proposal before the Congress. The President proposes a legally specified minimum package of insurance benefits which all employers would be required to provide their employees, and a federally financed health insurance program for those not employed and not able to afford coverage on their own. A second major approach, the Kennedy-Griffith health insurance proposal, would provide universal and relatively comprehensive coverage for all Americans, financed with payroll taxes and federal treasury funds and administered by the government.

Other approaches include catastrophic illness insurance, and a plan to extend income tax credits to individuals for the purchase of private health insurance, in conjunction with government paid insurance premiums for the poor.

A consensus among Americans as to what kind of health care system is best simply does not exist at this time, especially on the major issues of health insurance. There is a genuine concern that the federal government must provide real remedies to present weaknesses in the health care system without locking the system into patterns and costs that might turn out to be no better than what we already have.

In my view, the central task of federal health insurance is to center on two groups: the poor, who cannot afford to meet even the normal costs of adequate health care, and middle income families, who can handle normal medical bills but face severe financial crisis if they incur abnormally high medical expenses.

Any health care financing system we adopt should be within our ability to pay for it, must insure that no citizen who needs medical care is denied access to it because of high costs, and should provide checks on the escalation of the price of health care and excessive use of services.

HONOR AMERICA

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. PATTEN. Mr. Speaker, tomorrow, the people of our Nation shall celebrate, once again, Flag Day. Soon, we shall enjoy Independence Day. Certainly, we recognize these holidays every year; however, this year will be something special. This year we celebrate with the knowledge that for the first time in the past decade, we can enjoy July 4 and Flag Day during peacetime, and I urge every citizen to honor America during a 21-day salute to the flag by appreciating the blessings of freedom.

Our flag is the symbol of our freedom as a Nation, and we should be proud of what it stands for—the freedoms that inspire us. Over 32 years ago, President Franklin D. Roosevelt expressed them as the free nations of the world were fighting not only for freedom, but for survival against unbelievable tyranny. Freedom of speech and expression. Freedom of worship. Freedom from want. Freedom from fear. These four freedoms still endure, and always will.

Under the American way of life, every person has the right to make his own decision. Imagine what kind of life it would be if you could not choose your job; if you could not strike, or quit; if you could not decide for yourself where to live, or even more important, where to worship.

Of course, we still face problems—some of which are very serious. Yet, progress is always being made, even though problems remain. But our greatest legacy is hope, and the goal that every real patriot strives and works for is a goal we will reach someday—the goal of "liberty and justice for all." I know we will reach it some day, because man's love for freedom is the greatest love of all.

IMPROVEMENT OF CONDITIONS AT SCHOOLS FOR THE MENTALLY RETARDED

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. BIAGGI. Mr. Speaker, last year I visited several schools for the mentally retarded in New York, including the Willowbrook State School, to focus public attention on the deplorable conditions existing in those institutions. In October of last year, a Federal team, empaneled at my request, issued their report on the terrible conditions thus reinforcing my own findings. The New York State Supreme Court recently issued a decision in the case I filed on behalf of one of the patients at Willowbrook. That decision ordered the State to provide adequate care and treatment for the patients at the school.

And just yesterday, a report was issued by the New York State Controller Arthur Levitt calling for improvement of conditions at the Willowbrook State School.

The facts are known. We have seen the dreadful neglect, the cramped conditions, the lack of trained help at these institutions. Over and over again public panels and public agencies spotlight the deplorable treatment of the mentally ill and retarded.

It is about time that something positive was done to improve the situation permanently, rather than spending more money and more time investigating over and over the same problems we already know exist.

It is about time that State agencies begin to work together to effect an immediate and noticeable change for the better at our mental institutions. Over a year has gone by since I first went to Willowbrook and despite the public outcry then and since, little if anything has been done.

Since the Federal Government provides large portions of the funds for State mental health programs, it is about time it took an active role in forcing the States to meet basic standards for the care and treatment of the mentally ill and retarded.

To focus attention on the latest of these reports on conditions in New York's mental institutions, I am including in the RECORD at the end of my remarks the article from today's New York Times describing the findings of the New York State controller. I would remind my colleagues that the conditions described here are not unique to either Willowbrook or New York State's other mental institutions. These same inhuman conditions can be found in virtually every mental health facility in the United States.

The article follows:

LEVITT SAYS WILLOWBROOK NEEDS AN OVERHAUL OF ITS PRACTICES

(By Alphonso A. Narvaez)

State Comptroller Arthur Levitt reported yesterday that long-term improvement in living conditions for patients at the Willowbrook State School for mental defectives would require "both a long and short-range overhaul of administrative practices and continued monitoring of progress by the Department of Mental Hygiene."

In a report of an audit of Building 20, a dormitory at the Staten Island facility that the Controller described as a "microcosm of all that is wrong" at the institution, he noted that there was a great need for supervision of employes. He said that during surprise visits in July and August last year some wards were found to be unattended and one employe was seen reading a newspaper while another was asleep.

LACK OF ORGANIZATION

The Controller noted that during one visit patients in an entire ward were found nude because of an asserted lack of clothing, although in another ward there were four bags of pants that were not being used. He added that while conditions improved somewhat at the time an audit team made frequent visits to the institution to identify and correct conditions in one of the 27 dormitories, a visit a month later showed that "signs of adverse hygienic conditions had started to reappear and there was evidence of retrogression in the building's rehabilitation."

The report said that the building's supervisor remained in his office most of the time and that "his evident lack of organization and inability to properly supervise the employes contributed to the ineffective performance."

The audit team also found the following:

Written assignments were not given to the employes, and employe productivity was questionable.

Unauthorized leaves and lateness on the part of employes was a continuing problem, placing additional burdens on other employes and lessening service to the patients.

The general absence of discipline for these

occurrences further aggravated the conditions, the report said.

Fire and safety laws were not being adhered to with the door to the fire equipment jammed shut and keys to locked doors not readily available, three blind patients were housed in a second-floor ward of the building and one of them fell out an open second-story window injuring himself. The window had been unscreened for washing.

Thirty-four windows were broken, five toilet bowls were missing, and controls on sinks and water fountains were broken.

The laundry system was "greatly disorganized," the report said, and "while employe indifference and poor supervision were major reasons for many patients not being dressed in Building 20, we identified * * * unorganized laundry distribution-collection system which contributed to the problem."

INSPECTIONS HELPED

The report noted that because of increased visits and inspections of the particular building "we saw a vast improvement in the condition of the building and the care of residents."

An official at Willowbrook said that conditions had been "drastically improved, I hope" since the audit team visited the school.

Harry Eliazarian, deputy director for institutional administration, said that the number of patients in building 20 had been reduced from 251 at the time of the audit to 212—still above the 188-patient capacity of the building—and that the number of patients in the entire facility had been sharply cut.

He added that employes were being more closely supervised.

RONALD VANDIVER IS HONORED FOR JOURNALISM ACCOMPLISHMENTS

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. CARTER. Mr. Speaker, I have the distinct pleasure to share with my colleagues in the House an article on Mr. Ronald Vandiver, which appeared in the Lincoln County, Ky., Post for May 8, 1973.

I commend young Ronald for his fine record of accomplishment. His ability is in great demand in this age of technology, when the call for a diversity of talent rings clearer day by day:

RONALD VANDIVER IS HONORED FOR JOURNALISM ACCOMPLISHMENTS

The Sigma Delta Chi "award of merit" was given to Ronald Vandiver for his accomplishments in journalism as business manager of the University of Kentucky Yearbook, the "Kentuckian". The award was presented April 3 at a banquet at the Springs Motel sponsored by the Department of Journalism and the undergraduate chapter of Sigma Delta Chi.

Vandiver attended Sue Bennett College where he was editor of the college newspaper. A graduate of Crab Orchard High School, he was sports editor of the school newspaper.

At the University of Kentucky Vandiver worked on the school newspaper, the "Kentucky Kernel", as an advertising representative before becoming business manager of the "Kentuckian".

After graduation, Vandiver plans to work in an advertising division of John Deere in Moline, Illinois.

Vandiver is the son of James and Madise Vandiver of Crab Orchard.

TAYLOR WHITE

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. BURTON. Mr. Speaker, after 33 years of distinguished service with the San Francisco Post Office, Taylor White, a fine man and a devoted public servant, will retire.

Taylor White has served as administrative assistant to Postmaster Lim P. Lee and chief, Employee Services, Office of Personnel in San Francisco.

Taylor White will be honored by his colleagues in the Postal Service and by those he has diligently served in various capacities in community service programs at a party in his honor on July 7, 1973.

Taylor White has been a dedicated employee of the Postal Service and a compassionate and concerned human being. I should like to add my personal commendation for his outstanding job and my best wishes for him and for his family in the years ahead.

Postmaster Lim P. Lee will present him with a commendation which I would like to place in the RECORD and share with my colleagues:

COMMENDATION FOR TAYLOR WHITE

You entered the Postal Service November 16, 1940.

Concern for your fellowmen has never been shown to a higher degree than when you participated in what was the first Manpower Development Training Act (MDTA) Program developed in the San Francisco Post Office. You helped to nuture this program and assisted in its growth until it became a strong viable program. Your cooperation with the Department and other offices was instrumental in the introduction of additional programs: the Concentrated Employment Program (C.E.P.) and the Job Opportunity Program (J.O.P.). All these programs were structured to give employment to those in need. Your dedication, personal sacrifice and many volunteer hours devoted to your fellowmen greatly encouraged them to qualify for reliable, gainful employment.

You were selected by Regional Director, Mr. Ken Dyal, to serve as Equal Employment Opportunity Counselor because of your concern for the equality of all people. You acted as a focal point to assist in identifying and solving many problems related to equal employment in the San Francisco Post Office for all minority groups. You resolved many complaints of discrimination and other problems within the area of your assignment. You continue to devote much of your time to the Equal Employment Opportunity program by acting as the liaison for committees and other interested groups.

You have worked long and hard to help develop meaningful programs within the San Francisco Post Office; programs that have proven successful and are now operational nationally. Another such program is the Program for Alcoholic Recovery which started as a pilot program in the San Francisco office. You were appointed by Postmaster Lim P. Lee, to co-ordinate the pilot project. The program was a success and you were called on by the Post Office Department to assist in establishing P.A.R. in many Post Offices throughout the county such as Boston, Mass., Chicago Ill., Cleveland Ohio, to name a few.

Because of success of the program in San Francisco, the Post Office Department decided other programs were advantageous to them; the unemployed school dropout and others that qualified under an educational work program were a valid approach to the growing problems of youth. Department Team Members interviewed you and gathered facts you had collected to assist them in developing the program.

On Jan 6, 1970, you were called back to Washington DC. to the press conference where Postmaster General Blount announced the establishment of the Postal Academy in six cities; San Francisco being one of them.

You were appointed coordinator by the Postmaster, Lim P. Lee, of this program along with the other programs to which you were dedicated.

You have received many awards and commendations in your years as a servant of the people.

PROPOSED AMENDMENTS TO H.R. 8619—THE AGRICULTURE-ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATION BILL, 1974

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. DINGELL. Mr. Speaker, on Friday we are scheduled to consider H.R. 8619, the "agriculture-environmental and consumer protection appropriation bill, 1974." Title III of this bill provides funds for the Council on Environmental Quality and the Environmental Protection Agency.

At the outset, I want to say that the Appropriations Committee has done an outstanding job in carefully reviewing and, in proper places, pruning the budget of these agencies. For example, I fully concur with the committee's view, expressed in its report—an advance copy of which was generously provided to me by my distinguished and able colleague from Mississippi (Mr. WHITTEN)—that EPA's priorities appear muddled when it scrimps on the solid waste, water quality, and Great Lakes programs, but wants to spend over $6 million in fiscal year 1974 for a bloated staff of 133 people in public affairs. This is nearly three times the sum appropriated for this function last year. The committee states that "too much emphasis may be placed on promoting the image of the agency and not enough attention paid to the function of informing the public," and recommends a $2 million cut from EPA's public affairs budget request, in order "to provide for a smaller, more effective staff." This cut will still enable EPA to issue such worthwhile documents as EPA's "Citizens' Bulletin" and "Citizen Suits Under the Clean Air Act," and to inform the public.

But there are several matters which give me great concern.

First, the committee has, quite properly, recommended an appropriation of $5 million for the preparation by EPA of environmental impact statements. The committee's report states that this includes a sum of $250,000 to hire 14 more persons to help other agencies, such as the Corps of Engineers, the Soil Conservation Service, and TVA, in the planning stages of various environmentally sound projects. But I find, first,

that, in one respect, the bill does not go as far as the committee wants and, therefore, does not achieve the committee's very worthwhile purpose, and second, that, in another, it goes well beyond existing statutes by adding a new duty not now authorized or required by law.

Let me discuss my first objection. The committee states that, with this increase and new "procedure," the committee "would expect" EPA "to reduce the formal review process—of impact statements prepared, not by EPA, but by other agencies—from months down to days." I respectfully disagree.

The plain language of the bill specifies that all of the $5 million shall be available "for the preparation" only of environmental impact statements by EPA. None of this sum is available for EPA's "review" of the statements of other Federal agencies. I think it should be. Indeed, I think more should be available for this purpose, because I share the committee's view that EPA, in carrying out its statutory responsibility under NEPA and section 309(a) of the Clean Air Act of reviewing such statements, may be taking too long and may unwittingly be undermining NEPA. My subcommittee is currently conducting an investigation into this very problem. My suggested amendments which is set forth below should remedy this and achieve the committee's purpose, although it does not provide any more money than that provided by the committee.

Turning now to my second objection, the bill adds a new duty to EPA's long list of responsibilities—a duty which is not now authorized by any act of Congress. Under the reported bill, EPA, in addition to preparing an impact statement, must also prepare another "statement" setting forth the economic and technical "considerations" associated with the proposed action as specified in section 102(2)(B) of NEPA.

But let us look at section 102(2)(B) of NEPA. It does not require such a separate statement, nor does it require that such "considerations" be "specified" in any such statement or in the impact statement itself. It merely directs that all Federal agencies shall—

(B) identify and develop methods and procedures in consultation with the Council on Environmental Quality established by title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

Thus, Congress, by this section, now requires that all agencies give, as they should, the same treatment to "unquantified environmental amenities and values—in decisionmaking" as they do to "economic and technical considerations." The committee's amendment would not only require a new statement, but would also change NEPA and give a higher priority to "economic and technical" considerations than to "environmental" amenities and values. This is not for the Appropriations Committee to decide. It is under the jurisdiction of our committee.

We intend to offer an amendment to meet the above two objections.

My amendment is as follows:

Strike on page 31 beginning on line 4 through 12, inclusive, of the Committee reported bill, and substitute therein the following:

For an amount to provide for the preparation of Environmental Impact Statements, as required by section 102(2)(C) of the National Environmental Policy Act of 1969, on all proposed actions by the Environmental Protection Agency, and for the review of such statements of other agencies, as required by such Act and by section 309(a) of the Clean Air Act, as amended, $5,000,000.

Second, I am concerned about two new legislative provisions in the bill.

One would appropriate $5 million to EPA and direct that this sum be used by EPA to enter into a contract with the National Academy of Sciences for the NAS to study and evaluate EPA, its programs, accomplishments, and failures. The committee's report concludes that the NAS should conduct this study, because the NAS "has a reputation for technical competence and complete objectivity." The report then proceeds to list the items that the NAS must study, such as the "degree to which environmental regulations" mandated by Congress "have contributed or will contribute to" the energy crisis, and the "benefits and hazards to humans" of pesticides. EPA then must provide "periodic reports" on the progress of the NAS study.

This is legislative oversight which is the responsibility of the Congress, not the NAS. It will lead to obvious conflicts and jealousies between these two agencies which must deal with each other almost daily on other matters. Can you imagine EPA, which must oversee the contract, being objective in providing reports prepared by NAS that are critical of EPA? Can you imagine that the NAS will be objective when its criticism of EPA may hurt its chances for getting a much desired EPA grant or contract? I cannot. Incidentally, NAS now holds nine EPA contracts totalling several millions. Such a study is bound to be a whitewash. It is a waste of money. I urge its rejection.

We intend to offer the following amendment:

Strike on page 32, beginning on line 20 through line 2, inclusive, on page 33.

I also object to the proviso on page 33 of the bill. The bill authorizes transfers of not more than 7 percent of one appropriation to another, but the proviso would specify that this normal transfer authority "shall not be available" to EPA "to comply with or enforce any" congressionally established "deadline or due date."

In explaining this discriminatory provision, the committee contends that "many" of these statutory deadlines are "arbitrary" and are "forcing" EPA to "make unsound decisions or to take ill-conceived actions."

I do not share the committee's view that the congressional deadlines are "arbitrary." Nor do I agree that they have caused EPA to make "unsound" decisions. The deadlines merely required action. The deadlines do not preclude EPA from exercising its discretion and authority responsibly.

Congress voted for these deadlines because of years of frustration over the lax administration of the Clean Air Act and the Federal Water Pollution Control Act. We had passed these laws in the fifties and sixties with open-ended mandates to abate and control pollution. By the seventies, it was obvious that little had been achieved and the public was aroused. We have now substantially revised these laws and set deadlines. For the first time, we are getting action. If we are not satisfied with that action, then we should change the law. But do not preclude EPA from using available funds to carry out the mandates of Congress.

Moreover this proviso is discriminatory. For example, it would allow EPA to transfer up to 7 percent of its appropriations for the solid wastes program to its public affairs office for any publicity gimmick, not authorized by Congress, to promote the agency's image. But it does not allow the same latitude to EPA to carry out the mandates established by Congress.

Again, if you disagree with the deadlines, change them. But do not give the executive branch a chance to seize upon and use our failure to provide funds as an excuse to the Congress, the courts, and the public for failing to comply with these deadlines. We urge that this proviso be deleted.

My amendment is:

On page 33, line 14, change the colon to a period, and strike all thereafter through the period on line 17.

My colleagues, Representatives, and I urge your support for these amendments.

RANGEL INTRODUCES "THE CHEMICAL WARFARE PREVENTION ACT OF 1973" AND "THE HERBICIDE EXPORT CONTROL ACT OF 1973"

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. RANGEL. Mr. Speaker, with optimism and a great deal of hope, I have recently submitted two pieces of legislation designed to limit the exportation and ultimate use of chemicals in warfare.

The Chemical Warfare Prevention Act of 1973 that I have introduced with 18 cosponsors will ban the exportation of all herbicides to Portugal and the Republic of South Africa. These two nations are presently using herbicides purchased from the United States in the perpetration of chemical warfare against citizens in Angola and Mozambique.

The Herbicide Export Control Act of 1973, with 19 cosponsors, will halt all exportation of 2,4,5-T herbicide, a substance with little agricultural value and devastating potential for destruction.

Warfare is, obviously, a brutal and hideous experience. But when weapons, such as herbicides, are employed that destroy not only the enemy but also the land, the air and children as yet unborn, then it is time to put an end, now and forever, to the use of these weapons.

It is in this light that I place faith in my colleagues to see to it that these dangerous and deadly chemicals are con-

trolled. It is to this goal that my proposals are aimed.

FRANCIS SCOTT KEY AND A TRUMAN ANECDOTE

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. BYRON. Mr. Speaker, recently Judge Edward S. Delaplaine, one of western Maryland's most distinguished citizens and historians, wrote an article in the Frederick News concerning President Truman and Francis Scott Key. It is an interesting historical anecdote that I would like to share with my colleagues. The article follows:

EARLY TRUMAN QUOTE OF HERODOTUS DISPROVED BY FRANCIS SCOTT KEY

(By Judge Edward S. Delaplaine)

It was at the meeting of the Maryland Historical Society in Baltimore on March 27, 1945 that I met Harry S. Truman, then Vice President of the United States.

Senator George L. Radcliffe, President of the Society, who had been a colleague of Truman in the Senate for ten years, had invited him to speak at the Maryland Day meeting of the Society.

Vice President Truman took as the subject of his address "Maryland and Tolerance." At the outset he said, "The Free State of Maryland has a glorious history, which must be carefully preserved to inspire other Americans to revere the past and to face boldly the future. Of all the Thirteen Original States, Maryland stood out as a real champion of tolerance and freedom."

Mr. Truman was speaking only sixteen days before he would be called upon to assume the office of President. Mr. Truman read his speech in a low voice. When about halfway through it, he took occasion to quote Herodotus as saying in effect that, "the man and the event hardly ever arrive at the same place at the same time, but a good historian always takes care of that discrepancy."

I was intrigued by his quotation because of the fact that it certainly did not apply to Francis Scott Key and the amazing concatenation of events that resulted in the writing of the "Star Spangled Banner." I was especially interested in it because just at that time I was preparing an address on that subject, "Francis Scott Key and the National Anthem."

It seemed strange to me that the question which fascinated me more than any other part of the Vice President's speech did not appear in the formal text of the speech. Moreover, it seemed doubly strange that I was unable to find the quotation in any book of proverbs in my library.

Accordingly, less than 48 hours after I heard the Vice President's address I sent him a letter asking if he would give me the exact words attributed to the Greek historian as I wanted to be sure of quoting the historian and the Vice President correctly.

The Vice President replied promptly. On April 2, 1945 he wrote me as follows:

"In regard to the quotation attributed to Herodotus, he is said to have made the statement that the man and the event hardly ever arrive at the same place at the same time, but that a good historian always took care of that discrepancy. As you know, Herodotus was not particularly noted for his accuracy or his facts, but a lot of his stories are most interesting reading."

The address I was writing on "Francis Scott Key and the National Anthem" was scheduled to be delivered at a banquet of the Columbia Historical Society in the ballroom of the Mayflower Hotel, Thursday evening, April 12, 1945. I arrived in Washington at about noon on that day. A few minutes later I was greeted by a friend from Frederick, Mrs. Mary Snyder Beatty, who told me that she had just heard a report that President Roosevelt was dead. Several minutes later a man with newspaper extras announced the death of the President at Warm Springs, Georgia.

Death had come to one of the world's most famous men. The Nation's Capital was gripped in mourning. While a number of meetings in the city were called off, the tickets for the banquet of the Columbia Historical Society had all been sold, and inasmuch as the program was of a patriotic nature, it was decided to proceed with the event.

It was just about the time of the banquet when Harry S Truman came to the White House to take the oath of office as President, and within an hour or two I was introduced for my address. In closing my address I used the following words:

"While there may be objections to the American anthem from time to time for one reason or another, the fact remains that it has symbolized the aspirations of the people for freedom, and the lawyer from Georgetown (Francis Scott Key) played an important part in welding the patriotic spirit. Several weeks ago, in an address before the Maryland Historical Society in Baltimore, Vice President Harry S Truman, who has just taken the oath of office as President of the United States, attributed to Herodotus the statement that "the man and the event hardly ever arrive at the same place at the same time, but a good historian always takes care of the discrepancy." But the statement attributed to Herodotus does not apply in the case of Francis Scott Key and the National Anthem."

After Mr. Truman had completed his service as President, I sent a copy of my address, and I mentioned that I was probably the first person to quote him in an address at any public meeting in the United States after he was sworn in as President.

YOUTH CONSERVATION CORPS

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. HANNA. Mr. Speaker, last week I joined several of my colleagues in cosponsoring H.R. 8434, a bill to expand and make permanent the Youth Conservation Corps. I have supported the YCC program since its beginning. It provides young people between the ages of 15 and 18 with an opportunity for meaningful summer employment. They work up to 3 months in caring for and improving our public lands. For some of these young people it is their first exposure to life outside an urban environment. For others, it is the beginning of a career devoted to protecting our natural resources.

The pilot YCC program has demonstrated its success. With little publicity, there were 120,000 inquiries for 3,300 openings last summer. It is apparent that this program appeals strongly to our young people. Plans to expand the program should go forward with all possible speed. I strongly urge my colleagues to support H.R. 8434.

"WE SHOULD NOT BE AFRAID OF CHANGE"

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. ROBISON of New York. Mr. Speaker, Gov. Nelson A. Rockefeller spoke at the National Governor's Conference held at Lake Tahoe, Nev., on June 4.

Governor Rockefeller spoke forthrightly, as is his custom, about change and the American reaction to it. His point, "we should not be afraid of change," is one that needs emphasis in a time where some people are beginning to despair because of a seeming lack of national capacity to deal with the changes that have already taken place.

With his characteristic vigor and determination, Governor Rockefeller has launched, with Presidential encouragement, a study to be conducted by a "National Commission on the Future of America."

The work of this Commission, along with the efforts of the National Commission on Water Quality, also headed by Governor Rockefeller, will surely make invaluable contributions to our national life. For that reason, I would like to share with the House excerpts from the remarks made by Governor Rockefeller at the National Governors Conference.

EXCERPTS OF REMARKS BY GOV. NELSON A. ROCKEFELLER

We live in a world of fantastic, accelerating change. The question is whether we will shape the forces of change—or be overwhelmed by them?

Frankly, we are not responding sufficiently to the changes altering our society. The institutions that we count on to fulfill human needs and human aspirations—whether governmental or private, whether domestic or international—have lagged behind the realities.

We have got to have the courage to accept that we are entering a new era in a world that is radically changing. We should not be afraid of change that is shaped to meet emerging needs.

This has been the tradition of our country. For instance, a major American turning point occurred in 1913, when the 16th Amendment was adopted—the Federal income tax. Some years later, the Depression came along, presenting the country with desperate human needs. We had a great President, an activist President, Franklin D. Roosevelt, who had bold and imaginative ideas for attacking the tragic problems of that period. The social initiatives of the New Deal, the human financial requirements of World War II, the booming post-war economy, and the fantastic capacity of the Federal income tax to generate revenues, all led to an enormous concentration of power and resources in Washington.

At the same time, a related social phenomenon was going on. It started over 100 years before, when the industrial revolution launched a migration of Americans from the farm to the city. A second wave occurred in our time with the industrialization of agri-

culture in the south and in tropical Caribbean islands, such as Puerto Rico. The result has been another influx into urban areas, this time of rural people with little education or training and few cultural advantages. At the same time, there has been an accelerating exodus of middle-class families from the city to the suburbs.

These forces have produced great shifts in the socio-economic structure of the United States. They have meant growing power and resources in Washington and they have meant growing problems in urban areas and, consequently, problems for our state and local governments.

The Federal government has tried to help ease these problems through a vast proliferation of Federal grant-in-aid programs. Today, there are over 1,000 of these categorical grant programs. But these grants require state and local governments enrich and improve their existing programs and put up additional funds to match the Federal grants regardless of the existing levels of these programs, or other more pressing local needs. In addition there are Legislative and Administrative regulations which further restrict state and local initiatives and flexibility. All of this has led to over-spending and increasing rigidity at all levels of government, and unfortunately less responsiveness to individual human needs. The net result has been that first local governments ran out of money, then state governments did, and now the Federal government is facing staggering deficits.

Along with these serious financial problems, we also face deep moral and social problems generated by rapid change. Welfare, for example, began as a compassionate effort to give relief to people out of work in the depths of the national depression. Today, welfare administration is so lax in certain areas that an unconscionable number of people are taking a free ride on the government and on the taxpayer. This situation is further contributing to the growing cynicism and disillusionment that people feel toward government. In New York State we have been trying to meet this problem with the appointment of an Inspector General of Welfare who has created a whole new climate in welfare administration—a climate favorable to the taxpayer and unhealthy for frauds.

Unfortunately at the same time a basic and indispensable institution in American life has fallen victim to change—namely our system of criminal justice. One of these changes is the widespread emergence of hard drug addiction—and the crime epidemic it has spawned. The courts are over-crowded with auto accident cases, housing violations and other cases growing out of the complexities of our modern society. As a result our criminal justice system is not coping effectively with their responsibilities to the people. The court calendars have become terribly overloaded. Clearing these calendars seems to take priority over meting out justice. Prosecutors bargain with defendants to plead guilty to a lesser charge in order to avoid hearings. But that's not genuine justice nor does it protect the innocent public from the criminals who prey on their lives and property. What we have is a revolving door justice system. The pushers, robbers and muggers are back on the street almost before the police officer is back on his beat. Of over 26,000 arrests for narcotics offenses in a recent year in New York City, only 418 resulted in actual prison terms.

In New York, we have committed over $1 billion to the treatment of addicts, but it didn't deter the pushers. So this year, I came out with a tough program to deter the pushing of hard drugs.

This is the kind of basic change I fought for this year and which the Legislature approved—despite enormous pressures on the lawmakers to dodge the problem.

The rush of technology is another force in this flood of change. It has had enormous impact on our physical environment.

In 1965 in New York State, we had a $1.5 billion Pure Waters Bond Issue. Last fall, another $1.15 billion Environmental Bond Issue was passed. But now due to a shortage of Federal funds the cleaning up of our waters is still moving slowly.

Another major problem that is rapidly emerging in this nation is a critical energy shortage. As an illustration, the United States is today importing 27 per cent of its oil needs, Japan 90 per cent, and Europe 56 per cent. The major source of oil imports is the Arab world.

This increasing dependence on imports and the vulnerability of the supply mean less control over our own destiny. It means continued foreign exchange problems. In fact, we face an estimated balance of payments deficit of $25 billion by 1985. And, it means growing international security problems.

Naturally the desirable solution to this growing energy crisis lies in developing new sources of fossil fuels at home and a greatly accelerated construction program of atomic power plants. Of course this involves an enormously complex and challenging reconciliation of our environmental goals with our energy needs. However, I feel both can be accomplished with imagination and patience.

All these problems resulting from the rapid rate of growth and change can be met by realistically facing all the facts and their implications, and then by reconciling the differences. In this way we can develop an intelligent course that reflects the best interests of all.

What we need is a clearer sense of national purpose based on the emerging realities of the world in which we live. For the past two years, in my annual messages to the State Legislature, I have discussed these problems and the need for radical changes in the structure, and the division of responsibilities within our Federal system. State funds were appropriated, and I set up a study group to determine where we as a state should be moving in this fast changing modern world.

Last year, President Nixon took an interest in this approach. Early this year, he asked if the state commission could be expanded into a national commission on the future of America in its third cnetury. I agreed.

I am now in the process of enlarging the scope of the commission. The commission will grapple with the future problems not only of America in the third century, but explore where the world is going—how we can work with people of the rest of the world in our best common interest.

The commission will:

1. Review the fundamental philosophical and moral considerations as to the nature of man and his institutions the impact of his natural and man-made environment and the development of goals to improve the quality of life of mankind.

2. It will project present trends in the United States and other major nations and areas of the world to the years 1976 and 1989. These projections would include political, economic, social and military developments and the problems they would create if nothing were done to shape these emerging forces.

3. The commission will evaluate the impact of these problems on our security and our political, economic and social life, and the Judeo-Christian moral and ethical values on which this country was founded.

4. In the light of these findings, it will be possible to develop alternative conceptual approaches necessary to deal with these emerging forces. From this we can develop a clearer sense of national purpose for the United States, both at home and abroad.

5. Within the framework of this clearer sense of national purpose, it will then be possible to develop new concepts relating to the structure of our Federal system and our domestic and international institutions.

6. Only then we as a nation make a realistic reappraisal and reshape specific policies and programs to make them more effective in meeting human needs.

All of these steps will be undertaken with the view of making the recommendations useful as soon as possible and with special reference to the 200th Anniversary of American Freedom in 1976 and 200th Anniversary of American Freedom in 1976 and 200th Anniversary of the United States Constitution in 1989.

What we Americans must do is build on our unique heritage—make it relevant to today's and tomorrow's realities—so that we can carry forward this magnificent 200-year experiment in human freedom dedicated to individual dignity and equality of opportunity for all into its third century.

There is one other National Study Commission which could have a major impact on our thinking and approach to the fundamental problems facing us at home. This is the National Commission on water quality which was established by the Congress in the Federal Water Pollution Control Act Amendments of 1972.

This calls for the creation of a 15-member Commission to undertake ". . . a full and complete investigation and study of all of the technological aspects of achieving and all aspects of the total economic, social, and environmental effects of achieving or not achieving the effluent limitations and goals set forth for 1983. . . ."

This bi-partisan Commission is composed of five Senators, five Representatives and five Presidential appointees. I am one of the Presidential appointees and was elected Chairman of the Commission.

We have 2½ years to make the studies and recommendations, and an authorization of $15 million for the work of the study.

This problem is of major importance to us as Governors because we are the ones who are supposed to carry out the goal set by Congress of the complete elimination of the discharge of all pollutants into any navigable waters by 1985, anywhere in the United States.

This Commission was created because Congress realized that, at present, the government is not organized to project and clearly foresee the full implications of legislation as far-reaching as this. We must therefore develop the methods and techniques to understand more fully the means of effectively dealing with emerging problems in the context of our overall responsibilities.

The Commission intends to develop a close working relationship with the states.

Following this meeting, I will write each Governor giving him background on the Commission and asking the Governor to designate a liaison officer with whom the Commission can work.

The states will be able to provide enormously valuable data and advice on which the Commission can base its decisions.

The Commission plans to hold hearings throughout the country and we hope that many Governors will appear.

At the Governors' Conference a year hence, we will be at a midway point in the study and it may be that we will have an interim report for the Governors.

LIVING IN NEW YORK

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. RANGEL. Mr. Speaker, in a recent newsletter to my constituents, I asked my fellow New Yorkers to express

to me the areas of public policy that most concerned and interested them. While the letters are still coming in, the area most expressed has been housing.

The housing situation in my home city of New York is indeed depressing, and the hope that many of us had that Federal subsidy housing programs would help to meet this problem has been crushed by President Nixon's freeze. The effect of the housing freeze in New York City is apparent from a recent New York Post article entitled "Housing: Money Is the Key."

[From the New York Post, May 10, 1973]

HOUSING: MONEY IS THE KEY

(By Joseph Kahn)

Q. What is the city's housing picture?

A. In a word, bleak, certainly for new construction.

Q. What are the facts?

A. This is the year of the big freeze and left out in the cold is 90 per cent of the city's population—our low and moderate-income families. According to Housing and Development Administrator Andrew Kerr, only 9000 units of new construction for low income families, will be underway this year and none thereafter because of the federal subsidy freeze. And with 15,000 units a year abandoned, another 13,000 demolished, there isn't much to cheer about.

On the other hand, for the middle and upper income wage-earners ($20,000 a year and over for a family of four, comprising 10 per cent of apartment dwellers) the housing supply is increasing substantially. Last year, 7000 fully private units and 20,000 under the city's partial tax exemption program were started and in the very near future there will be a surplus of such units.

There is another discouraging factor lower income groups must face. The state's almost two-year-old vacancy decontrol law, which decontrols an apartment when it is vacated, has snatched 144,000 units out of the rent range of poorer families. With rent increases on the average up 90 per cent, the city administration and tenant organizations have joined forces and are now attempting to get the Legislature to repeal the law.

Q. If new construction is a lost cause for the near future, what about rehabilitation?

A. Officials agree the major task is to maintain existing rent-controlled housing for lower income families and to work for a reversal of the federal freeze so the 35,000 units already approved by the federal government and in the pipeline can get built.

Despite mounting criticism of the Maximum Base Rent system, which gives a landlord who keeps his building in good shape a 7½ percent increase yearly until a computer-set increase is reached, Rent Commissioner Nathan Leventhal is convinced it is a sensible and feasible program and it will eventually work out to the advantage of both tenants and landlords.

There were 400,000 violations removed by landlords in order to qualify for raises under the MBR program. In addition, the city has expanded code enforcement, the emergency repair program, the housing repair and maintenance project, and has improved the complaint bureau. Last year, 500,000 violations were listed in response to almost 500,000 calls from tenants and many were corrected.

The City Council, under tenant pressure, is repealing MBR, but the measure will probably be challenged in the courts on the ground the action violates a state law forbidding local interference on rent control. The tenants claim that many landlords are not propertly maintaining their buildings with MBR funds allocated for the purpose.

The city also has broadened its receivership program, which allows a takeover of abandoned buildings where tenants remain and use rents for repairs and maintenance. There are 114 buildings in the program with another 200 expected this year.

In addition, the reorganized Municipal Loan rehabilitation program has been expanded and the city is now attempting to get banks and lending institutions to participate, both to increase the leverage of city money and to protect their own investments in various communities.

A new co-op conversion program which allows tenant-ownership of buildings in low or moderate income areas, is going ahead and looks very promising. Finally, the city is pushing legislation to enable speed-up of existing programs, including taking title to a building after one year of tax arrears instead of the present three years. Also, new bills would allow rehabilitation loans for one and two family homes (restricted to multiple dwellings now) and permit the conversion of unused ground-floor commercial space for apartment use.

Q. What's happening with Mitchell-Lama, the city's major tool for housing middle income families?

A. Last year new construction under the tax-abatement program reached an all-time high, with starts of over 6,400 units. Many of the projects had the federal Section 236 subsidy mortgages attached which cuts interest from about 7 per cent to 1 per cent, thus reducing rents from $90 a room a month to approximately $40.

But, with the federal freeze, it is unlikely there'll be much Section 236 money around.

Q. How are the existing projects doing?

A. Unfortunately, not too well. They are still the biggest bargain in town, but many of them are having money troubles and face rent increases. Operational and financing costs are going up and some buildings have fallen into arrears. Others are in the red because they are not collecting surcharges from residents over the income limits.

The HDA found in a survey of 300 tenants that 38 per cent were under-reporting their incomes. Surcharges are important because one-half goes into the building's operating fund and helps alleviate rent increases, The other half is used to subsidize elderly tenants.

To verify incomes, the HDA asked tenants for permission to automatically inspect their city tax returns, but a City Council bill last month said no. The agency, however, may continue to demand income verification on an individual basis, and, of course, may take legal and administrative action against housing companies which do not comply with surcharge regulations.

The city administration has proposed in its legislative package in Albany several benefits to Mitchell-Lama buildings: 1. Tenants whose incomes rise more than 50 per cent above admissions levels, now required to leave, be allowed to stay if they continue to pay proportionate surcharges. 2. Tenants be allowed to deduct, when computing gross income, all medical expenses above 3 per cent of gross income. 3. The age of eligibility for a subsidy be reduced from 65 to 62 and the maximum income requirement be cut to $4500 from $5000.

Q. Is there a chance of any money for housing coming into the city? What about revenue sharing and President Nixon's community development program?

A. The city has received about $300-million from revenue-sharing, but not a dime goes for housing. It has been allocated for capital projects. As for Nixon's community development block programs, even by his own schedule, they can only start by July 1, 1974.

Kerr says the funds, which will be below the total the city is now receiving under categorical grants can only be spent on acquiring land and not to build housing.

Most of the city's rehabilitation efforts come out of city monies, specifically from the city's debt incurring capacity and the capital budget. Involved primarily are the Municipal Loan, co-op conversion, and the Mini-Loan programs which are self-sustaining, and for this reason, the city can commit unlimited amounts of money.

Over the next few years, the city's rehabilitation programs will be aimed at selfsustaining projects. The city's Housing Development Corp. also has subtantial debt incurring capacity; however, it too cannot provide the interest subsidies necessary to build housing to serve the low and moderate income families.

The city also has proposed to the Legislature a local FHA-type mortgage insurance agency for rehabilitation in slum areas. An initial capital of $7.5 million would insure up to $450 million worth of mortgages.

Q. Can private builders do more?

A. Sure, but without subsidies, they can't rent what they build. They are overstocked with upper-income apartments and are playing a waiting game. But there are some who are doing something. The impetus has been the city's partial tax abatement program. To qualify, owners must rent new units at 15 percent below comparable market rents and put them under rent stabilization for 10 years. The city is seeking renewal of this legislation in Albany this year.

The city also has a new zoning provision which permits the construction of three-family houses instead of two-family ones. It is anticipated at least 10,000 units will be started in the next two years.

Q. Is relocation a problem?

A. Yes, and city housing officials say it has gotten worse under vacancy decontrol. But the need for relocation units will drop to some extent due to the federal freeze on subsidies for urban renewal developments which will have to be cancelled. This means instead of relocating families, the city will have to maintain the run-down buildings on the renewal sites.

At the same time, emergency relocation work continues for families who are forced to move because of fires and to make way for public improvements such as schools and police stations. Relocating large families is still very difficult, and will become worse as new public housing comes to a virtual halt.

Q. What can be done about the demolition of basically sound rehabilitable housing?

A. It is crucial that the city limit as much as possible the demolition of existing low and moderate income units. Last year in Manhattan, 4400 units were torn down for new construction, rehabilitation and conversion of units at higher rents. The city now closely scrutinizes requests for evictions to make sure there is no harassment of tenants and that the new construction is marketable. In cases where certificates of eviction were not granted, the courts have sustained the city.

Q. Will the new housing court help code enforcement?

A. Yes, even with several defects in the law, by taking housing violations out of the Criminal Court, it is expected the backlog of 700,000 violations will be disposed of faster and with better results. In the past, landlords were only fined about $13 per case on the average after months of delay. Now, fines can go up to $100 per violation for each day it exists.

The city's housing officials also point out that state funding is inadequate to provide for cyclical inspections of buildings. Instead of providing 50 per cent of enforcement cost, the state is only contributing one-third.

Q. Is there no solution to the housing crisis? What can be done?

A. The key to decent living quarters is money. Everybody knows it, but the question is where is it to come from. HDA head Andrew Kerr says the money is in Washington, but it is not being used for housing!

"The Federal Housing and Urban Development budget was cut in half, from $4-billion to $2-billion, while the Defense

budget was increased. It may seem a tired refrain, but the priorities are simply wrong."

Obviously, the President must be convinced. Two years ago, it was suggested a massive public works construction program be started which would produce 500,000 units a year. Minority workers could be recruited for the work, and in this way not only would housing be built, but unemployment would vanish.

In the meantime, while the vacancy rate remains low in the city and apathy continues in Washington and new construction for the lower income families remains a dream, the city must put all of its resources and ingenuity into preserving its existing housing.

YEAR OF AGONY FOR LITHUANIA—1972

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. HUBER. Mr. Speaker, the yearning for freedom is difficult to suppress and nowhere is this more true than in Soviet-occupied Lithuania. One is reminded of a fire that starts deep in a coal mine and no matter how much water is poured down the mine shafts, the fire smoulders and smoulders only to break out somewhere else. This is what happened in Lithuania last year, where freedom has been suppressed for many years since the Red army reentered Lithuania in 1944.

In March of 1972, a blow was struck against religious repression in Lithuania. Over 17,000 Lithuanians signed a petition and sent it to the Secretary General of the United Nations to be relayed to Communist Party Secretary Brezhnev. The United Nations, in its eternal coma, or perhaps one should say selective deafness, has taken no action on the petition.

In May of 1972, serious rioting broke out, initially triggered by the tragic self-immolation of Romas Kalanta, who burned himself in protest to continued Soviet oppression. It is interesting to note that Romas Kalanta came from a Communist family—so the indoctrination he received must have failed.

The next Thursday, the day of the funeral for Kalanta, the rioting started, which resulted in hundreds of arrests and several deaths. Property damage was great and several policemen died as well as several rioters.

In July of 1972, there were anti-Soviet demonstrations at the International Handball Championships, held from June 11 to 18 in Vilnius. About 150 persons were arrested for displays of anti-Soviet attitudes by various means.

Sometimes we tend to forget the yearnings of the people behind the Iron Curtain for freedom, because they are not covered by our television networks every day. But these people live daily with tyranny and have very few rights of citizenship, if any, as we define such things in the free world and we should not forget this, nor should we allow our imminent guest Chairman Brezhnev to forget it either.

THE NORTHEAST RAILROAD CRISIS

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. ROBISON of New York. Mr. Speaker, the critical financial condition of the major railroads of the Northeast is a matter of great concern to the country. The situation here is growing critical, and demands the early attention of this body. I commend to my colleagues the following article by John E. Coones, in the Wall Street Journal, June 12, 1973. As Mr. Coones notes, the liquidation of several of the major lines in the Northeast is in the offing. The continuing operation of these lines is essential to the economic well-being of the region and of the country as a whole. House Concurrent Resolution 240, which I have cosponsored, expresses as the sense of the Congress, a concern that the pending dissolution of these lines be delayed until adequate examination of the situation by the Congress can be made, and suitable measures taken. Some of the solutions to the problem proposed thus far are outlined by Mr. Coones:

THE NORTHEAST'S BIG RAILROAD MUDDLE

(By John E. Cooney)

In his "Watergate speech," President Nixon said he was turning his attention from the scandal to "the larger duties of this office." One of the more pressing problems the President may have had in mind—and one not much more appetizing than the Watergate disclosures—is consideration of what role the federal government will play in determining the fate of the nation's largest, and brokest, railroad, the Penn Central Transportation Co.

Since the rail unit of the Penn Central Co. filed for reorganization in June 1970, Congress, except when confronted by emergency situations such as a crippling rail strike or critical funding needs, has deftly avoided the issue of the big sick railroad and her sister carriers in the Northeast. And the Nixon administration has long said it doesn't want to spend any more money to help pull the railroads out of their troubles. Meanwhile, the Northeast has proven such a sorry place for business that now five other Class 1 carriers operating there as well as several smaller ones are also in bankruptcy. The Penn Central alone has lost $1.5 billion over the past three years and its estate has shrunk by $500 million to $800 million.

Today, both the Penn Central's trustees and its reorganization court say liquidation is in the offing, possibly this summer, unless legislation is passed swiftly to revitalize the railroad. Several other Northeast carriers—the Lehigh Valley and the Jersey Central—have already asked for cessation of major lines, and the Lehigh Valley wants to set a date for termination of all its rail operations. Naturally the Penn Central, which handles more than a million tons of freight daily, is of greater importance than the other roads. And how it is treated in Washington may determine the fate of the other Northeast railroads as well.

SPELLING OUT PLANS

In light of these circumstances, what can Congress do? There have been a number of suggestions recently in the form of reports and plans dealing with the plight of the Northeast roads. And, as a result, some of the many directions the railroad can travel—ranging from nationalization to attempts to keep the Penn Central and the other bankrupt carriers in the hands of private industry—are being spelled out.

To date, five of the reports presented are of more interest than the others because of their sources and the amount of detail they involve. Two have been proffered by government agencies, the Department of Transportation and the Interstate Commerce Commission. Two others came from Senators Vance Hartke and Brock Adams. And the last is from the desk of Frank E. Barnett, chairman and chief executive officer of the healthy Union Pacific Railroad.

The basic concern of each is the creation of a sensible rail system in the Northeast Corridor—primarily the channel between Boston and Washington—that recognizes the needs of all 14 railroads serving the area, whether they are bankrupt or not. The plans also concern themselves with the best way in which to rehabilitate the often outmoded rail plant in the region. And, however warily approached, each in its own way talks of the ticklish over-manning problem that has haunted railroads, especially the Penn Central, in recent years.

The threads of agreement running through the five reports are these: Rail service in the Northeast is essential to the nation's well-being. Overcapacity is a critical problem in the area and perhaps one-third to one-half of rail facilities must be dropped. The bankruptcy laws under which the ailing roads are being administered are out of date and can't get the railroads back to profitability. And Congress must shoulder the onus of how essential rail service is to be maintained.

The means to such similar ends, however, differ vastly. At issue is the amount of federal funding involved (estimates for returning the Penn Central to profitability range up to $1 billion or better). The type of federal intervention to take place is also open to dispute. And none of the plans squarely confront the labor issue.

Some highlights of the reports:

—The ICC report, which has the backing of the Penn Central's trustees because it calls for massive federal aid, innovatively suggests a 1% transportation tax plus grants in aid to upgrade rail property. The tax would apply to "all for hire, domestic surface transportation property." The ICC also suggests the joint use, leasing, sale and merger of track rights and plant for railroads in the Northeast. This property unification effort would be accompanied by the elimination of duplicate and parallel lines.

—The DOT report, unlike the ICC proposal, seeks no federal financing for rehabilitation and improvement of equipment. The report outlines a new non-profit, private corporation that would be charged with creating one or more new rail systems from the lines of the six bankrupt railroads. Under this system, the non-bankrupt roads wouldn't be considered part of the package. Thus, the Northeast could wind up with three or four major competing systems.

—The Union Pacific plan advocates the organization of a "government-sponsored but rail-industry-owned Federal National Railways Association" that would fund the Northeast's railroads and provide for restructuring the track system and plant rehabilitation. The funding would come from private investment sources and be guaranteed by a government-owned organization, called the "Railroad Reconstruction and Finance Corp." that would in turn be backed by the U.S. Treasury Department. The directors of the FNRA would be drawn from the federal government, shippers, labor and the rail industry.

—The Hartke plan simply calls for the federal acquisition of the Northeast's bankrupt railroads as well as the acquisition of lines of the non-bankrupt carriers. This form of nationalization also calls for substantial federal

funding for plant rehabilitation and for subsidies to prevent abandonment of service that is deemed "essential."

The Adams plan would set up a semi-public corporation to run "essential" freight service. It could sell common stock, obtain government-guaranteed loans or sell the government preferred stock. The DOT would designate the essential rail service, subject to ICC review and congressional approval, but the corporation would decide which of the parallel tracks to use. The corporation would revert to totally private ownership when any money advanced by the government was paid back. Any nonessential freight operations would be operated on subsidy from shippers (in the form of higher rates), communities and the federal government, a suggestion also found in the ICC report.

Also there is always the possibility that the Penn Central would be allowed to lapse into liquidation this summer, thereby negating the need for any reorganization plans at all. John P. Fullam, the federal judge who is overseeing the Penn Central's reorganization, has raised the point of how long the estate can erode without infringing upon the constitutional rights of the railroad's 23,000 creditors. Indeed, he says the railroad can't continue operating beyond Oct. 1 in its present condition. And he set a July 2 deadline for the Penn Central to file definitive plans for either the reorganization of the carrier or the "liquidation or other disposition of the enterprise."

But the likelihood of Congress allowing the railroad to lapse into liquidation isn't very strong. For one, the railroad simply can't shut down. It has been estimated that if the Penn Central stopped running, national productivity would be cut by 3% and unemployment in the nation would be boosted by 60% due to the rippling effect on other businesses.

That means the road must be kept running while the court gropes for an "orderly liquidation" which would see a graceful transition from the Penn Central's method of operation to another—as yet ill defined—way of continuing service. Such action could take years. And no matter what happens, it is clear that a number of problems facing the Northeast rail industry will have to be confronted as well.

SOME SHORTCOMINGS

All of which points to some of the shortcomings of the reports that have been issued. There is, for example, general agreement that manpower should be trimmed. But none of the proposals grapples with the controversial issue other than hazy talk of "protective arrangements," federal subsidies or financing surplus labor through loans or bond sales.

Of the Penn Central's 80,107 employes, some 74,000 of them are covered by union contracts. It isn't likely that the unions—which the Penn Central asserts still carry considerable muscle in Washington—would stand idly by and watch their ranks be decimated by liquidation or legislation.

The vehemence of such opposition can be witnessed by the United Transportation Union's fierce resistance to the Penn Central trustees' recent attempt to phase out some 5,700 of the 23,000 jobs the UTU holds with the railroad. The trustees' try at introducing a "crew consist rule" last February resulted in a one-day strike that ended only after Congress clamped a 90-day moratorium on such action. Now the railroad says it won't make another attempt at putting the work rule into effect because it might not be able to sustain another strike.

There is also the question of what must constitute the future rail system in the Northeast. Both the ICC and the DOT indicate they feel that they each should be allowed to determine what it should be.

Then there is the problem of untangling the railroad's intricate web of leased lines and determining what to do about the lines' bondholders. The Penn Central has agreements—some dating back to the last century—with 37 lease lines. Such leases account for 53% of the railroad's 20,000 route miles, ranging from the mile-long Central Railroad Co. of Indianapolis to the Philadelphia, Baltimore and Washington Railroad that operates 2,277 miles of track. Just trying to figure out who gets what while unraveling these lease line contracts could take years.

What also has to be determined before any plan is enacted is how much funding Congress is going to work with, which will be the ultimate determinant of the course the Penn Central and other rails follow. A number of observers feel the administration will be forced to loosen its purse strings, but how much money will go to the rails no one really knows at this point. The administration now talks of $40 million "seed money" to get the DOT plan off the ground.

No matter what happens, though, two factors are certain. One is that the Penn Central won't remain as it is much longer. And the second is that the rail issue, especially the part played by the Penn Central, will remain around for years to come.

A LIKELY PROSPECT

What will most likely happen this summer is that a legislative package will be passed that will call for either the ICC or the DOT, or a new federal rail agency, to draft a rail system in the Northeast. A moratorium would be called on any liquidation proceedings by the reorganization court for a year until such a master plan has been drawn up. And provision would be made for interim short-term funding to be made available to the railroads at times of critical need.

Besides identifying once and for all what is essential service for the area, the rail planers would determine whether the Penn Central should be split into two or more healthy railroads as well as which lines—if not all—are going to need federal subsidies or higher rates by shippers.

Unfortunately, however, the fly in the ointment remains the labor problem. It has been estimated that it could cost several billion dollars to buy out the labor contracts for the Penn Central alone, a prospect Congress isn't about to consider. And no one has come up with a concrete suggestion on how to handle the overmanning situation. This one issue may prove unresolvable and thereby hinder any master plan and legislation designed to cope with the Northeast rail problem.

IN MOURNFUL COMMEMORATION OF THE MANMADE FAMINE IN THE UKRAINE—1933–34

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. STEELE. Mr. Speaker, 40 years ago, the Government of the Ukrainian Soviet Socialist Republic, acting upon instructions from the Kremlin, instituted a law preventing the Ukrainian people from harvesting their wheat from the fields or taking grain from State warehouses. The penalty for breaking this law was execution on sight. In addition, the Soviet Government dispatched agents and troops to the Ukraine to forcibly confiscate all grain and food caches. While thousands in the villages died of starvation, thousands more fled to the cities in search of food. They died on the streets of Kharkiv, Kiev, Odessa, and other cities of the Ukraine. Thus began the infamous political famine in the Ukraine.

Today we commemorate the 40th anniversary of the 7 million Ukrainian men, women, and children who died from mass starvation and hunger which has gone down as one of the most staggering acts of genocide in history. Such was the price the Ukrainians paid for valiantly resisting forcible collectivization.

The Ukrainian Congress Committee of America—UCCA—founded in 1940, is a strong advocate of freedom and independence for the Ukraine. Their dedicated work for the preservation of freedom at home and the establishment of liberty in the Ukraine and other captive nations has been outstanding. A recent statement released by the Hartford, Conn., branch of the UCCA stated:

The memory of this famine remains a bitter one for Ukrainians because the reasons for it were entirely political. By orders of the USSR government, the entire 1932–1933 harvest was confiscated and shipped out of the Ukraine. Peasants' homes were searched and hidden food caches taken. No food from outside the Ukraine was permitted to reach the populace and millions of innocent people died. The purpose of this so-called "agricultural experiment" was a social and political genocide. The USSR government sought to destroy the base of Ukrainian society and thereby permit collectivization of agricultural lands. To complete their destruction, thousands of wealthier peasants and intellectuals were forcibly deported to Northern Siberia. The people of Ukraine, although subjected to continued russification programs, have a proud cultural heritage which they are struggling to maintain. . . .

In addition, Mr. Speaker, I submit the following excerpt from an article published by the Norwich Bulletin on January 21, 1973. This is a quote of Myron Techlowec, president of the Norwich branch of the Ukrainian Congress Committee of America:

Today, Ukraine more than ever is a colony of Communist Russia, a land of inhuman persecution and economic exploitation. Ukraine's entire history of Soviet domination is a ghastly record in inhumanity, outright persecution and genocide, and violations of human rights on a scale not known in mankind's history. Russia's leadership under Stalin and through the years to Brezhnev-Kosygin, marked Ukraine for physical destruction and denationalization.

During Moscow's 50-year rule over Ukraine, literally millions of Ukrainians have been annihilated by man-made famines, deportations and outright executions. The main target of Moscow's fury are young Ukrainian intellectuals—poets, writers, literary critics, playwrights, professors and students who are charged with "anti-Soviet propaganda and agitation," though, in fact, these people profess loyalty to the Soviet state, but fight against its abuses, violations and police rule.

Both the Ukrainian Orthodox Church and the Ukrainian Catholic Church have been ruthlessly destroyed and their faithful members incorporated into the Kremlin-controlled Russian Orthodox Church. All aspects of Ukrainian life are rigidly controlled and directed by Moscow: The Academy of Sciences, all scientific and research institutions, universities, publications, the press, various organizations, trade unions, and so forth.

Both the President of the United States of America and the U.S. Congress have expressed their concern over Ukraine by enacting the Captive Nations Week Resolu-

tion in 1959, whereby the Ukraine is enumerated with 21 other Non-Russian captive nations in the USSR.

"Today, . . . the 47 million people of the Ukrainian Nation still cherish and nurture the ideas of freedom and liberty and the restoration of the Ukraine to its rightful status in the family of free nations. The freedom loving people of Ukraine have not accepted Soviet Russian domination and have been fighting for the reestablishment of their independence by all means at their disposal."

Despite the outward trappings of sovereignty and independence of the Ukrainian Soviet Socialist Republic, the Ukraine today remains a "captive and submerged nation."

Political change is accelerating throughout the world, however, and it may well be that future changes will again give the Ukrainian people the opportunity for self-determination. In addition to pressing the Soviet Union to observe the principle of self-determination, our objective should be to do all we can to encourage the Ukrainian people, through recognition, communication, and moral support, to maintain their national spirit, national identity, and national will until that time arrives.

In the past, we in Congress have viewed with grave concern and spoken out in behalf of Soviet Jews, Baptists, Lithuanians, Estonians, Latvians, and other oppressed minorities within the Soviet Union who suffer cultural, religious, and political injustices. It is, indeed, appropriate, Mr. Speaker, that we now focus our attention and concern on the Ukraine and her people, in commemoration of the 7 million men, women, and children who died 40 years ago, courageously resisting the demands of their Soviet oppressors. Let us not forget the manmade famine of the Ukraine and let us rededicate ourselves to the principle and goal of freedom and self-determination for all peoples.

THE HONORABLE FLORENCE FINNEY

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. McKINNEY. Mr. Speaker, the Connecticut General Assembly recently concluded what some have characterized as one of its most productive legislative sessions. There is little doubt, however, that one of its finest acts came last Tuesday when the senate elected the Honorable Florence D. Finney, of Greenwich, as its president pro tempore.

Mrs. Finney, a young and vigorous 70, is currently completing her 25th year in the State legislature. Since her election in 1948 to the State house of representatives, Mrs. Finney has served three consecutive house terms and is now in her 10th consecutive Senate term.

Mr. Speaker, she has never lost an election and incredibly, she has never missed a general assembly session day, even though this record has meant driving more than 160 miles a day from her Greenwich home to the State capitol in Hartford.

One of the first maxims I learned on being elected to the State house of representatives was "When Florence speaks, you listen." This admonition is seriously adhered to by all and I can tell you from personal experience of the almost magical hush which falls over the senate chamber when the lady from the 36th senatorial district rises to speak.

In my mind, her ability to gain this unanimity of attention is the result of two very sound attitudes: Respect for her years of experience and a desire to learn from the wisdom she imparts.

I know of no instance when Florence Finney asked anything for herself. Her only interest, apart from her family, has been the betterment of her beloved Connecticut and the service she has given the people of Greenwich and Stamford. Her dedication to the legislative process knows no bounds and I would say is unmatched in anyone's memory.

Characteristically, on her election as president pro tempore, she told her colleagues in the senate, "Whether I succeed will depend on you."

Mr. Speaker, I can tell you that the people of Connecticut's 36th district will continue to be well served, but most assuredly, I can guarantee that the Connecticut State Senate will be well guided.

JOHN B. NEWMAN: OUTSTANDING CITIZEN

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. STEELE. Mr. Speaker, each year the Northern Middlesex, Conn., Chamber of Commerce honors one citizen as the area's outstanding citizen of the year. I take great pleasure in recognizing John B. Newman of Portland, president of Hazen's Inc., as this year's outstanding citizen.

"Breck," as his friends call him, has contributed his great energy and talent to the area for many years. Graduating with honors from Wesleyan in 1938, Breck went on to Morse Business College in Hartford, where he completed courses in the management development institute.

Breck's service to the community and his intense interest in people has made him an asset to Middlesex County. This "outstanding citizen" is a past commander of the Middletown Power Squadron, charter member of the Middletown Jaycees, a member and former trustee of the First Church of Christ, Congregational, in Middletown, and a past president of the Middletown University Club.

In addition, Breck is a past president of the Middletown United Fund, and general campaign fund chairman. In 1967 he was the recipient of the United Fund's Community Service Award. Presently, he is on the board of directors and secretary of the Middlesex Memorial Hospital, as well as being chairman of the hospital development council.

Breck Newman rounds out this splendid record of community service as a member of the board of directors of the Middletown Savings Bank, the Rockfall Corp., and a member of the Middletown Advisory Board of the Hartford National Bank.

Mr. Newman will be honored by the Middlesex Chamber of Commerce at their 78th annual banquet on Monday, June 18, 1973. Gov. Thomas J. Meskill will be the keynote speaker at this event.

Mr. Speaker, it comes as no surprise to me that such an outstanding person who has done so much for his community and State should be honored in this way. Breck Newman is the epitomy of the citizen in action, unselfishly giving his time, talent, and energies to the cause of community service. It is with great honor that I salute John "Breck" Newman as the 1973 Northern Middlesex Chamber of Commerce Outstanding Citizen.

INSURANCE, NOT PUNISHMENT

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. NELSEN. Mr. Speaker, Mr. Gordon Williams, who is chairman of the Minnesota Health Care Committee, recently brought to my attention an editorial from the Minneapolis Tribune. He felt that the editorial would be worth sharing with my colleagues, and so I ask that it be inserted in the RECORD.

This subject is one that has been bandied about in the Congress for some time now, but I suspect that the 93d will be the Congress to finally address the problem. At present, I am cosponsoring two bills that take somewhat different approaches to the question of Federal assistance in the provision of health care, and I believe it is important that all viewpoints be heard before we proceed.

I am sure, Mr. Speaker, that all of us will want to give considerable thought to how we proceed in each of these areas and the costs theywill incur.

The editorial follows:

INSURANCE, NOT PUNISHMENT

The Health Insurance Institute, in its publication Health Insurance News, reports a trend in the industry that indicates that the term "health insurance" means a lot more than it used to.

Many group health-insurance policies, the institute reports, have been extended to cover treatment of mental illness, alcoholism, drug addiction, births out of wedlock and venereal disease, and to provide for abortions, vasectomies and other operations and procedures.

Many of these things have not previously been covered by insurance companies on the basis that in most cases they were "self-inflicted" problems. But at the same time those companies provided benefits in maternity cases, which are hardly less self-inflicted than the other physical conditions.

This broadened coverage represents, presumably, a certain combination of consumer demand and actuarial reality. But it also

seems to represent a willingness by insurance companies to accommodate to changes in social attitudes. Mental illness has lost much of its stigma, and alcoholism and drug addiction are increasingly being looked upon as health rather than moral problems. Venereal disease, abortion and illegitimate births may be seen by some as physical manifestations of moral failures, but insurance companies, like doctors, are not selling character reformation but help for people with problems.

We hope that society is moving away from the belief that those who go through physical suffering and financial strain due to their or their dependents' social transgressions are only getting their just punishment.

THE WATERGATE HEARINGS WILL WE GET THE WHOLE TRUTH?

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. HEINZ. Mr. Speaker, I rise to bring to the attention of the House two thoughtful, and it seems to me, complementary recent discussions of the Senate Watergate hearings.

The first, an article by Mr. Walter Pincus entitled "The Unasked Questions" in the June 12 edition of the Washington Post, is critical of the depth and degree to which the Ervin committee has gone in questioning preliminary witnesses like Mrs. Sally Harmony and Mr. Herbert L. Porter, and their failure to call Mr. Robert Reisner as a witness.

Mr. Speaker, it is my personal opinion that the bugging of the Watergate headquarters of the Democratic National Committee was an arrogant, criminal subversion of the American electoral system. Under the supervision of special prosecutor Archibald Cox, those responsible for this incident should be prosecuted to the full extent of the law.

Since it is of paramount importance that we act to assure a thorough, forceful investigation of every aspect of the Watergate incident, including the subsequent cover-up efforts, I believe the Ervin committee should not forgo any opportunity to develop facts and the testimony of witnesses which can be used to set the stage for further questions to be asked of major witnesses.

As Mr. Pincus' article indicates, Mrs. Harmony had information which could possibly have led to the discovery of others, superiors of Gordon Liddy, who had knowledge of the wiretapping prior to June 17. She might have had information on the the cover-up itself, but in both of these areas the committee refrained from questioning her in depth. Mr. Pincus suggests that the committee recall her to ask her more specific questions.

The writer also argues that Mr. Robert Reisner, Magruder's former administrative assistant, would have been a witness competent to testify about "Gemstone" material, intelligence information allegedly given to John Mitchell. Reisner may have been able to describe events within the reelection committee during the first 4 weeks after the break-in. Similarly, Herbert L. Porter might be questioned on the destruction of records that allegedly took place in the week after the Watergate arrest. The article also suggests that Mr. Porter be questioned in more detail about how he first learned of the Watergate arrests, since this information could be used in questioning principal witnesses during later hearings.

Mr. Pincus provides a valuable service in emphasizing that it is vital, during the first weeks of the committee's hearings, that all the facts of this complicated episode be established. As the hearings progress, important or possibly significant testimony should not be overlooked in the haste with which witnesses are necessarily called.

The text of Mr. Pincus' article follows:

THE UNASKED QUESTIONS

(By Walter Pincus)

Debate over continuing the televised Watergate hearings of Sen. Sam Ervin's investigating committee has focused primarily on two issues: the sessions are dragging with too much detail from secondary figures boring the public; and the extensive publicity given the revelations might prevent successful future prosecutions.

I would like to suggest an altogether different danger posed by the conduct of the first three weeks of public questioning—the committee is not questioning *enough*. Through haste or lack of preparation, it is missing its chance to lay a firm factual base against which the senators will then be able to question the principals from the White House and the Nixon re-election committee. Almost from the first day after the arrests at the Watergate, when campaign manager John Mitchell misled the public on James W. McCord's employment with the campaign, webs of lies have been draped over the affair. The Ervin committee has the chance—and the responsibility—to establish the facts. However, in the hearings to date, aimed at detailing the Watergate break-in, the background and the coverup that followed, the senators and their counsel have missed opportunities to develop facts that will be needed later on to sort out exactly what happened.

One major failure was in the questioning of Mrs. Sally Harmony, secretary to convicted conspirator G. Gordon Liddy. Mrs. Harmony retyped the taped telephone logs along with other intelligence information under the code name "Gemstone." On several occasions Liddy dictated such reports to her, which she took down in her shorthand notebook and later retyped. Once she received a telephone log directly from McCord. After the affair was over and a bill for the "Gemstone" stationery arrived, she asked Deputy Campaign Director Jeb S. Magruder about it and he told her to destroy it. In short Mrs. Harmony had information which would start a trail to others, above Liddy, with regard to pre-June 17 knowledge of wiretapping. She also had to have information on any cover-up, if just in the manner in which *she* was questioned and how she responded. She told the senators that as of June 18, she knew she was involved in something illegal. What happened next?

The committee failed to press Mrs. Harmony in any of these key areas. Liddy was suspect within the re-election committee from the start. Was Mrs. Harmony ever questioned by Nixon committee officials or their lawyers? What did she tell them? She was questioned by the FBI, although after she destroyed her records. What did she tell them? It was brought out that she had appeared before the grand jury, though no senator asked her the dates of those appearances. They were important. For Mrs. Harmony apparently never talked about what she had done for Liddy before the Watergate trial since she never appeared as a witness.

She did testify that in a conversation with Liddy, her former boss told her to tell the truth. Apparently she either did not or never was asked about "Gemstone" and related matters. Why? Perhaps her memory of them did not come back until recently. What happened, who has she talked to in the past months that led to her new, but still somewhat limited, disclosures? The committee ought to get her back to clear up these questions.

In Robert Reisner, Magruder's former administrative assistant, the committee had a cooperative witness with a good memory for facts. Reisner told of putting "Gemstone" material in folders destined for John Mitchell. But he was never asked if he knew whether that material ever came back to Magruder—in short whether Mitchell kept the documents. Reisner also said copies of material sent to Mitchell normally went to H. R. Haldeman at the White House. He never was specifically asked whether copies of "Gemstone" material, known to be sensitive, were also sent to the White House.

Reisner disclosed he was never questioned on his knowledge of "Gemstone" material until March 30, after the Watergate trial was over and McCords' letter to Judge John Sirica raised questions of perjury. At that time, it was an Ervin committee investigator who came to him, not anyone from the Nixon committee or the U.S. Attorney's office. Reisner thus would have been a good witness to describe what happened within the Nixon committee and particularly Magruder's office during the first weeks after the break-in. He was not asked.

Herbert L. Porter, the Nixon committee's director of scheduling who disclosed to the committee last week he perjured himself, will return to testify today. Last week he told how Magruder approached him to lie to the federal investigators "11 or 12 days" after the break-in or around June 28. Porter's story should be reviewed in detail because, as earlier testimony showed, attempts were being made to have Nixon Treasurer Hugh Sloan Jr. change his testimony on the same subject as late as July 13. Porter also should be asked about his statements to the Nixon committee lawyers, the FBI, the federal prosecutors and the grand jury. Particularly, he should be queried on how deep the questioning went on his phony story, in an attempt to see if any or all these investigators were willing to accept it at face value.

Porter also should be questioned on the destruction of records that—although denied—appears to have taken place in the week after the Watergate arrests. Reisner testified he "consolidated" sensitive files and delivered them to Magruder who selected those to be destroyed. Sloan on June 23 finished up his summary of cash disbursements and contributions, gave one copy to Finance Chairman Maurice Stans and destroyed all the backup material. Mrs. Harmony went through Liddy's files on June 28 and destroyed those that had his handwriting on them. What, if anything, was destroyed in Porter's area?

Finally Porter should be questioned in more detail about how he first heard about the Watergate arrests. He briefly described Magruder in California looking for a "secure" phone at 8:30 a.m., June 17, to take a call from Liddy. What happened the rest of that day in Los Angeles where, along with Magruder you had Mitchell and his two assistants, Fred LaRue and Robert Mardian. The next day, according to Porter, Magruder was said to have "spent the whole morning on the telephone with Key Biscayne." That should be developed. The President was in Key Biscayne that day and most certainly

questions were being asked and answers given on the Watergate operation. Who did he talk to? Whatever Porter can tell about what went on that day and in the days that followed would be invaluable to any close questioning of the principals in the days to come.

All this is not to say the committee is on the wrong track or off to a particularly bad start. The first days of any investigative hearing are difficult—techniques and styles must be worked out, a pace must be established.

The easy witnesses are coming to an end and a good deal of important information has been needlessly passed over. One solution for this initial problem might be for the senators to divide up specific areas—one concentrate on pursuing what went on the week after the break-in, another going after what each witness did, who he talked to in the period following McCord's letter of March 24. Such a program would have the added effect of eliminating the scattershot questioning that has ensued with each witness after a basic story had been told.

Mr. Speaker, while I sincerely hope the Senate Wategate Committee will improve its efforts to discover all the truth, I believe it is also important to point out that the pursuit of truth requires the establishment of facts, as opposed to hearsay or inuendo that may sometimes have the appearance of factual evidence.

In this connection, I also include the text of Monday's address by Vice President AGNEW to the National Association of Attorneys General. His enumeration of the legal safeguards for the establishment of evidence—or more simply, facts—seems particulary relevant as the Watergate hearings move into a most crucial stage with the imminent appearance of Jeb Magruder and John Dean.

If any casual conduct of the Senate Watergate hearings results in something less than the establishment of the truth and the attainment of a high standard of justice, then the people, in whose name these hearings are pursued, will not have been well served.

Vice President AGNEW's address follows:

ADDRESS BY THE VICE PRESIDENT OF THE UNITED STATES TO THE NATIONAL ASSOCIATION OF ATTORNEYS GENERAL, ST. LOUIS, MO., JUNE 11, 1973

The Scripture tells us, "To every thing there is a season." The season of summer, in television, usually brings little but reruns and unknowns in place of regular stars. But this summer it's different. Somewhere on your TV dial, morning, noon, and night for the next several weeks or even months, you will be able to find a gripping drama—the Senate investigation of that web of crimes and controversies that has come to be known as Watergate.

Let me say at the outset that as entertainment these hearings have undeniable audience appeal. And I do not doubt that they are sincerely motivated as to legislative fact-finding and public education. But the point which many people have now begun to question is whether this is the right time for the Senate hearings to be going forward.

One of the Senate's most respected elder statesmen, Sam Ervin of North Carolina, the eminent constitutionalist and civil libertarian who heads the Watergate Committee, was asked not long ago if the hearings might not jeopardize the judicial proceedings—a point that Special Prosecutor Cox himself has now publicly raised.

The Senator answered, and I quote, "It is much more important for the American people to find out the truth about the Watergate case than to send one or two people to jail."

This statement brings us to the heart of the current concern over whether prosecutors and juries or Senators and network TV crews should be in the lead on this Watergate investigation. Let's probe a little further into the implications of the thinking of my esteemed friend, Chairman Ervin.

Getting the truth out into the open, he says, is more important than just jailing people. I could not agree more. Jailing the convicted criminal is only one part of what justice is all about. Justice in its deepest meaning involves the assurance that we live in a society where the individual is truly free; the confidence that we are ruled by a government of laws, not of men; and the demonstrated proof that innocence and guilt alike are rewarded or punished as they deserve.

There can be no justice without public trust, and there can be no trust without a systematic and thorough airing of the whole truth about affairs that concern us all.

I cannot agree, however, with the suggestion that determining the truth and convicting the guilty are two entirely separate processes, one for the Congress to pursue and the other for the courts. The truth itself is what a court relies upon in deciding whether to convict or acquit a defendant. And because human freedom, fortune, reputation, and in some cases life itself hang in the balance with the making of that decision, our judicial system has developed the most careful procedures that exist anywhere in our whole society for testing and verifying, checking and double-checking, the truth about what men did or did not do and why.

Justice Felix Frankfurter once wrote, ". . . the history of liberty has largely been the history of the observance of procedural safeguards."

How very pertinent his observation is to us as the Watergate story unfolds. What is critically lacking, as the Senate Select Committee does its best to ferret out the truth, is a rigorous set of procedural safeguards.

Lacking such safeguards, the Committee, I am sad to say, can hardly hope to find the truth and can hardly fail to muddy the waters of justice beyond redemption.

Some people have argued that rules of evidence and guarantees of due process don't matter so much in the Ervin hearings because nobody is really on trial up there. The mission of the hearings, this argument runs, is purely one of information gathering. But Chairman Ervin himself has suggested otherwise. "My colleagues and I are determined," he said on the day the hearings began, "to uncover all the relevant facts . . . and to spare no one, whatever his station in life may be."

To me, ladies and gentlemen, that phrase "spare no one" sounds very much like an adversary process, a trial situation. There is no escaping the fact that the hearings have a Perry Masonish impact. The indefatigable camera will paint both heroes and villains in lurid and indelible colors before the public's very eyes in the course of these proceedings. This is essentially what is known in politics as a "beauty contest" and the attractiveness and presence of the participants may be more important than the content of the testimony. Particularly disturbing are the compliments to some witnesses and the stony silence accorded others at the close of their testimony.

There is no question whatever that some men despite their innocence will be ruined by all this, even though I am sure that the Senate intended nothing of the kind when it commissioned this investigation.

That is why it ought to concern all of us that in at least seven basic ways, the orderly procedures by which facts are elicited and verified in a court of law are lacking each morning when Senator Ervin's gavel comes down and the Senate's trial of the Nixon Administration before the court of public opinion resumes. These departures from the rules of fair play—rules fundamental in Anglo-American jurisprudence—occur not by the malice of any individual or the design of any faction, but simply by the nature of a legislative hearing as compared to a courtroom proceeding. But they are no less troubling to fairminded observers for that reason.

Let's examine these seven missing safeguards:

1. *In the Senate hearing, there is no absolute right of cross examination afforded the persons accused or named by a witness.*

Thus there is no opportunity to test the accuracy and veracity of a hostile witness. The right of cross examination is a basic right in a judicial trial. This right is particularly important when a witness himself stands accused or already convicted and hence has a motive to implicate others to mitigate his own offense or to exonerate himself. To get at the truth, it is vitally important that each individual not only have an opportunity to present his own version of the facts, but that he also submit to vigorous cross examination by those opposite him in the adversary proceedings.

2. *In the Senate hearing, the right of persons accused or named in testimony before the Committee to be represented by counsel is severely abridged.*

The defendant's right to rerpesentation by counsel in a criminal trial is guaranteed by the Constitution itself. At the Senate hearings, in contrast, witnesses may have counsel at their side for advice only; their lawyers can take no active part in the colloquy among Committee, staff and witnesses.

3. *In the Senate hearing, there is no firm guarantee of an opportunity for persons accused or named by a witness to rebut that testimony by calling other witnesses or introducing other evidence; there is not even a formal assurance that the accused person himself will have a chance to testify.*

The right to rebut testimony is fundamental to a fair trial, and yet is being observed in only the most casual way in the Watergate hearings. James McCord, for instance, made a number of charges against his former attorney, Gerald Alch. Mr. Alch had not been scheduled as a witness, and it is unclear whether the Committee ever would have called him had he not happened to be immediately available and demanded a chance to speak. Thus we might never have heard Mr. Alch contradict Mr. McCord—and the public might never have known that James McCord has possibly perjured himself before the Committee.

4. *In the Senate hearings, there is no guarantee of an opportunity for persons accused or named by a witness to introduce evidence which tends to impeach the accuser's credibility by establishing bias or interest on the part of the person making the accusation.*

Such an opportunity is available in every judicial trial and should also be guaranteed in the Watergate hearings, especially when we are dealing with people whose jail sentences may depend in large measure on what they tell the Committee.

5. *In the Senate hearing, unlike a trial, the witness is permitted to introduce hearsay evidence.*

Even though the Chairman has in good faith repeatedly emphasized that hearsay testimony is not receivable as truth, it is difficult for tens of millions of viewers to disregard what they have just heard.

As Justice Jackson said in an opinion on the 1949 case of *Krulewitch v. U.S.*, "The naive assumption that prejudicial effects can be overcome by instructions to the jury . . .

all practicing lawyers know to be unmitigated fiction . . ."

In the Watergate hearings, the witness is not only permitted to give hearsay but positively encouraged to do so. When a witness testifies to what some third party told him, he frequently is then asked to elaborate on details of the hearsay statement and pressed to say whether his informant mentioned still other persons. The effect of such lines of questioning is to strengthen the public's erroneous impression that the rumor and hearsay can be considered as reliable evidence.

6. *In the Watergate hearings, the witness is permitted to testify as to his inferences, his impressions, even his speculations.*

In a judicial trial, such so-called opinion testimony is totally inadmissible as evidence. Guilt or innocence, truth or falsehood, are determined in a court by facts, not guesswork.

In contrast, who can forget the May 23rd dialogue between Senator Montoya and witness John Caulfield on the alleged offer of Executive clemency to James McCord:

Q. "Now, you mentioned that Mr. Dean had instructed you to say that it comes from way up at the top."

A. "Yes, sir."

Q. "What did you conceive that to be at the time?"

A. "Well, sir, in my mind I believed that he was talking about the President."

Later in the same appearance, Mr. Caulfield said that he had never had any conversations with the President with regard to Executive clemency and that Mr. Dean had never specifically said the alleged offer came from the President.

Thus we were left only with Mr. Caulfield's personal opinion—an opinion that would never have been permitted in a court of law because its truth can't be tested.

The stark differences between the Watergate hearings and our basic concepts of justice came screaming out that night when the Washington Star's banner headline announced "Felt Nixon Knew, Caulfield Says."

The next day, The New York Times carried a similar banner on an inside page "Caulfield Asserts He Believes President Authorized Clemency Offer to McCord."

By any standard, this kind of thing can only be termed a gross perversion of justice.

7. *The last among the missing procedural safeguards is the prohibition against cameras.*

The reason that cameras are banned from most judicial trials is that they introduce an emotional and dramatic factor which gets in the way of a deliberate, dispassionate pursuit of truth. The court can too easily become a theater.

In a judicial trial, the public are only spectators. In the Watergate hearings, however, the American people have been cast as the ultimate jury by Senator Ervin and his colleagues; and television for better or worse thus becomes an indispensable vehicle for interjecting the people into the process of judgment. Moreover, the audible sighs, snickers or groans of the people in the hearing room are dramatically relayed to the millions of TV viewers, thus potentially affecting the way they receive the information.

Television's incandescent presence in the hearing room has additional damaging effects. It tends to complicate the search for truth by making both witnesses and Committee players on a spotlighted national stage, and it tends to impede the search for justice by creating a swelling flood of prejudicial publicity that could make it virtually impossible to select an impartial jury when and if new indictments are returned in the Watergate case.

Thus even if the Senate hearings succeed in reliably establishing the guilt of some individuals in the Watergate case, they will probably do so at the expense of ultimate conviction of those persons in court. And this is bound to leave the American people with an ugly resentment at the spectacle of wrongdoers going scotfree.

For those who have done no wrong—and experience would lead us to assume that they far outnumber any who have—the prospect of justice is bleaker still. Irreparable harm may well be done to the good name of the innocent by accusations leveled in televised hearings and never conclusively refuted in a court of law, the only institution in our system whose exoneration of an accused person is definitive and final.

In listing these seven deficiencies in the procedures of the Senate Watergate hearings, I do not mean to imply that the Ervin committee is proceeding in a haphazard or disorderly fashion. Far from it. They have a carefully drawn and published set of rules to guide their investigation. Even where those rules may seem to approximate judicial fairness, however, a closer reading reveals that they are not ironclad guarantees of due process after all for their application is left to the committee's discretion.

It is easy to understand the urgency which many attach to seeing the Ervin hearings go forward, since the judicial process was at first stalemated by the silence of many key figures, and then later shadowed by the lingering concern that the Administration was essentially investigating itself, without an independent figure leading the prosecution.

But now those conditions no longer prevail. One major witness after another is coming forward to tell what he knows, and a Special Prosecutor of impeccable integrity has taken command.

There is no denying that a judicial trial sometimes falls well short of airing all the circumstances and ramifications surrounding a crime or controversy, particularly when guilty pleas are entered as they were in the first Watergate trial last January. The courts can't do it all. What a court can do, however, with far greater precision and fairness than any legislative committee, is to establish the central facts of individual culpability—the task that now stands first on the Nation's Watergate agenda.

Instead, one is now left with the feeling that hearings which began on the premise that it is more important to bring out the truth than to jail people may wind up blocking the imprisonment of some who are guilty, smearing the reputation of many who are innocent, and leaving the truth itself very much in doubt.

Many have therefore suggested that it would be helpful if this unavoidably loose process—so harmful to so many and potentially so injurious to our country in ways even reaching far beyond our shores—could at least be deferred until the Special Prosecutor has a chance to develop his case, as Mr. Cox himself has urged.

In all likelihood, however, the hearings will proceed despite the reservations I have voiced. The Senate has every right to exercise its constitutional prerogatives, and appears intent on doing so. On that presumption, there are several points I hope the Nation will bear in mind over the weeks to come.

First, let's all understand that a great deal of what we see and hear in these hearings would be indignantly ruled out of any court of law in the United States.

Second, let's be conscious as we watch and listen that probably a considerable number of very fine people, entirely innocent of any wrongdoing whatever, could come out of this un-judicial proceeding tragically besmirched, terribly humiliated, and irretrievably injured—and therefore let us strive to suspend our judgments until all the facts are in; and let us remember the ancient injunction that every man among us is deemed innocent until proven guilty beyond reasonable doubt.

Third, I would hope that my good friends and old sparring mates in the Nation's press will consider that circumstances have changed dramatically in the last several months. From a situation where the news media—to their great credit—were one of the principal forces pushing for full disclosure, we have now moved into a situation where excessive haste to print the spectacular may actually frustrate the processes of truth and justice.

The journalism profession never tires of telling us that it is a public service institution, not merely a profit-making enterprise. The weeks and months ahead will put that contention to an acid test by challenging reporters and editors to think twice about those sensational leaked-source stories that might boost circulation but which could also malign the innocent and help to acquit the guilty.

Finally, let everyone understand that as I have here extolled the virtues of our court system, I no less subscribe to the immense value of the Congressional investigative process—a process which I regard as one of the essential pillars of sound government in our system. What I have said here is not directed in anyway to the weakening of that essential feature of the legislaitve process. Nor is it meant to impugn in the slightest the sincerity or objectivity of any member of the investigating committee, for each of whom I have only the highest respect.

I have simply endeavored to express my earnest personal belief that in this particular circumstance, as the court proceedings struggle toward justice and as the Senate hearings reach in their way todard truth, it does appear that the latter can hardly fail to injure the former—and I feel that every American citizen should understand that.

Justice Banjamin Cardozo, one of the great American jurists of this century, left us a wise reminder when he wrote, "Justice is not to be taken by storm. She is to be wooed by slow advances."

The storm of public indignation aroused by this sordid Watergate affair is an understandable reaction, and a healthy one. But the raw and undisciplined forces of such a storm cannot by themselves achieve justice, as Cardozo warned. Those forces must be harnessed by the instincts of fair play that are so basic to our society, and they must be channeled through the established institutions best equipped for the difficult dual task of protecting the rights of the individual and enforcing the law of the land.

This will not be the shortest or easiest way for America to untangle the tragedy of Watergate and repair the damage done—but beyond a doubt it is the safest wisest way. I ask all of you, as dedicated servants of the rule of law, to join with me in working for this goal.

FEDERAL ELECTIONS COMMISSION

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. FRENZEL. Mr. Speaker, yesterday I introduced H.R. 8589, a bill which would create a Federal Elections Commission. The bill is the exact duplicate of S. 1094 authored by the distinguished Minority Leader in the Senate (Mr. SCOTT).

In this form, the Federal Elections Commission is given very strong powers. The FEC may initiate, prosecute, defend, and appeal any court action. In other respects, it is not unusual, calling for six members, of which no more than three

can be from the same party, appointed by the President upon advice and consent of the Senate and serving 6-year staggered terms. Like most FEC suggestions, this one grants subpoena power.

The principal difference between this suggestion and others lies in the strong prosecution powers. The case has been well made by representatives of the GAO and others that the Justice Department is not always completely free to prosecute in election situations. The granting of prosecution powers to the Federal Elections Commission is, in my judgment, about the only way to restore the confidence of the American people that we are serious about our election laws. Prosecution powers need only be a back-up, but they must be available.

Of all the Watergate lessons, to me one of the most important centers on swift, impartial enforcement of election laws. Of the numerous suggestions, many of which are meritorious, for improving our election laws, I think the record will show that prosecution and enforcement is most needed.

RESOLUTION IN OPPOSITION TO A GRANT OF AMNESTY

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. MIZELL. Mr. Speaker, the General Assembly of North Carolina has passed a strong joint resolution in opposition to a grant of amnesty to those who illegally avoided induction into the U.S. armed services or who deserted.

I hold a similar strong opposition to the granting of amnesty, as do a large number of my colleagues, and I believe they will be interested in the resolution passed by the North Carolina Legislature.

The resolution follows:

RESOLUTION 32—HOUSE JOINT RESOLUTION 385

A joint resolution in opposition to a grant of amnesty to those who illegally avoided induction into the United States Armed Services or who deserted

Whereas, there has been much discussion of a grant of amnesty or freedom from prosecution to those who through desertion and otherwise willfully failed to fulfill their military obligations to the United States; and

Whereas, any such wholesale grant of amnesty to those who illegally avoided service in the United States Armed Forces or deserted therefrom would make a mockery of the sacrifices of the millions of Americans who did their duty, assumed their responsibilities in time of conflict, and suffered or died in time of conflict; and

Whereas, cases involving desertion or illegal flight to avoid induction into the Armed Forces may presently be tried in the courts of this country where each particular case may be heard on its merits and be dealt with appropriately and based upon the facts of the particular case; Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The General Assembly of North Carolina expresses its strong opposition to the grant of amnesty or freedom from prosecution to those who have in our recent time of conflict either illegally avoided induction into the United States Armed Forces or who have deserted therefrom.

SEC. 2. The Secretary of State is hereby directed to prepare and deliver certified copies of this resolution to the President of the United States and to all Congressmen and the Governor and United States Senators of the State of North Carolina.

SEC. 3. This resolution shall become effective upon its ratification.

WHY AMERICANS DO NOT ADOPT MORE WAR ORPHANS

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mrs. MINK. Mr. Speaker, in recent weeks there have been several articles in national magazines discussing the plight of war orphans, particularly Vietnamese war orphans. In the June 10 issue of Parade magazine, an article entitled "Why Americans Don't Adopt More War Orphans" details the attempts of families to adopt war-orphaned children from Vietnam.

These families attest to the frustration and long periods of waiting that mark the current adoption procedures. It was as one mother said:

One step forward and ten steps back.

These families were, at least, able to adopt these children. Many, many American families have not been so fortunate.

The Parade article points out that fewer than 600 orphaned Vietnamese children have been adopted by American families. Six hundred children is an extraordinarily small number when contrasted with the thousands of Vietnamese war orphans. The estimates of children fathered by American servicemen and often abandoned by their Vietnamese mothers runs as high as 200,000.

The situation is compounded by despair and tragedy. American families longing to adopt these children have seen their hopes become mired in endless paperwork and inexplicable delays while the children themselves are struggling to stay alive.

Congress is in a position to alleviate a great deal of human suffering both here and among innocent young war victims in Vietnam. I have introduced legislation, H.R. 3159, which would facilitate the adoption of war orphans of Vietnamese-American parentage by issuing special immigrant visas. These special immigrant visas would permit these Vietnamese-American orphans to enter the United States while awaiting adoption. The visas would facilitate adoption and safeguard the health of these children who are terribly vulnerable to the ravages of disease, discrimination, and inadequate care.

I urge the Members to read the following story of three families who have given loving homes to sick and war-shocked children. There is no need for these to be isolated cases.

The article follows:

WHY AMERICANS DON'T ADOPT MORE WAR ORPHANS

Eighteen months ago the future for little Lisa Ryan was grim. She was a war waif in South Vietnam, a hungry, dazed infant with no parents or relatives to look after her. The orphanage she had been sent to was, at best, inadequate. But today she's a happy, healthy 3-year-old American girl living in Saugerties, N.Y., the adopted daughter of Chris and Joe Ryan.

Chad Johnston, a 9-month-old boy, is similarly fortunate. He was born in Bangladesh in the wake of the war between that country and West Pakistan. He, too, has been adopted—by Daniel and Barbara Johnston who live in the small farming community of Topeka, Ind.

Sadly, Lisa and Chad are exceptional cases. Despite a widespread belief that many Asian war orphans are available for adoption by American families, only a relative few have reached the United States. The reasons are many, but the hard facts are that of the thousands of South Vietnamese children made homeless in 12 years of war, fewer than 600 have been adopted by American parents. And only 11 children from Bangladesh have found homes in the United States. Governmental restrictions—especially in South Vietnam—red tape, agonizing delays, all these things stand in the way of American families who wish to adopt.

Yet for those who have had the tenacity and good fortune to be able to adopt an Asian orphan, the rewards are beyond price—happiness for the child and the adoptive parents alike.

The Ryans, for example, have two sons of their own, Michael and Ricky. But watching television accounts of Vietnam gave Chris Ryan an overwhelming sense of sympathy and responsibility. "I saw such sad little faces," she says. "My heart just went out to them."

Lisa arrived from Vietnam with an ear infection and her muscles weakened from lack of protein. But she's perfectly healthy now, Chris reports, and has a passion for peanut butter and jelly sandwiches.

HAPPY EXPERIENCE

The Ryans' experience with Lisa was such a happy one that the family adopted another Vietnamese orphan, 1-year-old Kim.

"We're bringing up our kids as four normal equal children," says Joe Ryan, who is an IBM engineer. "The girls aren't unique—they just happen to have been born in Vietnam."

"We're learning as much as we can about their country," adds his wife. "We want to be able to tell the girls about Vietnam when they're older. Maybe one day the whole family can take a trip there."

Other families who have adopted Vietnamese are equally pleased. Michael and Fran Suhay of Hawthorne, N.Y., have adopted two boys, Peter, now 3½, and Michael, 2.

"Both were undersized and they had tremendous bellies, from malnutrition," Suhay recalls. But both have become strong and sturdy on their new diets. Still, curious reminders of their war-stained past keep cropping up. "The day after they arrived," Mrs. Suhay recalls, "Mike dropped a piece of bread from his high chair. Peter raced to scoop it up." Michael, who is younger, seems to remember less than Peter, who still flinches at loud noises.

Although their adopted child comes from Bangladesh, the Johnston family of Topeka shares the kind of happiness felt by the Ryans and the Suhays. "When we went to the airport to pick up Chad," Daniel Johnston recalls, "I was as thrilled and excited as I was when I went to the hospital to see my newborn daughters."

The Johnstons have two daughters of their own, aged 4½ and 2, but they had wanted a boy as well and had long talked of adopting

one. "I don't believe that you have to conceive and bear a child to love him," says Barbara Johnston, "especially when there are so many children in the world without homes."

ANY ONE WILL DO

Early in 1972 the Johnstons started the adoption proceedings by appearing before the county welfare board. The social worker there asked whether they would consider adopting a Mexican, American Indian or Korean child. "I said, 'Fine, I'll take any of them'." Mrs. Johnston recalls.

After that the family was put in touch with the Holt Adoption Program, Inc., which is located in Eugene, Oreg. The Johnstons were under the assumption that they were being considered to adopt a Korean child. They filled out an application, and a long period of investigation began. County social workers made several visits to survey their home and family situation. There were endless questions—some of them pointed. Mrs. Johnston remembers on quite clearly: "How would you react if one of your girls came home from school and told you that their little brother had been called a 'Chink'?"

Apparently, the response was satisfactory, because sometime later the Johnstons' application was approved. Then came a surprise: Would they be willing to accept an infant from Bangladesh, rather than Korea?

"We did have some qualms," admits Johnston, "not about nationality, but about color." Rural Indiana is still virtually all-white, and Johnston was worried about what reaction people would have to a dark-skinned adopted child. But the Johnstons put their worries aside and said they'd be delighted to accept their new Bangladesh son.

"Actually, people have stared and whispered a few times," says Johnston. "We see people looking at Chad and then at his sisters when we walk by. I can understand their shock. But we accept such things in stride."

Despite those first stares, the neighbors have quickly accepted Chad as one of the "Johnston kids," along with his sisters Kelly Jo and Erin Michele. And last Easter Sunday, Chad Daniel Johnston was baptized at the local United Methodist Chuch.

While many other American parents or childless couples would like to experience the happiness that adoption can bring, the availability of Asian war waifs is severely limited.

NO MORE ORPHANS

In Bangladesh, for example, there are simply no more orphans available. The Holt program has withdrawn its team from Dacca, the capital city, after placing 11 orphans in American homes. Some authorities theorize that early reports of thousands of abandoned babies—resulting from the rapes of Bengali women by Pakistani soldiers—were somewhat in error. Other experts believe that many such women had abortions, or killed their babies after birth. And in many cases the mothers refused to give their children up for adoption, or preferred that they be placed with local families.

The situation in Vietnam is drastically different. There, countless children are homeless and undernourished. Nearly 25,000 crowd the country's understaffed orphanages, where care is often minimal. Thousands of others shift for themselves in the city streets. It is not known how many children were fathered by American GI's, but some estimates run as high as 200,000.

Yet adoptions of these children are also severely limited. The Saigon Government has placed strict rules and complicated procedures on adoptions. Chris Ryan recalls that she was virtually ready to give up in despair before she was allowed to adopt Lisa. "Everywhere we turned," she says, "we took one step forward and 10 steps back."

The Travelers Aid-International Social Service of America, a group that has kept close watch on the situation, says that part of the trouble comes from the fact that more than half of the children living in orphanages aren't technically orphans, since at least one parent is living. Also, the group says, the Vietnamese "extended family tradition" keeps many children from being put up for adoption. Grandparents and other relatives will frequently take the child.

HOW TO HELP

Maureen O'Brien, public relations director of the group, says that parents who are anxious to adopt Asian waifs may have much better luck adopting a Korean child. Nearly 20 years after the cease-fire, that country still has a high rate of child abandonment, and last year some 1600 Korean children were adopted by American parents.

Miss O'Brien and other authorities agree that any real improvement in the plight of Vietnam's children will have to take place within that war-torn country. Currently less than one percent of the government's budget goes to child welfare, making outside help essential to relieve starvation and other distress. And many experts believe that the U.S. Government itself has a special responsibility to the countless Vietnamese children for whom the war has not yet ended.

POW HONORED

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. ST GERMAIN. Mr. Speaker, at a Memorial Day dinner the people of Woonsocket, R.I., honored Marine Sgt. Dennis A. Tellier, former prisoner of war.

It was a happy occasion and an opportunity for the citizens of our community to pay tribute to a man that we are proud of and regard as an inspiration.

I would like to include here for the benefit of my colleagues the text of the keynote speech of the evening delivered by Brig. Gen. Edwin H. Simmons, USMC. It is a straight-forward talk about the Vietnam war—an unvarnished account that faces the grim costs in American lives and heartbreak. It does not justify the war or argue its merits, but it does defend and honor those Americans who fought in Vietnam.

There are no high-sounding flights of traditional Memorial Day rhetoric. It is a sober, honest, and plain talk that ends on a note of hope. It put into words my own thoughts and, I believe, the thoughts of most Americans.

I am also including an article from the Woonsocket Call by Leonard Edgerly which gives an account of the evening:

MEMORIAL DAY REMARKS

(By Brig. Gen. Edwin H. Simmons, USMC)

Distinguished guests; ladies and gentlemen, I am honored to have been asked to participate with you in this Memorial Day observance.

Memorial Day is, I think, perhaps our most solemn national holiday.

It is a time for remembrance and reflection.

This year Memorial Day has a special significance.

Our troops have been withdrawn from South Vietnam.

Combat, for American ground forces, has ended.

Our prisoners-of-war have been returned.

Still, the war in Indo China, despite the cease-fires and the peace negotiations, is obviously not over.

American air power continues to be used in Laos and Cambodia.

So we cannot yet say that we are completely out of the war.

It has been the longest, and in many ways the most difficult, war in our history.

The advisory phase began in 1954.

Combat involving American ground forces began in 1965.

That was over eight years ago.

It has been a controversial war.

The purposes have seemed vague.

The costs have been enormous.

And they are costs that cannot be measured simply in terms of men and treasure.

We must also include in the reckoning what the war has cost the United States in terms of what it has done to our people and to our institutions.

Yes, I think we would all agree that it has been a costly and controversial war.

Opinion—both world opinion and opinion here at home—has been widely divided, not only on the merits of the war, but also on the manner in which it was fought.

Through the years that the war went on these opinions hardened.

They entered like wedges into our society, splitting us apart.

I am not going to argue the merits of the war.

I am not going to try to justify the conduct of the war.

I will, however, defend and honor those who fought this war; just as I will defend and honor those who fought this nation's wars of the past.

We know of men who have found this war so hateful that they deserted their country's service and went to Canada or Sweden or elsewhere.

I suppose there were many individual reasons or rationalizations for these desertions and evasions.

For some, perhaps, it was an honest act of conscience.

For others, I suspect it was, if not an act of cowardice, at least an act of self-interest and self-protection.

But I don't know these men nor do I pretend to understand fully their motives.

The men I know are the millions of young Americans—soldiers, sailors, airmen, Marines—who served their country honorably and well.

As of a few days ago, American losses in the Vietnam War stood at:

38,454 dead from hostile causes.

153,312 wounded and hospitalized.

Another 150,341 wounded but hospital care not required.

1,121 missing in action.

649 returned prisoners of war.

In terms of casualties it has been for the United States:

A war almost twice the size of the Korean War.

A war, in fact, almost as large as World War I.

But I don't think that I have to read lists of statistics to convince this audience that wars cost lives and cause heartbreak.

You know this.

You have chosen to honor tonight one of the casualties of the Indo China war, a young Marine, Sergeant Dennis Tellier, who was taken prisoner, who suffered greatly, and who now, happily, has returned.

It happens that Sergeant Tellier is a Marine.

He could just as well have been an airman, a soldier, or sailor.

I am sure that in honoring him you also

are honoring, and have in your thoughts, all of those other young Americans who were casualties of the war—the dead, the missing in action, the wounded, the maimed, and the mutilated.

And I am equally sure that in the back of your minds there is the question: Was it worth it?

Was it worth all this pain and suffering?

I don't know.

That's the answer I must give.

I don't know.

I do know, however, that I am not ready to accept the charge that there is something basically wrong with America, that our government and our society are intrinsically evil.

I am willing to accept that nations make mistakes just as people make mistakes.

And I will agree that there are real and pressing problems facing us: political corruption, crime, drug abuse, racial conflict, inflation, the decay of our cities, pockets of poverty. The list goes on.

But I think we will find solutions to these problems.

The United States has survived and prospered for almost 200 years.

I think we will continue to survive and prosper.

But to do so requires a re-dedication to the fundamental principles and institutions that form the foundations of our great republic.

These principles and institutions have served us well.

I happen to believe, and I hope you agree, that this country of ours, this American way of life, is worth preserving, and is worth fighting for.

EX-POW TELLIER HONORED AS MEMORIAL DAY SYMBOL

(By Leonard S. Edgerly)

Marine Sgt. Dennis A. Tellier, Woonsocket's former Vietnam prisoner of war, was honored last night as an individual and as a Memorial Day symbol.

The occasion was a banquet in Brother Adelard Arena, where about 800 persons heard federal, state and local dignitaries take note of Sgt. Tellier's nearly four years of captivity in Vietnam.

Bishop Louis E. Gelineau, who soon left to administer confirmation in St. Joseph's Church, set the tone for the evening in his invocation.

"We thank Sgt. Tellier and all whom he represents," the bishop said.

The 23-year-old Marine sergeant acknowledged each plaudit with a shy grin as he sat at the head table with his parents, Mr. and Mrs. Aram J. Tellier of 301 Elm St., and his sister, Mrs. Dennis Ross.

Among the 70 dignitaries at the two-tier head table—the largest ever served in Rhode Island by the Central Falls caterers—were Congressman and Mrs. Fernand J. St Germain, Gov. and Mrs. Philip W. Noel, Mayor and Mrs. John A. Cummings and Brig. Gen. Edwin H. Simmons, director of historical programs for the Marine Corps.

Behind the head table was draped a huge American flag measuring 40 feet by 20 feet, obtained from the Quonset Naval Base by Congressman St Germain.

The banquet followed by three days Sgt. Tellier's trip to the White House for a POW reception by President Nixon.

"I thanked him very much for bringing me home," Tellier said last night of his brief talk with the president. "But he didn't want to take credit for it."

"You got yourself home," Nixon told the Woonsocket resident.

Tellier who did not make a speech at the banquet, appeared to greatly enjoy the testimonial: "It's wonderful, really," he said.

He was given a 35-second standing ovation upon his introduction by Dave Russell, general manager of Radio Station WWON, who served as master of ceremonies.

Congressman St Germain in his remarks thanked John R. Dionne, general chairman, for organizing the banquet, saying that Dionne "heads up everything that's a success in the Woonsocket area."

St Germain continued by calling Tellier one of the greatest citizens Woonsocket has ever had.

"He went through a great deal, and yet he came home humble and shy," the congressman said. "In his humble and shy way, he inspires all of us."

"The United States of America, the state of Rhode Island and each and every citizen of the city of Woonsocket are not only proud but we are inspired by the example you have set for us, and we are grateful for what you have done for our country," St Germain told the former POW.

Governor Noel presented Tellier with an official citation.

"We are honoring a man who symbolizes the great American tradition of loyalty and service to our country that our men and women have established and maintained over the years," Noel declared.

"Through him we are able to honor all our servicemen and women living and dead for their great service and devotion," he added.

The governor also presented Tellier with a "Pride Pin," an innovation by Project Rhode Island and the Rhode Island Chamber of Commerce.

"We're proud of you, and we know you're proud of Rhode Island," Noel said as he gave the pin to Tellier.

Mayor Cummings in his speech said, "I think Dennis, not knowing it, has become a symbol of the aspirations of this country."

And he pointed out the other sacrifices that have been made by American servicemen.

"It's fitting to pause and remember the men of Vietnam and the men of other wars, the men that lay in Veterans Administration hospitals in this country . . . so we can have this salute," the mayor told the gathering.

General Simmons, the keynote speaker, noted that "Still the war in Indochina . . . is obviously not over. American air power continues to be used in Laos and Cambodia."

His voice echoed through the silent arena as he listed the grim statistics of the war: 38,454 killed in action, 300,653 wounded, 1,121 still missing in action and 649 returned POWs.

"Was it worth it? Was it worth all this pain and suffering?" he asked, only to add the following reply:

"I don't know—that's the answer I must give."

The general said he is willing to accept the concept that nations, like individuals, make mistakes, and he said there are many problems facing America, including political corruption, drugs, crime and poverty.

He called for a "rededication to the fundamental principles and institutions that form the foundation of our great republic."

But in spite of the doubts he betrayed concerning the Vietnam conflict, General Simmons concluded on a positive note.

"This country, this American way of life of ours, is worth preserving—yes—is worth fighting for," he declared.

Army M. Sgt. Donat J. Gouin of Central Falls, a former POW who met Tellier during imprisonment, attended the banquet and received a standing ovation.

During the sustained applause, the two men exchanged comradely waves across the room.

Several special awards were presented to Tellier after the speaking program, including a plaque from the United Veterans Council.

Louis A. Lamontagne, president of the council, gave Tellier the plaque on behalf of the city's 11 veterans' organizations represented by the council.

Lamontagne announced that Tellier is to become a member of Harnois-Barnabe-Arel Post, Amvets.

Peter Lizotte of 53 Champlain St., Blackstone, gave Tellier a package of about 12 POW bracelets bearing Tellier's name. Lizotte had collected the bracelets from persons who had worn them during Tellier's imprisonment.

Mick Edwards of radio station WNRI presented the former POW with a copy of the record "Tie a Yellow Ribbon 'Round the Old Oak Tree."

The record, which tells the story of a prisoner returning home, led Edwards to start a welcome-home tribute of yellow ribbons throughout the Woonsocket area for Tellier.

He said he had called Tony Orlando, who made the record, for an appearance at the banquet, but Orlando's group, Dawn, had a prior commitment.

State Sen. Paul A. Fontaine, D-Dist. 32, gave the former POW a copy of a Senate resolution congratulating Tellier for "his fine patriotic posture and meritorious behavior during his long and arduous confinement as a prisoner of war."

Arthur F. Lajoie presented Mrs. Tellier with flowers on behalf of the Military Order of the Purple Heart.

Dionne surprised Tellier with a framed color portrait photograph of the sergeant taken several weeks ago in what had been described as a session for the program picture.

Measuring 30 by 36 inches, the portrait shows Tellier standing in a study in dress uniform.

After a benediction by the Rev. Henry J. Robitaille, pastor of St. Ann's Church, Sonny Dionne and his group struck up the "Yellow Ribbon" song, and dancing began. Wayne Ise from Warwick provided vocal arrangements.

As Tellier greeted fellow residents in a receiving line, Congressman St Germain commented that "It's not the usual banquet crowd."

"These are really the people of Woonsocket, who are proud of him," St Germain declared.

And M. Sgt. Gouin provided an out-of-towner's outlook on the festivities.

"It was really a beautiful night for Dennis" he said.

ENERGY CRISIS

HON. CLEM ROGERS McSPADDEN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. McSPADDEN. Mr. Speaker, with all due respect, I must strongly decry the administration's proposal to hike the tax on gasoline as a means of helping ease the fuel shortage.

This is a foolish and shortsighted suggestion. A 3-, 5-, or 10-cent tax per gallon of gas would not ease the shortage of fuel one jigger. Furthermore, it would hurt those least able to pay for it, the workingman who has got to get to work each and every day to keep the Nation's productivity going.

A raise in the gasoline tax would further add to the spiral of rising prices and soaring inflation. Americans are a mobile people; they are going to travel and they are going to travel mostly by automobile. They have got to travel in these days.

We simply must face the facts: We are in an energy crisis and it is going to be with us for 10 or 15 years before we can solve the problem. We have got to go forward with a crash program of developing our known oil reserves and ex-

ploring for new ones. The Alaskan pipeline must be built. The oil has been there for 5 years and not a drop delivered. New refineries must be built that are compatible with the environmentalists' suggestions, but we must realize the needs of the people of America must take precedence over concern for purple martins. Thank you, Mr. Chairman.

THE BRAVE MEN OF SKYLAB

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. FUQUA. Mr. Speaker, circling above the earth, a drama is being enacted by three brave men—the men of Skylab.

A mission which we once thought we might have to cancel because of mishaps during launch can now be carried to a successful fruition because of our astronauts and the dedicated crew making up our space effort. All of them are due our appreciation.

When the heat shield was ripped away from the Skylab and the solar power wing that was not ripped away became jammed, men flying in space improvised and in a dramatic sky walk made the necessary repairs.

It goes to show once again how important manned space flights can be. If this had been purely a mechanical flight, all would have been lost.

Much is going to be learned about our universe from the Skylab program. It is a new and exciting adventure, one which could well prove more productive scientifically than the flights to the Moon.

But whatever success we may eventually attain, we will always have a very special debt of gratitude to three brave men—Charles Conrad, Joseph Kerwin, and Paul Weitz—along with that magnificent crew of men and women supporting their activities on the ground.

I would like to have reprinted here editorials from the Chicago Tribune and the Philadelphia Inquirer noting their accomplishments. The editorials are as follows:

[From the Chicago Tribune, June 11, 1973]

THE BRAVE MEN OF SKYLAB

They behaved with such matter-of-fact competence, tinged with homely humor and flashes of exasperation when things refused to go right, that one almost overlooked the fact that this was an act of incredible sustained bravery.

Two astronauts worked for nearly four hours outside the protecting shield of their space station, struggling—with eventual success—to right the wrongs that were keeping their craft from functioning well. In doing so, they placed their lives in jeopardy each fraction of a second they spent "outside" in space. Life inside a spacecraft can be perilous enough.

Capt. Charles Conrad, Jr. and Comdr. Joseph P. Kerwin are typical of our surprising new breed of spacemen who repeatedly lay their lives on the line and do so with a seeming casualness which awes us groundlings.

The present Skylab mission has called for courage in its fullest measure. For one thing, its expected long duration may have unpredictable effects on the physical chemistry of the three men on the expedition. For another, a series of mechanical failures has made special demands on the men's ingenuity.

Astronauts Conrad and Kerwin proved themselves handymen, master grade, when they assembled a long pole, attached a cutting device to the end of it, and managed with difficulty to snip an aluminum strap. This permitted a stuck solar-power wing to extend itself into working position. Solar energy will now be converted into electricity to give the Skylab more abundant power. Their patience, courage, and American genius for making things work have greatly improved the chances of success for their mission.

The thought of their undergoing such major danger so far from home was a poignant one, and we rejoice that they passed thru a time of peril without mishap and with triumph.

[From the Philadelphia Inquirer, June 9, 1973]

SKYLAB HANDYMEN DO IT AGAIN

In space, as on earth, perfection is an elusive goal. And up there, as down here, it's when things go wrong that man is put to his sternest test.

The Skylab astronauts—Charles Conrad, Joseph Kerwin and Paul Weitz—have met that test superbly time and again. For the second time in as many weeks they have undertaken successfully a complex repair assignment, improvising as they worked and using makeshift tools.

Their latest exploit required great courage and stamina as well as cool heads and steady hands. A solar panel outside the Skylab had to be unjammed to eliminate severe loss of power and save the mission. The only way to get to the malfunctioning part was to climb out of the spacecraft.

Astronauts Conrad and Kerwin did just that—working four hours under difficult and perilous conditions, tugging and pulling and cutting to unwedge an aluminum strap that had twisted around the panel and prevented it from assuming normal position.

The matter-of-fact manner in which the Skylab crew has confronted and overcome one emergency after another does not obscure the fact, which they well know, that one serious mistake or careless act could bring instant catastrophe in a hostile environment.

In space, at least, the jack-of-all-trades who can work with his hands has not gone out of style.

DR. DAVID M. STUDEBAKER, OF OHIO, HONORED

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. BROWN of Ohio. Mr. Speaker, recently the Ohio Optometric Association elected a new president to lead that organization for the coming year. I was pleased to note that the newly elected president is from the Seventh Ohio District and I want to take this opportunity to extend my congratulations and best wishes to Dr. David M. Studebaker of Springfield, Ohio. I also wish to commend the Ohio Optometric Association for its wise choice.

A graduate of the Ohio State University College of Optometry, Dr. Studebaker has illustrated his deep concern for the condition of vision in the State of Ohio through his years of service in various capacities, beyond the boundaries of his practice. He has been the president of the trustee board of the Ohio Lions Eye Research Foundation and past president of the Springfield Lions Club.

His concern for the community has not been limited to vision care as Dr. Studebaker has served on the Clark County Red Cross Executive Board, on the Springfield Urban League, and on the Springfield Chamber of Commerce. He is also a past president of the Clark County Parent-Teachers Association Council and the Clark County Cancer Society.

The quality and the availability of health care are issues of great importance to the Nation and I am certain that under Dr. Studebaker's leadership, the Ohio Optometric Association will continue to meet its responsibilities to our citizens.

LITHUANIAN INDEPENDENCE

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. LENT. Mr. Speaker, the United States has taken an active lead in this decade of international agreements and improved understanding between all nations of the world. Although we are on the verge of a lasting peace in the world, let us not forget the unresolved legacies of the Second World War.

This month marks the 33d anniversary of the forceful annexation of the peace-loving people of Lithuania, Latvia, and Estonia by the Soviet Union in June 1940. This was followed by the mass deportation of over 150,000 Baltic people to Siberian labor camps in an effort to break the spirit of these fiercely independent people and crush any possible resistance for all time. This effort was a failure. The Lithuanians rebelled against this forced oppression and succeeded in establishing a free, independent government which was overrun by the Nazis a scant 6 weeks later. The end of the war brought only the reinstitution of Soviet dominance over every aspect of their lives.

The brave people of the Baltic States have never lost their determination to resist their captors. I draw your attention to the fact that over 30,000 freedom fighters have made the supreme sacrifice to restore freedom and self-determination between 1940 and 1952 alone. The combined populations of the Baltic nations of Lithuania, Latvia, and Estonia have been depleted by a full one-fourth since those tragic days of June 1940 through deportation and resettlement programs of the Soviet Union and there is no end in sight.

The 89th Congress passed by unanimous vote of both the House and the Senate House Concurrent Resolution 416 to request the President of the United States to urge certain actions in behalf of Lithuania, Latvia, and Estonia before the United Nations and other international forums and to bring the force of world opinion to bear on behalf of the restoration of rights to the Balts. I call

for your support for the spirit of this resolution and your attention to the plight of Lithuania, Latvia, and Estonia on behalf of the well over 1 million Baltic people in the United States. I am proud to insert the full text of this resolution in the RECORD at this point:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

AWARD FOR "HOME NEWS"

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. PATTEN. Mr. Speaker, I note today that a great honor has come to a newspaper in my district—the Home News—located in New Brunswick, N.J. The newspaper has been selected to receive an honorable mention award in the 1973 Alfred P. Sloan Awards for distinguished public service to highway safety.

The Home News is very deserving of this award. The honor underscores this newspaper's continuing efforts to improve safety on the Nation's highways. It has encouraged vigor and innovation in the development of public service programs and activities aimed at the reduction of traffic accidents, injuries, and fatalities.

Mr. Hugh Boyd, the publisher of the Home News, is to be commended and held in the highest regard for his constant fight for the saving of lives—he has put the people's interest before all else.

I am proud to have the Home News in my district. There are too few papers of this quality in the country, who put integrity, interest in the public, and most of all, interest in people's safety ahead of expediency.

ECONOMIC CONSIDERATIONS SET LAW ENFORCEMENT CRITERIA IN DISTRICT OF COLUMBIA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. RARICK. Mr. Speaker, the District of Columbia Police are apparently using economic considerations to determine which laws they will enforce.

According to reports, law enforcement personnel were under orders from "hip" higherups not to harass drug users at the recent rock concert held in Robert F. Kennedy Stadium, because of the valuable revenue that is produced by these patrons of the arts.

A healthy baseball season, attracting a million paying fans will not produce enough revenue to even pay off interest on the $19.8 million in outstanding revenue bonds. So officials are interested in other events that are profitable, and are concerned that "hassling" by police enforcing drug laws may "turn off" some of the customers.

A single rock concert produces a daily revenue of upward of $62,000, according to administrators of the expensive stadium. Since the facility is in use only 82 days a year, officials seem to desire to make hay while the grass is green—even if the grass is illegal.

I include the following news clippings in the RECORD:

NEW MORALITY AT RFK CONCERTS: POLICE TURN BLIND EYE TO GRASS

The choice between money and morals has landed on the District's doorstep, as the debris is cleared away after two successive open air concerts at RFK stadium.

The question is simple—whether to continue taking in the badly needed revenue for the stadium from such events—and turn a blind eye to violations of marijuana laws, or to crack down severely on both the youthful "smokers" and the income at once.

Police, who have been fairly pragmatic about the situation so far, are concerned. And the Armory Board, which administers the stadium, is beginning to have some doubts about the revenue-rich concerts because of drug use.

Capt. Charles Light, commander of the narcotics division, said his men do not harass patrons at the concerts, "especially when we are talking about one reefer."

But, he added, after last weekend's festivities which saw nine concertgoers charged with narcotics violations, "We're not going to let them blow smoke in our faces and get away with it."

Adds Capt. Joseph Mazor of the Metropolitan Police Departments special operations division, who attended last weekend's concerts with 65 of his uniformed men, "Pot parties will not be condoned"—although he said he wouldn't call the two-day rock concert such a thing.

Mazor said, however, that things did get so out of hand that several officers suffered "minor cuts and bruises and one had his thumb broken."

Kenneth Hopkins, assistant director of the Armory Board, said, "One arrest is enough to cause us to re-evaluate this whole thing."

He said, "We know this sort of thing (drug use) happens and we don't condone it. Although the board has not had time to meet on this matter, I'm sure this weekend's arrests will affect future shows."

Therein lies the dilemma: The stadium is financially anemic. Even with the anticipated arrival next year of the National League's San Diego Padres, a season with 1 million paying customers wouldn't yield the city enough revenue to pay the interest on $19.8 million in outstanding revenue bonds, according to J. C. Turner, chairman of the Armory Board.

The stadium now is in use only 82 days a year, he said.

A week ago, Turner reflected that nothing is quite so remunerative to the city as a rock concert.

"Do you realize we recently made $62,000 from just one rock concert in one night," he said.

Few events draw as well, he said.

The concert goers of course, are aware of the sensitive situation.

At one of the recent concerts, an exuberant voice bellowed out of a loudspeaker:

"We know the mod squad is out there—but if you arrest one of us, you've got to take us all."

PHANTOM JETS TO SAUDI ARABIA

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. BIAGGI. Mr. Speaker, I wish to state quite clearly that I am strongly opposed to the administration's plan to sell nearly 30 F–4 Phantom fighter jets to Saudi Arabia. Under the guise of providing weapons for Saudi Arabia's defenses, the Nixon administration is attempting to bribe the often fickle oil-rich nation to continue its flow of the much-needed crude to the United States.

This plan represents a serious escalation of the arms race in the Middle East. The Nixon administration has exercised restraint in its sale of Phantoms to Israel arguing that to sell Israel as many planes as she wanted would only escalate the arms race. Now, however, we find this administration providing offensive weapons to Israel's enemies.

The State Department assurances that these planes are only for the defense of Saudi Arabia are ludicrous. First, there is no way to enforce a guarantee against the transfer of the planes to, say, Egypt, which is what Libya did with the Mirage jets purchased from France a short while ago. France, too, had a "guarantee" against transfer. Second, Saudi Arabia maintains as part of its public policy that it is engaged in a "holy war" against Israel. This certainly makes her a belligerent nation against Israel. Third, and most importantly, in an all-out war in the Middle East—exactly what we are trying to prevent—these jets will most assuredly be used against Israel.

The Soviet Union is doing a fine job of keeping the Arab states amply supplied with the latest weaponry to fight their so-called "holy war" against Israel. They are doing a far better job, I might add, fanning the fires of war in the Mid-

dle East than this country is doing in helping Israel maintain a balance of power there and eventually bring about a lasting peace.

Therefore, I see no reason for this country to add to the weapons stockpile of the Arab States with a sale of close to 30 Phantom jets. I have joined with many of my colleagues in signing a letter to the President protesting this action. I urge my other colleagues to join with me in signing the letter circulated by the gentleman from New York (Mr. PODELL) and in speaking out against this ill-conceived plan here on the floor of the House.

We all hope for peace in the Middle East and are working toward it through the diplomatic channels available to this country. To enter into offensive arms agreements with the Arab states will only jeopardize any chance of peace we may now have.

THIRTY-THIRD ANNIVERSARY OF SOVIET ANNEXATION OF LITHUANIA

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. GREEN of Pennsylvania. Mr. Speaker, 33 years ago June 15, the tiny nation of Lithuania was forcibly annexed by the Soviet Union. This is a sad anniversary, but it is one that should be observed. For not only is it a day of sorrow and reflection for Lithuanian-Americans and Lithuanians throughout the world, but it is a day that should live in infamy among all freedom loving people.

The Lithuanian people are such a people, and they have continually struggled, since that infamous day in 1940, to reject the oppressive Communist system foisted upon them. From 1944 to 1952 they struggled against the Soviet military might through protracted guerilla warfare, at a cost of over 50,000 Lithuanian lives. Since that time, this tiny nation has withstood a massive program of depopulation, during which hundreds of thousands were "deported" to Russia and Siberia.

But the grit of this courageous people is not easily subjugated. Still they struggle to protest and reject the denials of religious, political, and human rights. They continue to risk and sacrifice their lives in order to attain that which is inalienable to all men.

Perhaps the most dramatic protest took place in May of 1972 when a Lithuanian youth burned himself alive to protest Soviet oppression. His sacrifice was followed by massive demonstrations and two additional self-immolations. This is tragic proof that the Lithuanian nation continues to strive for national independence and to reject Russification.

This struggle is one close to the hearts of all Americans, for it is vividly reminiscent of our struggle for freedom almost 200 years ago. And our history of revolution demands a continued commitment to freedom.

The era in which we live places new challenges before that commitment. It is an era that promises to be the most meaningful in history, because global peace may be attainable. America's commitment to this peace is deeply rooted in its tradition as a people, but it is no more deeply rooted than the commitment to freedom demanded by our history of revolution.

We must be true to both these traditions. It is imperative that we continue, indeed redouble, our quest for world peace. But it is equally imperative that we continue our commitment to freedom. We must not turn our backs on the freedom loving people of the world who continue to struggle against oppression.

We must continue our steadfast policy toward the Baltic States. Our refusal to recognize their annexation is promotive of the cause of freedom. It encourages the Lithuanian people, and reinforces their determination to seek national independence. Our mournful commemoration of that annexation—on its June 15 anniversary—can have the same effect.

For this reason, and because of my admiration for Lithuanian courage and grit, I pay tribute to that struggle. I congratulate these brave people for their steadfastness. And I urge them to carry on, for freedom loving Americans—and freedom loving people throughout the world—believe in their struggle.

THE ENERGY SITUATION AND TEXAS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. TEAGUE of Texas. Mr. Speaker, Texas Electric Service Co. of Fort Worth developed some time ago, a fuel diversification plan which reduced their dependency on natural gas and oil. This long range plan will assure their customers all the electric energy they will need.

Under leave to extend my remarks in the RECORD, I include a pamphlet which was recently circulated by the Texas Electric Service Co. in which they outline the present energy crisis and their answer to it:

Energy is the lifeblood of our Nation.

With only 6% of the world's population, we account for one-third of its energy consumption.

Our productivity, our standard of living and our quality of life are all dependent on the use of some form of energy.

Lately, much has been said and written about the energy situation. Many call it a national "crisis."

The basic problem is that reserves of fossil fuels—natural gas, oil and coal—are declining. At the same time our need for them and for electricity is rapidly increasing.

Experts predict that by 1985:

Our Nation's demand for natural gas will double. Based on present trends and technology, we will have a deficit of more than 28.5 billion cubic feet daily.

Our Nation's deficit in domestic oil supplies will increase from 3 million to more than 15 million barrels a day. We will have to import over 50% of our total supply to provide for our needs.

Our Nation's vast coal reserves will not provide a solution because mining, transportation and environmental problems are restricting the use of this fuel supply.

Our Nation will be depending on nuclear energy for almost one-third of our electric power generation.

This energy situation directly affects Texas Electric's planning, construction and operations as we meet the growing needs of our customers—needs that have more than doubled in the last 10 years and are expected to double again during the next decade.

More power will be needed to provide jobs, for schools and hospitals and to help people raise their standard of living. And, new needs like recycling of resources—metal, glass and paper—will require greater amounts of electric energy, as will other environmental uses: sewage processing, water treatment, and air filtration.

Texas Electric will have enough electricity to meet these future needs even though supplies of traditional fuels are becoming increasingly difficult to obtain and more expensive.

Our present power system includes seven gas-fired plants that are also capable of burning oil on a standby basis. Although we have long-term fuel contracts for these seven plants, the number of additional gas/oil plants we can build is limited.

To diversify our fuel sources and to reduce our dependence on natural gas and oil we have acquired over several decades long-range supplies of East Texas lignite. We have joined with Dallas Power & Light and Texas Power & Light in construction of a lignite-fired plant near Fairfield. Two units are now in operation at this site that have added 1,150,000 kw of generating capability. Through extensive land reclamation and efficient pollution control measures, we have solved the problems usually associated with the use of coal.

Two other lignite plants are under construction near Mt. Pleasant and near Henderson.

Lignite plants require an investment about one and one-half times that for comparable gas-fired plants—but they do put us in a favorable fuel position. By 1978, about one-third of our electric energy will come from lignite plants.

And, even with these plants and the fuel reserves to operate them for the life of the units, we will by the early 1980's need to further diversify to still another dependable source of energy: nuclear fuel.

Plans to build a nuclear plant have been announced by Texas Electric, Dallas Power & Light and Texas Power & Light. The plant will be called the Comanche Peak Steam Electric Station. It will be located about 45 miles southwest of Fort Worth near Glen Rose, and it will have two units which will generate 1,150,000 kilowatts each. The first unit is scheduled to be in operation in 1980; the second unit in 1982.

We have the benefit of many years of experience in commercial nuclear generation of electricity which began in the United States in 1957. In more than 150 "reactor-years" of operation there has not been a single injury due to a nuclear related problem. There are today more than 30 nuclear plants operating in the U.S., with more than 130 either under construction or for which reactors have been ordered.

While nuclear power plants will assure enough electricity to meet our customers increased needs in the 1980's, and will further reduce our use of natural gas and oil, they will cost more than three times as much as gas-fueled units to build.

Looking further ahead, we know that the uranium used to fuel nuclear reactors, while in good supply for many years to come, is also not unlimited.

Therefore, Texas Electric, along with 200 other investor-owned utilities, is helping to

support the development of the "breeder" reactor, which, in addition to producing power for electricity, will produce more fuel than it consumes.

We're also involved in the search for new energy sources. The Texas Tokamak project at the University of Texas at Austin is a step in obtaining energy from ordinary seawater. We have supported this research for more than 15 years.

We are participating with others in research on the more novel energy sources, such as solar energy (energy from the sun); geothermal energy (tapping the energy sources within the earth); and magnetohydrodynamics (the direct conversion of heat energy into electric energy). However, experts do not agree that all of these sources can become commercially practical. If the technology can be developed, most believe it will be at east 25 years before any of them might pay a significant role in the production of electric power.

In summary, Texas Electric Service Company will have an adequate supply of electricity in the future. Assuring this supply requires diversification of fuel sources by building lignite and nuclear plants.

The development of nuclear power is essential because it is a proved, reliable and practical fuel source that is capable of meeting the needs for added generation in the 1980's. Beyond this, we are, through research, working to develop other new fuel sources so that our customers can continue to have the electricity they will need in the future.

HONORING BOSTON BROADCASTERS

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. MOAKLEY. Mr. Speaker, there is a growing concern in our country for increased media responsiveness to current social issues. Three individuals from the Boston area have recently been honored for such efforts.

John F. Crohan, vice president and general manager of WCOP and WCOP–FM radio in Boston has received the "Distinguished Award" given by the New England Broadcasting Association. In making the presentation, Jack Connors, president of the NEBA said:

Mr. Crohan has earned this award for his continuous and outstanding service to the broadcasting community.

Mr. Crohan is a past president of both the New England Broadcaster Group and the Massachusetts Broadcaster's Association. He presently serves as the media chairman of the Boston Community Media Council, a group which strives to establish better ties between the minority communities and the broadcast and media business.

Rex Trailer and Bill O'Brien of Boston's WMZ–TV have been cited by the Muscular Dystrophy Associations of America, Inc., for their efforts on its behalf, specifically through their promotions of the "carnivals against dystrophy" project. I would like to insert into the RECORD at this time a letter from Mr. Robert Ross, executive director, Muscular Dystrophy Associations of America, honoring their valuable contributions to this cause:

MAY 10, 1973.

Hon. JOHN J. MOAKLEY,
JFK Federal Building,
Boston, Mass.

DEAR CONGRESSMAN MOAKLEY: For the past several years, MDAA has been the fastest growing voluntary health organization in America, thanks to our success in communicating the urgency of the Association's needs and goals to the public. This ever-growing awareness of our mission can be principally credited to the fact that an increasing number of TV stations across the nation have rallied in support of our cause—and none more effectively than Boston's WBZ–TV through the efforts of Rex Trailer and Bill O'Brien.

Both Rex and Bill have wholeheartedly dedicated themselves to the welfare of victims of crippling neuromuscular diseases, lending vital support to this Association's efforts through their promotion of our Carnivals Against Dystrophy project. They and WBZ–TV have educated and inspired their young viewers who, in turn, are helping to better the lives of the patients we serve in Boston and throughout the nation.

In 1972, youngsters across the country, inspired by TV personalities promoting Carnivals, held 39,543 of the backyard extravaganzas, raising more than $1.1 million to aid victims of dystrophy and related diseases. Of this total, over $71,000 was raised in the WBZ–TV viewing area by more than 2,100 Carnivals promoted by Rex and Bill.

Wholeheartedly endorsed by parents, educators, and members of the clergy, "Carnivals" is a unique project whereby the hosts of popular TV shows invite young viewers to write for free Carnival kits which explain how funds can be raised to help children afflicted with muscular dystrophy. The kits contain all elements needed to produce a fun-filled Carnival—which the youngsters run in their own backyards. There are many benefits to the children who participate: they learn how to organize and set up a relatively complex project, how to cope with responsibilities and needs outside their daily lives, and how to meet the challenge of managing a small business of their own—an undertaking to which they bring all the energy and enthusiasm of childhood.

The greatest benefit children derive from Carnivals is their intense identification with those for whom the events are conducted—other children who, because their bodies have been weakened by crippling disease, cannot take an active part in such projects.

The strong commitment to public service which characterizes the careers of Rex Trailer and Bill O'Brien and WBZ–TV's programming policies afforded youngsters in the Boston area much encouragement, as well as the opportunity to become involved in the most important issue of their day: the fight to save this nation's most precious asset—its vital human resources.

Sincerely yours,

ROBERT ROSS,
Executive Director.

I am pleased to share this record of public service with my colleagues. The achievements of these outstanding professionals are both a tribute to the broadcasting industry and the American people.

FOUR 1¼-CAR FAMILIES

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. GUDE. Mr. Speaker, the problems of commuting plus the current shortages of gasoline have stimulated many to think in terms of mass transit and carpools. The Bill newspaper in Montgomery County highlighted some of the results in its June 7 issue. The following story, from the Bill, indicates some of the benefits of carpools for the individuals involved as well as for our metropolitan area and the Nation:

FOUR FAMILIES OWN 1¼ CARS

Four Montgomery County families are one-and-a fourth car families as the result of an unusual carpool.

Anthony Cole, who works at the World Bank, and Michael Brimble, John McLenaghan, and Timothy Cole, all at the International Monetary Fund, are joint owners of a '66 Chevrolet that they use to commute from their homes in Montgomery County to their jobs in Washington.

By splitting the expenses of commuting instead of operating a second family car, the four carpoolers are saving money, using less gasoline, and contributing less to air pollution.

"We drive about twenty miles each day and use about ten gallons of gasoline per week," says Tim Cole. "We can drive for three years on the same amount of gasoline that four individual commuters would use in one year."

He estimates that it costs each of the four commuters about $4 per week for transportation, and that includes automobile registration, insurance, repairs, gasoline, and parking (which is subsidized by one of the employers).

Asked about the inconveniences of carpooling instead of driving their own cars, Cole says that it takes the driver only ten or fifteen minutes more each way to pick up the three others. He also explains that the carpool leaves Washington promptly at 6 p.m. If one of the commuters needs to remain in the city longer, he makes his own transportation arrangements.

Cole says that the arrangement works particularly well for his group because the jobs of all four men require frequent travel. "It is a great savings for us not to have to own a second car that would often be just sitting in the garage."

He also notes the importance of finding a congenial group for such a carpool. "We are all good friends," he says. "When someone leaves the pool, we are very careful to find a replacement that is congenial and willing to cooperate."

RONCALLO LAUDS CONTRIBUTION OF PRIVATE SCHOOLS IN PUBLIC INTEREST

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. GILMAN. Mr. Speaker, I wish to call the attention of my colleagues to a speech delivered by the Honorable ANGELO RONCALLO on June 9, 1973, at the commencement exercises of St. Paul's Cathedral High School in Garden City, Long Island, N.Y.

In his speech Congressman RONCALLO has made an erudite plea for the continuance of private education within our free society and the necessity for the Federal Government's assistance with this continuance.

On April 19, 1973, Congressman RONCALLO joined me in sponsoring H.R. 7258, a measure allowing income tax credit to

parents of children attending nonpublic schools. If adopted, this proposal will aid the perpetuation of our private, nonprofit schools.

Congressman RONCALLO's speech follows. I am certain that my colleagues in the Congress will read with interest the reasonable and thoughtful support for private education delivered by the gentleman from New York.

The text of speech follows:

THE ROLE AND CONTRIBUTION OF PRIVATE SCHOOLS

Some of the best education exhibited in the United States takes place in our private schools. In the words of the President's Panel on Non-Public Education, "We believe in private schools, in their variety and diversity as alternatives to state-run schools. Until public schools can offer wider alternatives, it is not only legal but right that non-public options be available. Whether these non-public schools be rich or poor, traditional or experimental, boarding or day, church-related or not, they have been, are, and should continue to be important parts of the varied American Education scene." Survival of the private school has become a big issue for more and more educators and legislators.

What is the reason for continuance of private schools? Our nation has great confidence in variety, diversity, and individual choice. I see private education not as a divisive force or as a threat to public schools, but rather as in a partnership with public schools, and as necessary tools of pluralism in American Education.

By definition, private schools are typically institutions independent from political control and support, owned and operated by trustees, but in turn operating in the public interest.

Private schools perform a public function and represent an undeniably important national educational resource. Actually, the term "independent" rather than private is probably a more accurate description of this type of school, showing its unaffiliated character.

These independent schools have the most ideal conditions from which a perfect education can be molded. First of all, one can establish an educational philosophy and build on it, shaping the environment so that is supportive of the philosophy. Secondly, selectivity of student population can help avoid the necessity to sink to the lowest common denominator so tragically common in the public schools. Finally, the curriculum, the school calendar and class size can be controlled for the benefit of the individual student within the framework of the guiding philosophy. Parents can therefore correctly surmise that their children will receive more training in the moral values the parents themselves espouse. As it is a parent's duty to help guide his child through the younger years, it is his privilege to choose the proper educational means to support this guidance. We all want perfect schools with individualized instruction and outstanding teachers, and we are more apt to find these qualities in schools such as St. Paul's.

The survival of private schools may not seem critical for the survival of civilization, but their importance for pluralism in education remains. President Nixon once noted that "private schools provide a diversity which our education system would otherwise lack". Private schools spur competition with the public schools—"through which educational innovations come, both systems benefit, and progress results".

A private school cannot function unless it has the commitment and support of many people. On the other hand, the private school must exhibit its worth before earning the support of the people. This sounds like the age old question of the chicken or the egg and which comes first.

Well, are private schools in the public interest? I say yes. This nation has always supported the ideal of individual choice, and private schools provide that very necessary individual choice in the education of our youth. Private schools are rooted and sustained by this principle. The most prized quality of the private school is its individuality.

Each school is unique, and this uniqueness gives rise to the wide range of options available to the public. We might group private schools for convenience into four categories. Many schools are church operated and reflect the moral and religious values of their sponsors. Some are just short of being church schools in that the principles of a founder-denomination remain strong, even though the school is more or less free from church control and its programs are nonsectarian. Other schools are thoroughly secular, though steeped in the traditions that have made this country great. Still others stress relevancy to the present in their teaching methods and are highly permissive in terms of student dress and speech.

Addressing a conference of the National Association of Independent Schools, former U.S. Commissioner of Education Harold Howe told the administrators of the nation's most well-known private schools that they should stop thinking of themselves as "servants of a specialized clientele". He suggested that private schools should think of themselves as community resources with special responsibilities for helping to solve local and national educational problems. He recommended that independent schools form alliances with the community and with the public schools. Actually, many private schools have already taken significant steps in that direction. Some of the older more established boarding schools are assuming obligations which would have appalled the trustees and headmasters of a previous generation. Some private school administrators are now working with the agencies of public education, a once unthinkable thing. However, at the same time, private schools are always wary of entanglement and try to preserve the special qualities which derive precisely from the fact that each school is free to guide its own ship in the direction it sees fit without having to justify its policies, practices, or finances to any public authorities.

Now let me ask you this: if private schools cease to exist what would the consequences be? Just a year ago, President Nixon stated that he was irrevocably committed to two propositions. First of all, America needs her private schools. Secondly, private schools need help and therefore we must find ways to provide that help. The President was likewise concerned with the increased cost burden on public schools caused by the closing of private schools. He estimated in his message that if most or all private schools ceased to function or turned public, the added burden on public funds by the end of the 1970's would exceed 9 billion dollars per year in operations and facilities. Public schools least able to accommodate the influx of students might possibly be the hardest hit by the number of transfers. Municipalities already heavily burdened with rising taxes for projected educational needs, would be confronted with demands for even higher tax rates to sustain public schools. Social costs might even range higher than economic ones. That is to say, in urban areas impact would be felt in housing patterns, unemployment rates and racial stability. Currently private school enrollments are concentrated in eight urbanized and industrialized States, including of course, New York. These states are already burdened with high costs for public services and would certainly face financial crisis, should private school students shift into the public school domain.

In the twenty largest cities nearly two out of five school age children are enrolled in private schools. In New York City, for example, a recent count of private school students encompassed nearly one-quarter of the total enrollment.

Support of private education is therefore very much in the public interest, financially as well as philosophically, but private schools show little inclination to seek direct public aid because they fear their independence would be jeopardized. There are, however, numerous federal programs some administered through State agencies that indirectly benefit private schools such as NDEA equipment loans. Private schools are assured of public commitment. The only question now is what the best framework for that aid would be.

With this in mind, I have co-sponsored with my distinguished colleague Ben Gilman in the House of Representatives a bill to provide income tax credits of up to $400 per child for tuition at a private non-profit elementary or secondary school. That is $400 right off the top of your taxes and represents a just means to encourage freedom of choice without Federal control and without violating the separation of church and state.

In a recent Gallup poll, the American public was asked the following question. "As you know there is talk about taking open land and building new cities in this country. If such communities are built, should there be parochial and private schools in addition to public schcools?" 72% of the people responded that they would like to see private education facilities in the new cities. Public policy favors continuance of private schools. I think this poll is a pretty good indication of the commitment and confidence the American people have in private schools. I believe that private schools will fulfill their destiny and maintain their diversity for the good of the American people.

A DEPLETION CLASSIFICATION FOR TRONA

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. RONCALIO of Wyoming. Mr. Speaker, the purpose of the legislation I introduce today is to continue to allow percentage depletion based upon the value of soda ash extracted from trona. The amendment does not extend the existing cutoff point or increase the amount of percentage depletion miners of trona would be entitled to. Miners of trona have always been allowed depletion based on the value of soda ash extracted from trona. The Treasury Department has specifically allowed this treatment for over 15 years and will allow it through 1970.

This amendment merely codifies and restates the intent of Congress when it added trona to the list of depletable minerals in 1947. This intent was clarified by the Senate Finance Committee in a 1951 committee report and again, this time by the Treasury Department itself, in 1959 when the Congress was then considering enactment of detailed depletion rules which became part of the law in 1960 and which is known as the Gore amendment.

This amendment is vital to the health of the trona industry in Wyoming and

simply prevents the harmful effects that would occur in that industry, and to all of southwest Wyoming, if the Treasury Department were allowed to follow its announced intent to attempt to administratively change the rules for the future. In short, the State of Wyoming would be adversely affected very severely if this administrative attempt to override the clear intent of Congress, and the basis upon which the industry is based, if the years and years of uncertainty created by the resulting litigation were allowed to occur.

For the benefit of those who may not be familiar with the trona industry in Wyoming, it might be well to briefly recount the history of trona mining in Wyoming. It is a short history and a history of a truly growth industry. The type of industry that should be encouraged, or at the very least one that should not be hamstrung by unfounded change in administrative policy.

In the late 1940's, southwest Wyoming in the area around Rock Springs was dying. It was an area that had grown and prospered as a result of the coal mining industry, but then faced economic disaster as a result of the conversion by railroads from coal to diesel. Fortunately, about this same time, one company became interested in a report, routinely made to the Department of Interior by a company prospecting for gas, that showed in a core sample that a strata of trona existed about 1500 feet underground. One company followed up on this report and shortly thereafter sought to determine if this natural deposit of soda ash could be economically recovered. This first experimental shaft was started in 1947, the same year Congress with a view of encouraging this embryonic industry, added trona to the list of depletable minerals.

There was never any question in anyone's mind that the sole purpose for the investment then being made was to tap this natural resource for its natural soda ash content and, as explained above, Congress in 1951 reaffirmed that this was its intent when it had earlier authorized percentage depletion for trona.

The first plant became operational in 1952. To say that the soda ash industry in southwest Wyoming has been a growth industry is an understatement. From the first investment by one miner in 1952 with a capacity to extract 300,000 tons of soda ash per year, the industry has grown to where it is now comprised of several mining companies with 1972 production estimated to be about 4,250,000 tons per year. That works out to a growth rate of about 1,400 percent over a 20-year period.

Most important, however, the soda ash industry completely reversed the economic fortunes of southwest Wyoming. It has turned an area that faced economic disaster from the death of an old industry into the biggest job and investment growth area in the State.

From zero jobs about 20 years ago, the Wyoming soda ash industry now conservatively supports about 12,000 people in the immediate area. On top of that, there are now almost 1,000 construction workers in Sweetwater County directly involved in construction of expanded soda ash facilities. When completed, these facilities will in turn result in a substantial increase in jobs. Well over $100 million of investment is involved, with an effect that spreads throughout the country. This is certainly not the type of industry that should be choked by an uncertainty that could be created by extended litigation over the validity of a bureaucratic decision to try to change the rules upon which the industry is based.

In the past, the Wyoming soda ash industry as it grew from nothing to its present status has primarily concentrated on the domestic market. However, as the industry now moves into a more mature stage, it has turned its attention toward ways and means of entering the export market. Since the Wyoming deposit represents the only natural deposit of soda ash known to exist, it is potentially in a unique position to compete in the world markets for soda ash. However, price competition in world markets is extremely competitive and foreign sources of manmade soda ash, although higher cost, do have the advantage of being closer to the potential foreign customers and the benefit of the resulting freight savings. Nevertheless, Wyoming soda ash producers now believe that their basic cost benefits approximate their transportation liabilities and that they are on the verge of being able to effectively compete in foreign markets. However, this balance is very thin and a change in the depletion rules, or even the threat of such a change, will swing the scale back in favor of foreign producers and rob the United States of a probable new and valuable export to help solve the adverse balance-of-payments position of this country and create many additional jobs in the trona industry. The offshore market is just now beginning to be tapped by Wyoming soda ash producers and represents a $750 million a year potential, almost 10 times the value of present production.

To summarize, this amendment does not extend or increase the amount of percentage depletion this industry has always received. It simply restates and reaffirms this treatment. It will continue to create jobs in what has been a truly growth industry. It will aid in the fight to correct our balance-of-payments difficulties. And, finally, it will prevent all these benefits from being thwarted by the uncertainty caused by an administrative effort by the Treasury Department to override the intent of Congress and attempt to change the rules for the future.

WATERGATE SCANDAL

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. ASPIN. Mr. Speaker, there is no more important public issue before the country today than Watergate scandal and what action the President should take.

My distinguished colleague from Wisconsin (Mr. REUSS) has called for the resignation of the President and Vice President and the formation of a nonpartisan new administration headed by our distinguished Speaker of the House, Mr. ALBERT.

Mr. REUSS outlines his views in a recent Op-Ed page piece which appeared in the New York Times. A contrary view of the Watergate scandal is offered by our distinguished colleague from Arizona (Mr. RHODES).

In view of the importance of the Watergate scandal and the need to restore the faith in the American Government I commend these two articles for my colleagues' careful consideration:

SOME PERSPECTIVE ON WATERGATE

(By JOHN J. RHODES)

WASHINGTON.—It began slowly and built into a crescendo which has consumed the attention of virtually everyone in Washington and millions of Americans around the country. At first, it was dismissed as a petty burglary, an isolated incident. Now, it is a raging controversy which has threatened to paralyze the normal machinery of Government.

I am referring to Watergate—the illegal entry last fall of seven individuals, among them employes of the Committee for the Re-Election of the President, into the headquarters of the Democratic National Committee. This incident has blossomed into a full-scale scandal, complete with charges and countercharges. And as the President himself admitted, "The inevitable result of these charges has been to raise serious questions about the integrity of the White House itself."

Of course, the only responsible position to take, regardless of party affiliation, is unequivocally to reject the attitude which led to the Watergate break-in. Over the past several weeks, many leading Republicans in the Congress and around the country have urged an immediate and full investigation of the facts. The 1972 Democratic Presidential candidate, Senator George McGovern, has publicly stated, "Republicans have been among the most effective voices calling for full disclosure of all the facts."

Watergate must be resolved without delay. Far too much time has been spent on this senseless crime at the expense of the normal business of Government. That has been, in my judgment, the real tragedy of Watergate: It has distracted us from many of the important issues which face our country. We must get on with the vital work before us.

Watergate must be resolved, but it must also be placed in some sort of a realistic perspective. Watergate was, as the President has said, "a series of illegal acts and bad judgments by a number of individuals." This should not mean condemnation of the political system. "It was the system," the President said, "that has brought the facts to light and that will bring the guilty to justice." I, for one, believe this.

All those who had anything to do with Watergate—regardless of their position—must be fully prosecuted and, if found guilty, punished as required by law. Future generations must know that we cannot condone this type of senseless and reprehensible activity.

The process is now under way which will result in full disclosure if it is scrupulously followed. We must see to it that this process proceeds unhampered. But now we must move on to other matters—vital matters of great importance to our people and to the world, whose consideration cannot longer be postponed.

Politics is full of good and honest men and women. For every person in the Republican

organization who had anything to do with Watergate, there were literally thousands who worked tirelessly and honestly to re-elect the President and elect Republican candidates. No one party holds a monopoly on integrity, no entire party should be penalized by the actions of one group of individuals. There has never been any allegation that the Republican National Committee or any of its functionaries were involved in any way in Watergate.

Similarly, there is no evidence at this point to directly implicate President Nixon in the series of Watergate wrongdoings. In lieu of evidence, it is unfair to condemn the President, or his entire Administration. As Senator William Proxmire recently asked on the floor of the Senate: "Does not the President have the same simple right that every other American has to be innocent until proven guilty?"

I am proud to be a Republican because I believe in the principles of the Republican party. One of these principles was handed down by Abraham Lincoln, the first Republican President. President Lincoln said over a hundred years ago: "Let the people know the facts and the country will be saved."

The facts of Watergate will be displayed to the people of America. And America, once again, will have been saved, by the good judgment of an informed people.

An Alternative
(By Henry S. Reuss)

Washington.—It is not necessary to give credence to the hearsay of John Dean and James McCord to conclude that the Administration is badly wounded. Even if we assume its elected leadership to have been entirely unaware of the illicit activities and of the subsequent cover-up, Mr. Nixon and Mr. Agnew must bear the responsibility for the actions of their Administration—for the men chosen to administer, and for its moral tone.

Is it possible for the Administration to exercise effective leadership through the remainder of its term?

The two former Cabinet members to whom Mr. Nixon was closest stand indicted for perjury, conspiracy to defraud the Government, and conspiracy to obstruct justice. His two closest personal staff members are nervously awaiting the action of a grand jury, and his former White House counsel is desperately bargaining for immunity. His top White House and campaign staff have been deeply implicated.

Public confidence in the Administration could not be expected to continue under those conditions, and it has not.

Mr. Nixon has been hurt in Congress, where members of his own party are beginning to regard association with him as a liability rather than an asset. Thirty-five Republicans provided the margin by which the House struck funds for the Cambodia bombing. The Republican membership of the previously hawkish Senate Appropriations Committee has voted unanimously to deny funds for all military activities in Laos as well as Cambodia.

We can operate under a damaged Presidency for a short time. We did so briefly under Warren Harding and Lyndon Johnson. But we cannot afford to do so for three-and-a-half years. What is to be done?

On the one hand, we can continue with our damaged President. We can watch the alienation between the American people and their Government increase, and we can abandon real hope for a vigorous attack on our pressing national problems before 1977.

On the other hand, there is impeachment—which would bring the business of Government to a halt for months or perhaps years, and which would be immensely divisive and destructive whether Mr. Nixon retained or lost his office.

Neither choice is satisfactory. But there may be a way out. It is not available at the option of the Congress or of the people. The decision lies entirely in the hands of Mr. Nixon and Mr. Agnew.

A 1792 law provides for the "resignation of the office of President or Vice President . . . delivered into the office of the Secretary of State." If Mr. Nixon and Mr. Agnew were to conclude that they were fully responsible for their Administration and that their Administration has been compromised, the option of resignation—in no way an admission of personal fault—is available.

It would follow the precedent of the Administration's own Attorney General. While not personally implicated, Mr. Kleindienst felt his close association with many who were made his resignation in the national interest. He did not lose stature as a result.

Under the Succession Act of 1947, the Speaker of the House is next in line. Carl Albert, a man of unquestioned integrity, is also a Democrat, and the Democrats lost the 1972 election.

But, as part of the resignation procedure, the successor administration could draw the sting of partisanship by agreeing to conduct a bipartisan coalition of national unity for the next three and one-half years. This could include:

The naming by the new President, and the confirmation by the Congress, under the 25th Amendment, of a Republican as Vice President, selected by the Republican party under its chosen procedures;

Appointment of leading Republicans to roughly half the Cabinet posts;

All appointments, from ambassadorships on down, on the basis of merit rather than patronage, to be monitored by an advisory committee of Republicans;

Republicans, in and out of Congress, to participate in policy-making at all stages.

With the end of the Indochina war in sight, and with both parties on familiar terms with modern economics, the differences between the two parties are not so deep as to shake apart a coalition for the next three and one-half years. Indeed, a clean break with the past, and an era of goodwill under a bipartisan government, may be what we need in any case. Then, in 1976, after needed reforms have been made, we could celebrate our bicentennial by returning to political competition.

At the moment, Mr. Nixon and Mr. Agnew are preparing to battle it out. In the national interest as well as their own, they might consider an alternative.

NEW FOREST TECHNOLOGY—A PARTIAL ANSWER TO THE LUMBER CRISIS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. WYMAN. Mr. Speaker, the lumber prices that we face in this country today are intolerable. We must find a solution to this problem and soon if legislative action is to have any meaningful effect.

Various proposals have been advanced to deal with the situation, including possible embargoes on the export of logs and lumber. But nearly all who have considered this problem agree that such action is only a shortrun solution. The long-range solution to this sad state of affairs lies in better forest management and technology. This was highlighted in a recent article in the Christian Science Monitor discussing the advances in technological research in the forest products industry.

There are valuable points raised in this article which I include in the Record at this point.

U.S. Timber Shortage Builds, With Imports Already 25 Percent

(By John W. Forssen)

Milwaukee.—The United States faces an end-of-the-century timber shortage which could rise as high as 20 billion board feet, according to the most urgent projections. That's enough lumber to build some 2 million five-room houses.

For a nation which is already importing 25 percent of its housing and construction lumber, is experiencing balance-of-payment deficits on the world market, and is on the threshold of a minerals' and energy shortage which makes the use of substitute materials impractical, research for solutions is no small matter.

One place that search is being conducted is the Forest Products Laboratory in Madison, Wis. And the results which this research unit of the U.S. Forest Service has produced thus far promise to reshape the lumber and construction industries in the years ahead.

Although broad statistics must remain imprecise, researchers there estimate that the volume of waste generated in American consumption of wood products each year is something between 9 and 11 billion cubic feet.

WASTE MEASURED

More precisely, however, they have measured the difference between the volume of wood in a standing tree and the volume of lumber which the tree will ultimately produce.

Under current operating conditions, they have found that about 50 percent of the tree is left in the forest as logging debris at that time of harvest; and, as the log is processed into sawn lumber, as much as 50 percent of that volume may be left on the milling floor as edging scraps and sawdust.

Disregarding harvesting wastes for the moment, laboratory researchers have developed computerized sawing techniques which could increase the present lumber yield in each log by at least 10 percent.

Labeled "best opening face" by its developers, this process involves the addition of a computer device to existing sawmill equipment, which eliminates the imprecision of human judgment in solving the geometric problem of cutting square board from round logs. The computer has the ability not only to sense the size and shape of each log but simultaneously to determine the cutting pattern which will produce the greatest yield of products.

NEW METHODS DEVISED

Another development, nicknamed EGAR for edge, glue and rip, could increase the product yield by as much as 15 percent.

In this process, boards are cut to desired thickness and then glued into panels which can later be sawn to specification. This eliminates much of the waste created by sawing dimension lumber directly from the log; and, because defects such as knots can be redistributed in the gluing process, a greater volume of high-quality lumber can be produced than when defects must be accepted in a random fashion.

One of the most exciting developments, however, is a product known as pressiam. Like EGAR this process relies on adhesives but, rather than struggling with the problem of extracting squares from circles, pressiam has incorporated the shape of the log into its own design.

In this respect, it is like plywood in that it peels the log on a rotary lathe rather than sawing it. The plies are then glued into panels of desired thickness (unlike plywood, however, the grains of each ply are parallel),

which may later be sawn into dimension lumber.

Under test conditions, presslam has not only proved itself equivalent to sawn lumber; it has increased the product yield in each log from an average of 45 percent to 70 percent.

NONPOLLUTING PULP MILL?

In other developments at the laboratory, work is progressing on a non-polluting wood pulping process for paper manufacture, the production of structural lumber from woodchips—and even paper—and, most recently, a process to separate plastic films from waste paper in commercial recycling operations.

Altogether, laboratory researchers believe that if presently available technology were applied, the product yield from current harvesting levels could be increased by as much as 400 percent. That represents two-and-one-half times the volume of product demand which is expected to produce a timber shortage at the end of this century.

Laboratory director Herbert O. Fleishcher cautions, however, that "we are not proposing a cataclysmic change in industry practices.

"As important as the research, itself, is the delicate task of balancing technological advance with the capacity of our social and economic systems to accept change with minimal disruption."

AMENDING FOREIGN ECONOMIC AID

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. WHALEN. Mr. Speaker, last month I joined Congressman ZABLOCKI and 21 other members of the House Foreign Affairs Committee in sponsoring H.R. 8258. Our proposal amends the Foreign Assistance Act of 1961 by revising our economic aid program. On Monday of this week the Washington Post editorialized on our legislation. I take this opportunity to bring this appraisal of our bill to the attention of all our colleagues:

[From the Washington Post, June 11, 1973]

A PROMISING AID PROPOSAL IN THE HOUSE

The lengthy travails of American foreign aid have made clear to its supporters the need to make aid at once more effective for its recipients and more attractive to its donors. Pessimists have doubted that these twin goals could either be served adequately, or even combined at all. A bipartisan majority of the House Foreign Affairs Committee, however, has now produced a well-considered and promising proposal meant to do both. Introduced by Rep. Clement Zablocki (D-Wis.), the proposal is intended to strengthen and enlarge the overall economic aid programs and to do so in a way calculated to enhance the prospects of the proposal's passage in Congress. The first without the second is, of course, useless.

So, to satisfy those who have rightfully demanded that aid do more to improve the quality of the lives of the poor, the new proposal would take the same $1 billion which the administration asks for economic assistance and seek to focus the money more sharply on "human-oriented" needs in population control, agriculture, health and the like. Not every development economist agrees that the poorest of the poor can thus be helped but the approach unquestionably has considerable moral and political merit. Big capital-eating projects such as dams would be left, to an even greater extent than they already are, to the international development agencies.

Then, to satisfy those whose main interest in aid is that it expand American exports, an "export development credit fund" would be established to subsidize another $1 billion a year in easy-term exports to the lowest-income countries. The interest subsidies, costing $40 million, would be funded from repayments of earlier aid loans; repayments now run at $400 million. By training aid on "people not projects" and by hitching to the aid wagon those Americans desiring to help their own economy as well as Americans desiring to help the world's poor, the House sponsors hope to surmount the political obstacles to aid which have grown so high in recent years. To convey the relationship of interdependence which the new proposal reflects and advances, the name of the administering agency would be changed from "Agency for International Development" to "Mutual Development and Cooperation Agency."

It is satisfying to report that, in his department's first formal response, Secretary of State William Rogers Tuesday welcomed the House committee's "thoughtful and positive approach" and noted correctly that AID had itself been moving along similar lines. Mr. Rogers also pronounced himself "especially pleased at the committee's reaffirmation of the central role of the Department of State in over-all guidance of U.S. development policies." Whether the other elements of the government, particularly the White House, will be equally pleased remains to be seen. On that question of bureaucratic politics, a good part of the fate of the House initiative probably hangs. To imagine that any program so multi-dimensional and so worn and frayed as aid can be considered only on its merits is, alas, fantasy.

Nor can the question of congressional politics be ignored. Not every committee of the Congress will rejoice to see the House Foreign Affairs Committee setting up and overseeing a program in what would be for it the new field of direct export promotion. (Foreign aid has always had a heavy aspect of indirect export promotion.) On these grounds, the sooner that Foreign Affairs chairman Thomas E. Morgan (D-Pa.) eases from his current posture of benign aloofness, as one observer calls it, to active sponsorship, the better.

The other big question which will shape the fate of the new economic aid proposal is its political relationship to the equally controversial question of military aid. The administration put the two together in a single package. Predictably the Senate split off the military items—these include general security assistance and grant military aid for Cambodia. Indochina reconstruction funds are also in the administration bill. In welcoming the House economic aid proposal, it was plainly one of Mr. Rogers' purposes to cultivate support for the other items in that bill. Some supporters of the House proposal favor the other items, some don't. A difficult and protracted negotiation is no doubt in store. Whenever and however it ends, we would hope that both Congress and the administration would keep high in mind the prospect for responsible engagement in the world, which the House aid initiative holds out.

KEEP THE F–111 IN PRODUCTION

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. TEAGUE of Texas. Mr. Speaker, it is historically true that, after every one of our wars, America, from a military point of view, has invariably gone back to sleep. We are not by nature a warlike people and we are sometimes over-eager to indulge in the euphoria that comes with a cessation of hostilities.

This disregard for military matters between wars has meant that when we prepared for battle we had to begin almost from scratch. Because of our magnificent industrial capability we have usually been able to meet the military demands on time—but only just on time.

I am not at all sure that if another crisis comes—God forbid—that we would have enough time to prepare ourselves to meet it. Events and the paraphernalia of war move far more swiftly than they ever did before.

The Pentagon, Mr. Speaker, in a wave of virtuous cost-cutting, has decided to cut off production of the fabulous bomber, the F–111.

I consider this to be a vast, and potentially fatal, mistake.

I must admit at the outset that I am more than a little prejudiced. We make the F–111 in my district, in Fort Worth, Tex. We have thousands of Texans employed in this industry and if the Air Forces stick to their determination not to buy any more F–111's after 1974, the unemployment rate in Fort Worth is going to be pretty brutal. I have an obligation and a privilege to fight for full employment among my constituents.

But my concern goes a whole lot further and a whole lot deeper than that.

The F–111 is, in my opinion and in the opinion of many people far more expert than I, the greatest bomber ever devised by man.

It received a lot of bad publicity during its development period, but in actual warfare it has been nothing short of magnificent. It has proved itself to possess capabilities no other airplane in the inventory can match.

In Vietnam the plane flew more than 4,000 sorties and dropped 74,000 bombs. Its loss rate was fantastically low, somewhat less than 15/100 of 1 percent. And, despite the complexity of its manufacture, its reliability record was near-perfect.

A plane that can fly at extremely high speeds, at night, relying only on radar, only 200 feet above ground through treacherous mountain passes—unload its bombs—and fly back again unscathed, is a plane to cherish, not to abandon. And the F–111's performed this feat time after time again.

Mr. Speaker, the move now is to cut out funding for the B–1 program. If this move is successful, then the F–111 will be the only bomber in our inventory. Are we so assured of permanent peace that we can afford to cut off production of the only bomber in our inventory?

I think not, Mr. Speaker, and I feel and hope that the vast majority of the Members of this body agree with me in this.

I insert in the RECORD an article entitled "F–111's Gain New Respect", by Orr Kelly, which appeared in the Washington Star, on May 6, 1973 at this point:

F–111's GAIN NEW RESPECT

(By Orr Kelly)

The blue runway lights of the Royal Thai Air Base at Takhli slide past and drop away

behind as the F111 rises into the inky blackness of the tropic night.

In the left seat, the pilot is intent on his instruments as he adjusts the speed, altitude and sweep of the wings.

To his right, the weapons control officer checks navigation and target information.

They are alone in the sky—no tankers, no fighter escort, no electronics-loaded planes to blank out the enemy radars—on this typical mission of the most controversial plane in the Air Force inventory.

Conceived more than a decade ago by Robert S. McNamara as the single plane of the future for Air Force and Navy, the F111 has been battered by congressional inquiry, plagued by cost increases and bedeviled by structural problems. In the spring of 1968, the planes went into combat briefly but were withdrawn after three successive crashes.

Finally, in September of last year, 48 F111s were sent to Takhli and, within 27 hours after leaving their home base in Nevada, began their first true full-scale test in combat.

The test—in the sense of attacks against targets in Cambodia—still continues. But in the strikes against fiercely defended targets in the heart of North Vietnam, the F111 belied its questionable history with a remarkably low loss rate, precise bombing accuracy and a near-perfect reliability record.

As the F111 flies toward its target carrying as many as 24 500-pound bombs, it operates at the speed and altitude that gives it the best range.

But, as it reaches the edges of the North Vietnamese air defense radar network, the pilot makes one last call on his radio and then switches off every device that might betray the plane's presence except for its powerful radar.

The nose goes down and the speed rises close to the speed of sound. The terrain-following radar gropes ahead and automatically maneuvers the plane at about 200 feet above the ground.

Col. William R. Nelson, commander of the 474th Tactical Fighter Wing, gave this description recently to a group of test pilots:

"Although the TFR (terrain-following radar) automatically flies you over the hills, the crew primarily concentrated on trying to fly around them so we could stay as low as possible and escape enemy coordination. . . .

"The right seater is looking at his radar and continually telling the left seater what he sees out front. The left seater is monitoring all his normal instruments plus monitoring the TFR scope which shows him what type of terrain he is approaching.

"There is a lot of mental pressure," Nelson said later in an interview. "You don't just run around close to the ground at night and relax."

As the plane streaks in toward the target, there is evidence the enemy radar men and gunners know there is a plane in the area. But they cannot find it because of its low altitude and high speed.

"When the bombs drop, they know you're there," Nelson said. "The small-arms fire looks like a lot of lightning bugs down there.

"When someone shoots at you at night, I guarantee you see it," he added. "I tended to duck my head."

As the bombs fall away, the pilot swings back the wings and heads for home, following a careful escape route plotted the night before in a six-hour planning session.

In the period between late September when the first F111s went into combat until the Laos cease-fire five and a half months later, the planes flew more than 4,000 sorties—some of them paving the way for the B52s in heavily defended areas of Hanoi—and dropped 74,000 bombs, Nelson said.

In that period, six planes and 12 men went down. Two crewmen were captured—one of them after 12 days of hide-and-seek with the North Vietnamese—and returned home safely in the prisoner exchange. No one knows why the planes went down although the two crewmen who came home said they thought they had been hit by a lucky marksman with a rifle—a "Golden B-B."

Nelson, who flew 39 missions without taking a single hit, said the loss rate was surprisingly low—.15 percent. In their missions against the Hanoi-Haiphong area, the high-flying B52s had a 2 percent loss rate.

"If I had to go back to Hanoi and drop bombs tomorrow I'd go in an F111," Nelson said.

The reliability record of the planes in combat was also remarkably good, he said. Of the 48 planes, more than 30 were in the air each night. In the first couple of weeks, Nelson said, the planes developed a minor problem in bomb-release mechanism—the one thing they did not use regularly in training—but not a single mission was aborted for that reason.

The F111s are still flying missions against targets in less heavily defended areas of Cambodia. Nelson said crews from other F111 units—both tactical and fighter-bomber and strategic bomber—have been flying combat missions with his wing to build up combat experience.

A study is now being made to determine the safest way to attack targets in a highly-defended area like Hanoi.

Nelson said he is confident they will find the method pioneered by the F111s—fast, at night and on the deck—is the best way to go.

NEED TO KEY VETERANS' PENSIONS TO SOCIAL SECURITY

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. YOUNG of Florida. Mr. Speaker, yesterday the Subcommittee on Compensation and Pension of the House Veterans Affairs Committee held hearings on a number of bills dealing with the veterans' pension system.

I have introduced three such bills, H.R. 1305, 1306, and 2686, all of which express my deep concern over the cuts in veterans' pensions resulting from the social security increases enacted by the Congress last year. I applaud the decision of the committee to hold hearings on this vital subject, and hope that the House will be able to take early action on a bill to remedy the current injustice.

Following is the testimony I presented to the committee on behalf of these bills:

TESTIMONY OF C. W. BILL YOUNG OF FLORIDA, BEFORE THE SUBCOMMITTEE ON COMPENSATION AND PENSION, VETERANS AFFAIRS COMMITTEE JUNE 12, 1973

Mr. Chairman, I would like to express my strong personal support for three bills which you have before you today. I introduced H.R. 1305 and H.R. 1306, and I cosponsored H.R. 2686. Each of these measures has a common goal which I feel is of utmost importance to all veterans—protection against reductions in veterans pensions brought about by last year's 20% increase in social security benefits.

Nearly 74,000 veterans live in the Sixth Congressional District of Florida, which I have the honor of representing. Many of these men, and many widows and dependents of veterans, are living under conditions of great economic hardship; any further reduction in their very limited incomes literally means food from their mouths and the loss of vitally needed medicines. I do not feel that men who have served their country without hesitation in time of national emergency should be subjected to reductions in already small incomes because of our failure to remedy legislative inequities in overlapping benefits programs.

I can do no better than to let my constituents speak with their own voices on how the Social Security increase has affected their lives. I quote from but two of the hundreds of letters I have received since the VA reduced pension and disability benefits on January 1 of this year.

"I am almost 75 years of age and a diabetic. My wife is in poor health and has been for over seven years. Our *only* income is social security plus the Vets pension. I received notice yesterday my pension has been cut from $97.98 to $85.26 per month. True, this is only $12.72 per month cut, but let me tell you it hurts us an awful lot, as our health problems require so much extra cash. Living costs have *not* gone down. . . . The 20% S.S. raise was to help us meet the inflationary price on essentials, but when there is no law protecting our Veterans pension, what good is the raise when a slice is taken from the pension?"

"I am a veteran 80 years of age, of WWI. Last year my VA pension was $67.76 per month. I received notice today that beginning January 1, 1973 my pension would be reduced to $42.86 per month due to a 20% increase in my Social Security, which amounted to $35.00 per month. The 20% increase was for everybody but the Veteran. This cut in pension reduces my SS increase to $10 per month instead of $35.00."

Mr. Chairman, I cannot believe that when the Congress passed the social security increase, it intended to deprive these elderly men and their dependents of the pensions they earned by service in the armed forces of this country. The Senate did attempt to remedy this miscarriage of justice toward the end of the last Congress, but the bill unfortunately died in the pre-election rush to adjournment. We must, therefore, take up this problem immediately, and it should be a top priority of this Committee and the core around which any amendments to the veterans pension system are built.

I have a particular concern for veterans of World War I and their dependents, since these people are all of advanced age and therefore very limited in their financial resources. If they attempt to live on their pensions, they are kept well below the poverty level. If they have other sources of income, such as social security or railroad retirement benefits, their income rises above the statutory limitation and their pension is reduced or eliminated altogether. Either way they lose—and they are restricted to incomes which are well below the poverty level anywhere in the country.

Age brings special hardships to World War I veterans and their families. The labor market is, for all intents and purposes, closed to them. Other pension systems, such as social security and railroad retirement, have their own built-in limitations. And the health problems associated with advanced age are such that much of the monthly income may go for health care costs that are not covered by Medicare or other insurance programs. Again, quoting from one of my constituents, I cite one instance of hundreds:

"I have been disabled since 1965 with emphysema and find it hard to make ends meet as my wife is not yet eligible for Social Security or Medicare. Our medical expenses last year were $698.00 which we managed to pay out of our own pocket. Social Security and the Veterans pension are our only source of income."

H.R. 1305, the World War I Pension Act of

1973, would remedy some of the hardships confronting World War I veterans and their families. This bill provides increased pensions for these veterans and their dependents, and exempts from determination of their annual income the benefits received from other sources, such as social security and railroad retirement. My bill also establishes a separate pension system for non-service connected disabilities and a priority system of hospital and medical care. Thus, the World War I Pension Act, which I first introduced in the 92nd Congress, would go a long way toward easing the plight of these elderly veterans and their dependents.

H.R. 1306 hits directly at the impact of the social security increase on veterans pensions by amending title 38 of the United States Code to provide that one-half of any social security benefit increases provided for by Public Law 92-336 be disregarded in determining eligibility for pension or compensation under such title. Passage of this legislation would eliminate such instances as the man who received a $37.00 increase in social security—and because of it lost a $42 non-service connected VA disability pension. Or the veteran whose social security was increased by 20% and whose veterans pension was subsequently decreased by 25%.

An alternative means of dealing with this same problem is contained in H.R. 2686, which I cosponsored along with 49 other Members of the House. H.R. 2686 would raise by $600 the limit on income which a veteran can earn without losing his pension. It would also increase the benefit formula for computing veterans pensions. The pension base for a veteran with no dependents would be increased from $130 to $148 monthly; for a veteran with one or more dependents from $140 to $158 monthly; for a widow with no child from $87 to $93 monthly; and for a widow with one or more dependents from $104 to $110 monthly.

Under the Social Security Amendments of 1972, the special minimum benefit established for individuals with 20 years of social security coverage would be $85.00. Thus, a veteran with no dependents and 20 years coverage under social security could receive a combined income of $233 per month, or $2,796 annually, if H.R. 2686 were approved. I suggest to this Committee that $2,796 is not, by any stretch of the imagination, an excessive annual income.

The House has already taken action to bring railroad retirement benefits into coordination with social security benefits. I sincerely hope that this Committee and the House as a whole will take similar action with regard to veterans pension benefits, taking into special account the individuals affected. If the Federal Government can spend billions of dollars on programs to aid every "disadvantaged" group in this country, it can certainly afford to spend the few hundred million dollars we owe in conscience and in fact to men who have answered their country's call in time of war.

A TRUE CELEBRATION OF POSTAL EMPLOYEES

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mrs. SCHROEDER. Mr. Speaker, I would like to insert in the RECORD information regarding the $332,985 spent by the Postal Service on activities during the recent celebration of Postal Week. These activities included a "Special Report to Postal People," a souvenir memento of commemorative stamps sent to postal employees, and a filmstrip presentation which has been distributed to elementary schools. Postmaster Klassen says that these items were developed as a part of a program to improve communications with postal employees and to improve understanding of their services.

I was contacted by some postal employees who expressed concern about the way this money was spent. These employees have pride in the job they do. They are as concerned as the rest of us that we we can get men to the Moon faster than we can get letters delivered in some parts of the United States. They do not want money spent to deliver propaganda to themselves or others when there are such crying needs for service improvements.

These people are the backbone of the Postal Service and do deserve recognition. But they understand, if the bureaucracy does not, that providing limited funds for needed services is the best way the Postal Service could honor them. The correspondence follows:

MAY 2, 1973.

Hon. E. T. KLASSEN,
Postmaster General,
U.S. Postal Service,
Washington, D.C.

DEAR MR. KLASSEN: It has come to my attention that the Postal Service has mailed to each of its employees an 8 page "Special Report" on Postal Week and a sheet depicting the 10 stamps issued in honor of this Week. In addition, the Postal Service has produced a film strip which has been distributed to 70,000 schools and most postmasters, also as a part of Postal Week activities.

A number of postal employees have contacted me expressing their concern over the cost of producing and distributing these items at a time when service is being cut in the name of economy. I share this concern and would like your office to provide me with the cost of both the production and distribution of the items mentioned.

I look forward to your early reply.

Sincerely,

PATRICIA SCHROEDER,
Congresswoman.

THE POSTMASTER GENERAL,
Washington, D.C., May 14, 1973.

Hon. PATRICIA SCHROEDER,
House of Representatives,
Washington, D.C.

DEAR MRS. SCHROEDER: Thank you for your letter of May 2, 1973, with regard to a "Special Report" on Postal Week, a souvenir memento sent to postal employees and a film strip presentation which has been distributed to elementary schools.

All three items were developed and distributed as a part of our continuing program to improve communications with our employees and to improve public understanding of the services they provide. Postal Week, April 29–May 5, was designated as a time to take stock of the challenges which must be met jointly by postal people and the millions of citizens throughout America who depend upon the mail.

As a part of Postal Week, a set of 10 commemorative stamps was issued honoring postal employees. Souvenir mementos of these stamps were distributed to all postal employees and retirees in recognition of their service to the American public. Nine-hundred-five thousand mementos were printed at an average unit cost of 10.7 cents.

Although the envelopes were inadvertently marked "Air Mail," Postal Service Headquarters provided instructions at the point of origin and to each Region to distribute these by surface transportation. Trucks—not airplanes—carried the mementos from the printer to mail distribution centers throughout the country and then to post offices. Those addressed to Puerto Rico and a portion of those addressed to Hawaii and Alaska were the only ones which received airmail service.

Mailing was under the postal frank, and the mementos were handled as first-class mail. The attributable mailing cost was about eight cents each.

The newsletter, "A Special Report to Postal People," went to all employees. It was designed to provide advance information to them on the various customer programs and other plans for Postal Week. Six-hundred-fifty thousand were printed at an average unit cost of less than three cents. These were distributed under the postal frank as first-class mail, with attributable costs of 2.5 cents each.

A filmstrip entitled "90 Billion Raindrops" was developed and distributed at an average unit cost of $1.60. Eighty thousand copies of the filmstrip package were produced for distribution to all elementary schools in the country with more than 100 students. It has been well received by educators as a valuable instructional tool, as well as informative material in the area of career development.

In summary, the items discussed involved the following cost:

Souvenir mementos	$96,835
Attributable mailing cost	72,400
Special report	19,500
Attributable mailing cost	16,250
Filmstrip	128,000
Total	332,985

Postal Week has evoked hundreds of newspaper articles and other comment in cities and towns throughout the country. Thousands of people have visited their local post offices. Activities of this kind contribute to a better understanding of the problems and aspirations of the Postal Service at a time when such understanding can be particularly helpful.

This is our way of saying "thank you" to the postal employees who operate the system. I infer from questions asked of me during my appearance at the House hearings, that the morale of postal workers is a concern of the Members of the Committee. We realize morale is never as high as one could wish, nor is there any one thing that will cause it to rise. The activity you ask about is one type of communication we feel will be helpful in improving morale.

Improving service doesn't depend just on spending more money. Service has improved substantially from the low of the Christmas period, and we are applying whatever funds can contribute to still additional improvement. We did not feel compelled to forego the worthwhile Postal Week activity that was generally desired and appreciated in order to make investments in service beyond those already being made.

Sincerely,

E. T. KLASSEN.

THE PORTUGUESE AND BRAZILIAN COMMUNITIES OF NEW JERSEY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. RODINO. Mr. Speaker, we often speak of the beauty and richness of our ethnic traditions and of the need for us to preserve and perpetuate this most

cherished legacy. Day by day, this special and unique epic continues. Immigrants with the same courage and spirit of our early founders come to our shores filled with dreams of building new lives and raising families under the peace and prosperity of the U.S. flag. Daily, they undergo resocialization, learning the ways of this new American society, studying the language, slowly becoming an active and vital part of our democratic process, yet always striving to maintain and pass down the history and customs of their former homeland and people.

On June 8, 9, and 10, the citizens of the Portuguese and Brazilian ancestry in the State of New Jersey and the United Portuguese-speaking community of New Jersey convened for their first State convention in my home town of Newark. Their purposes, goals, and discussions were geared toward establishing a full and meaningful understanding of the needs of their particular community in America and of the ways in which they can help one another to reach this objective. These meetings were not merely philosophical musings. Their topics involved people—our people—and the realities of the situations they must deal with and the challenges they must face now that they have settled in America. How to provide these men and women with a simple, effective, and long-lasting mechanism for their involvement in community affairs, especially for matters related to other ethnics and connected with civic and educational activities? How to give this community a sense of direction, a feeling of importance, a basis for responsible leadership? Questions were shared, ideas exchanged, and plans discussed all asking, What can the Portuguese community do for the newly arrived immigrant?

How to help him find employment, legal assistance, and a bridge over the cultural shock and the language barrier? How to raise children in a way that they understand what it means to be young and Portuguese, and to develop deep feelings for the holidays, customs and traditions of their culture and heritage. And lastly, how these traditions, skills, and developments can be coordinated and translated into meaningful contributions here in America. Workshops centered discussion on the drug problem, the bilingual program in Newark, the importance of learning one's own trade, guidance in starting one's own business. At the conclusion of these 3 days, the following resolution was adopted:

Whereas, Said Convention has been successful in every way;

Whereas, The People of Portuguese and Brazilian Extraction have contributed richly to the history and culture of this City, State, Nation and of the World; and

Whereas, The People of Portuguese and Brazilian Extraction have contributed to the industrial, economic, political and cultural heritage of this country; and

Whereas, A need has been acknowledged for immediately establishing an organization to assist these People in adjusting to life in the United States of America, to provide legitimate means for participation and representation in the democratic process governing this country; and

Whereas, It has been recommended the creation of a supreme policymaking institution—to be known as "The State Community Council"—for holding final responsibility in major community actions.

This Council is to be comprised of official representation from each of its integrating committees; added to official representation from each of the Community's legally constituted associations, clubs, and churches in the State of New Jersey; and assisted by members of the Portuguese Press, Radio, and Television;

Now, therefore, be it resolved, That this Convention express its sincere appreciation and heartfelt gratitude to the following entities:

The Sport Club Portuguese, Inc., of Newark, N.J., for having generously made available its facilities to the Convention;

The Portuguese Instructive Social Club, Inc., of Elizabeth, N.J., for having cooperated fully and unconditionally with the Convention;

The Portuguese Press, Radio, and Television media, for its support and generous contributions;

Be it further resolved, That we thank each and every person, entity and group that made available facilities and receptions to the hundreds of concerned citizens who comprise the Organizing Committee for a United Portuguese Community in New Jersey;

Be it further resolved, That the Second Annual Convention of the Portuguese-speaking Community of the State of New Jersey be held in the City of Elizabeth, State of New Jersey, on June 7, 8, and 9, 1974; and lastly,

Be it further resolved, That this Resolution be officially spread upon the minutes of the Convention and copies hereof be sent to all concerned.

Know all men by these presents, That the undersigned, President "pro-tempore" of the Coordinating and Public Relations Committee, does hereby certify that the foregoing Resolution was adopted at the First Annual State Convention of the Portuguese-speaking Community of the State of New Jersey, in Newark, N.J., on June 10, 1973.

JOAO CARLOS RENDEIRO.

Tomorrow, our Nation celebrates Flag Day. I would like to take this opportunity to commend the United Portuguese Community Council for their most successful convention and for the high purposes that have been established at this most memorable meeting. I was happy to send this council a flag which has flown over our Capitol Building, for I am sure that the raising of that flag shall signal both the commitment of the Portuguese immigrant to his or her new country and the desire of this community to contribute to the strength and progress of the United States.

COMPUTERIZED QUESTIONNAIRE RESULTS REFLECT STRONG VIEWS OF CONGRESSMAN McCLORY'S CONSTITUENTS

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. McCLORY. Mr. Speaker, the results of my biennial questionnaire have now been fully tabulated, and I am pleased to report to my colleagues and to my constituents as well as to others who receive the CONGRESSIONAL RECORD the final numerical and comparative results on the questions propounded in this year's survey.

Mr. Speaker, initially, I should report that more than 150,000 questionnaires were circulated among the residents of the 13th Congressional District, comprising major areas of Kane, Lake, and McHenry Counties, Ill.

While the questionnaire provided opportunities for both husbands and wives to respond, it was my primary intention to assure that both would have the opportunity to express their views on the 12 critical issues in the questionnaire. I should add that there was no special interest in seeking to distinguish between the views of male and female constituents. Let me hasten to add that the responses of men and women were surprisingly similar on most of the major issues.

Mr. Speaker, a difference between men and women constituents was indicated on that question which related to the mandatory death penalty in certain types of Federal cases where 83 percent of the men support such a law, in contrast to 77 percent of the women who take such hardline position. A total of 46 percent of the men would grant to teenagers and farmworkers exceptions from minimum wage legislation, in contrast to 39 percent of the women who favor such a differential. Men, also, were slightly more favorable to relaxing environmental standards in order to meet increased energy requirements, with 64 percent of the men favoring this position, in contrast to 59 percent of the women.

Mr. Speaker, there were several issues upon which the citizens of Illinois' 13th Congressional District responded with unmistakable majorities. I have mentioned already the large majority—80 percent—who favor a mandatory death penalty in certain Federal cases. Even more striking is the high percentage of those who feel that adult welfare recipients should be required to work. On that question which reads, "Do you believe that adults who receive welfare benefits should be required to work if they are able to do so?" an almost unanimous 95 percent responded with a decisive "Yes."

Two other related questions evinced a solid district position on issues which may come before this Congress. On the question of amnesty, there was an 85-percent opposition to any law which would permit individuals who violated the draft law to now receive amnesty. On the critical question of economic aid to North Vietnam, 85 percent turned a decided thumbs down on any such program.

Mr. Speaker, in addition to circularizing the adult citizens of the 13th Congressional District, I submitted similar questionnaires to the students of nine high schools located throughout the 13th District. In general, I must conclude that the students' points of view on the major issues closely paralleled those of the adult citizens. Still, this is a generalization that also has its exceptions. One exception was on the question of a mandatory death penalty in certain Federal cases. Only 53 percent of our high school students favored such legislative action,

in contrast to 80 percent of the adults who favored the death penalty. This 27 percentage point differential is greater than appeared on any of the other questions.

On question 6, which asked whether highway trust funds should be used to improve urban public transportation systems, high school students, particularly in Waukegan and Elgin, were most favorable with 73 percent of the Elgin Larkin students supporting such use of highway trust funds, and 73 percent of the Waukegan High School students taking a similar view. Young and adult citizens alike lined up in strong support of legislation to deal with strikes that threaten national transportation and communications facilities, with 80 percent or more of both young and older citizens favoring stronger national laws.

A wholly anticipated result occurred with respect to the question relating to tax credits for parents of children who attend private or parochial schools. Students at Marian High School in Woodstock and St. Edwards High School in Elgin, both Catholic affiliated, favored such tax advantages by a ratio of 97 and 98 percent, respectively. Conversely, the public high schools took a contrary view, with only about one-third of the students at Crystal Lake and Mundelein High Schools supporting such a tax credit program of aid to parochial and private schools. Slightly less than one-half of the adults responded favoraby on this question.

Mr. Speaker, on the issue of a proposed constitutional amendment to prohibit the busing of school children on the basis of race, a solid majority among the adult voters favored such a constitutional change. Even among high school students, 58 percent responded affirmatively.

Mr. Speaker, the computerized system which was employed in conducting this year's poll of my constituents is probably the most advanced that has ever been used in a congressional office. In addition to the carefully prepared computer card questionnaire, there were 48 separate answers which were possible on each card, with combinations of answers numbering in the thousands. In order to tabulate the responses of all of those who responded to the questionnaire, it was necessary to prepare a complicated computer program involving 127 steps. Let me add that when the computer card tabulation was completely programmed, it was communicated to a computer facility of General Electric Co. in Cleveland, Ohio.

Mr. Speaker, last Thursday, a portable computer terminal was set up in my office and connected by telephone with the General Electric computer in Cleveland. Then, in the space of less than 3 minutes, the entire results of more than 40,000 constituent responses were tabulated accurately and completely on a printout, from which this report has been prepared.

Mr. Speaker, notwithstanding this extremely modern system for polling my constituents and the record response which I received, I should note that 3 percent of the cards returned were marked in pencil or returned unmarked, with the result that the computer did not tabulate the results. Another approximately 2 percent of the cards were bent or multilated in such a way that the computer equipment would not accept the cards and the results on those, too, were lost. One questionnaire card was returned with all 48 holes punched, representing both a yes-and-no response to all 12 questions by both husband and wife. The card bore the notation: "We were confused." The computer rejected this response.

This represents a 95-percent return of all of those who were sufficiently interested to mark the computer cards in this survey. The wisdom of including men and women on the same questionnaire is evidenced by the fact that 80 percent of the returns reflected the votes of husbands and wives, or male and female members of the same household. Only 7 percent of the responses came from women only, and only 8 percent from men only.

Mr. Speaker, while the detailed responses which I received are broken down into individual counties, the following table shows only the districtwide results, including the numerical totals and the respective percentages on each of the 12 issues covered in this year's questionnaire. Following the computerized questionnaire responses, I am including a tabulation of the survey conducted in nine of the high schools in my district from which some comparisons and individual analyses may be made:

TABULATION OF RESPONSES TO CONGRESSMAN MCCLORY'S QUESTIONNAIRE TO HIS CONSTITUENTS

1. Should the President have the authority to establish a ceiling on Federal spending in the event Congress does not exercise that authority?

2. Do you favor amnesty for individuals who evaded military service in violation of the draft law?

3. Should our government participate in an economic assistance program which would include North Vietnam after all POW's and MIA's are returned or accounted for?

4. Should Congress enact a mandatory death penalty for certain crimes such as murder of a Federal official, skyjacking and kidnapping for ransom?

5. Should a Constitutional Amendment be adopted to prohibit the assignment (busing) of public school children on the basis of race?

6. Should money from the Highway Trust Fund be used to improve urban public transportation systems?

Question	1	2	3	4	5	6
Totals:						
Responding	38,914	39,731	39,628	34,599	39,692	39,451
Voting no	10,034	33,410	33,871	6,932	10,366	20,519
Voting yes	28,880	6,321	5,757	27,667	29,326	18,932
Percent yes	74	16	15	80	74	48

7. Would you favor stronger laws to deal with strikes that threaten our national transportation and communications facilities?

8. Do you believe that adults who receive welfare benefits should be required to work if they are able to do so?

9. Do you favor a law that would prohibit the issuance of food stamps or welfare payments to families of striking workers?

10. Would you support a program of tax credits to parents or guardians of children who attend private or parochial schools?

11. In Federal minimum wage legislation, should exceptions be made for teenagers and farm workers?

12. Should environmental standards be modified in order to meet increased energy requirements?

Question	7	8	9	10	11	12
Totals:						
Responding	39,475	39,907	37,343	40,052	39,460	39,137
Voting no	9,419	1,987	12,508	22,317	22,647	15,095
Voting yes	30,056	37,920	24,835	17,735	16,813	24,042
Percent yes	76	95	67	44	43	61

ANALYSIS OF HIGH SCHOOL RESPONSES, ALL VOTES 'YES' ARE IN PERCENTAGES

Question	1	2	3	4	5	6	7	8	9	10	11	12
Antioch High School—Sample base of 217 students voting yes	70	27	25	65	59	66	79	39	45	38	27	60
Crystal Lake High School—Sample base of 119 students voting yes	73	37	27	47	53	68	68	86	45	32	30	63
Elgin Larkin High School—Sample base of 165 students voting yes	63	62	50	41	66	78	51	86	38	43	38	62
Grant High School (Fox Lake)—Sample base of 142 students voting yes	80	26	29	51	50	69	73	87	39	43	33	65
Marian Central High School (Woodstock)—Sample base of 93 students voting yes	53	34	32	47	57	60	82	99	47	97	24	68

Question	1	2	3	4	5	6	7	8	9	10	11	12
Mundelein High School—Sample base of 117 students voting yes	81	25	22	69	63	66	67	90	52	32	26	59
Saint Edward's High School (Elgin)—Sample base of 103 students (except as noted):												
Responses	103	91	98	96	93	103	102	102	81	96	94	81
Voting yes	79	46	39	50	60	65	65	90	63	88	27	57
Waukegan High School (East)—Sample base of 384 students voting yes	63	53	30	47	54	73	50	89	38	34	23	60
Zion-Benton High School—Sample base of 368 students voting yes	73	32	40	61	62	63	69	81	43	47	48	52
Total High School results—Sample base of 1,708 students voting yes	70	39	34	53	58	68	65	81	43	44	31	60

PROTECT SCHOOL NUTRITION

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. LEHMAN. Mr. Speaker, as a former chairman of the Dade County School Board, I am deeply concerned about the maintenance of good child nutrition programs in our schools.

There are three issues of major importance in this area where action by the Congress can guarantee the continuance of proper nutritional programs for our children.

NO EDUCATION REVENUE SHARING

The special education revenue-sharing program as proposed by the President intends to absorb National School Lunch Act funds—section 4, nonfood assistance and State administrative expense—and end the earmarking of these funds specifically for child nutrition programs.

Leaving the designation of these funds to the discretion of State and local communities, as would take place under revenue sharing, would place child nutrition programs in great jeopardy.

The establishment and maintenance of school feeding programs should be a national policy and not left to the discretion of local governments who may desire to buy some hard-cover textbooks or audio-visual equipment rather than feed hungry children.

There are food service programs in effect today which would simply not be able to survive without section 4 funds.

Therefore, it is of utmost importance to oppose the President's special revenue-sharing proposal for education.

INCREASE THE REIMBURSEMENT RATE

Also of major concern is the need to increase school lunch reimbursement rates from 8 to 12 cents.

School food service programs are faced with a need to increase salaries to comply with minimum wage requirements.

It is anticipated that wholesale prices of the foods that are purchased, when adequate supplies are available, will greatly exceed fiscal year 1973 prices.

Therefore, if the sale price of lunches is to be kept low enough so that the majority of pupils can afford to buy lunch at school, then section 4 rates should be increased to a minimum average of 12 cents per lunch served.

NO SNACK FOODS AT SCHOOL

The purpose of school nutrition programs is to maintain and improve the health and nutrition education of school children.

Allowing easy access to snack foods during school hours tempts children to eat the snack foods instead of a nutritious lunch.

I have introduced H.R. 7815 which would seek to remove this temptation.

I wish at this point to insert into the RECORD a copy of H.R. 7815 and a position statement of the American School Food Service Association which explains in detail the need to limit the availability of snack foods:

H.R. 7815

A bill to amend the National School Lunch Act, as amended, to assure that the school food service program is maintained as a nutrition service to children in public and private schools, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. After the first sentence of section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) delete the following sentence "Such regulations shall not prohibit the sale of competitive food in food service facilities or areas during the time of service of food under this Act or the National School Lunch Act if the proceeds from the sales of such foods will inure to the benefit of the schools or of organizations of students approved by the schools."

SEC. 2. The Child Nutrition Act is further amended by adding at the end thereof a new section as follows:

"SEC. 318. (a) The Secretary shall make cash grants to the education department or comparable agency of each State for the purpose of providing funds to local school districts and private nonprofit school systems to enable schoolchildren within each State to participate in programs which increase their knowledge of the nutritional value of foods and the relationship of nutrition to health.

"(b) In order to carry out the program provided for under subsection (a) there are authorized to be appropriated such sums as the Congress deems appropriate. These funds shall be apportioned among the States according to the number of people in that State in proportion to the number of people in all the States; however, no State shall receive less than 1 per centum of any funds appropriated by the Congress.

"(c) In the event that a State education or comparable agency is unable to distribute funds provided under this section to private nonprofit schools, the Secretary shall disburse these funds directly to such school systems in proportion of the total enrollment in these schools to the total enrollment in all schools in the State, and the Secretary shall withhold these funds from the total apportionment allotted to the State agency.

"(d) The Secretary shall withhold not less than 1 per centum of any funds appropriated under this section and shall expend these funds to carry out research and development projects relevant to the purpose of this section, particularly to develop materials and techniques for the innovative presentation of nutritional information."

POSITION STATEMENT OF THE AMERICAN SCHOOL FOOD SERVICE ASSOCIATION ON FOOD SERVED IN CHILD NUTRITION PROGRAMS

The purpose of school nutrition programs "is to maintain and improve the health and nutrition education of school children." [1]

American School Food Service Association with its 60,000 members is committed to the concept that food [2] served at school shall contribute to the development of sound nutritional habits and to the daily food needs of children. School foodservice programs must be concerned with the child [3] by (1) providing a learning opportunity; (2) providing adequate nutrients; and (3) helping him build a positive self-image.

1. The school foodservice program has a responsibility to fulfill its role as an educational laboratory where the child learns to make wise food choices. There is little evidence that man has any instinct to guide his food choices in order to meet his nutritional needs. Food likes are learned experiences influenced by the home, peer group and school. School foodservice should offer a wide range of opportunities to help the child know and like a variety of foods that make a significant contrbution to his daily nutrient requirements.

2. School meals should be adequate in kind and quantity [4] of food to provide a significant proportion of a child's recommended dietary allowance.[5] The school foodservice program must be responsive to changing life styles and educational programs. Basic nutritional needs vary little. Only the quantity of food varies with age and activity.

3. The school foodservice program is concerned with human dignity and the child's self-image. Where additional foods are offered for sale, the child without money may suffer embarrassment. The anonymity of the child receiving a free or reduced price meal will be lost when he is identified by his lack of extra money for purchase of additional food.

All foods available in the school during the school day should be under the management and control of the school foodservice department and proceeds therefrom should accrue to the school foodservice account. Only foods that make a significant contribution to the child's daily nutritional needs should be available in school or other child feeding centers; any additional foods made available in schools other than elementary should not be in lieu of a meal.

OPPOSITION TO SECTION 7 OF P.L. 92-433 (H.R. 14896)

In light of these beliefs, the American School Food Service Association is opposed to Section 7 of PL 92-433.[6] This section of the law permits the sale of any food item to any child at any location at any time. It undermines the intent of the National School Lunch Act, which has as its purpose "to safeguard the health and well-being of the nation's children."

During the '60's there was increasing evidence that malnutrition was a factor common to the affluent as well as to the economi-

Footnotes at end of article.

cally needy. The report from the Ten State Nutrition Survey states that "adolescents between the ages of 10 and 16 years had the highest prevalence of unsatisfactory nutritional status. . . . In adolescents it was found that between-meal snacks of high carbohydrate food such as candies, soft drinks and pastries were associated with the development of dental caries. . . . School lunch programs were a substantial portion of the total nutrient intake of many school children." [8]

The need for a sound nutrition program for all children is evident, and yet the basic policy of school foodservice programs is threatened by Section 7 of PL 92-433. If there is a choice between non-nutritious and balanced meals, many children without nutrition education will choose the former.

There is need for a national nutrition policy to assure a sound school nutrition program as a right of every child.[9] Such a policy would serve as a guide for evaluating legislative proposals affecting the nutritional health of children.

Section 7, which reverses the policy basic to sound school nutrition, was enacted without benefit of adequate public hearings. There should have been opportunity for testimony by those who are concerned with the child's nutritional well-being.

New legislation is needed immediately to restore and augment the quality of child nutrition programs.

FOOTNOTES

[1] American School Foodservice Association Bylaws, Article II, Number 1, 1970.

[2] The term "food" as used in this statement includes everything liquid or solid that is consumed.

[3] The term "child" is used to cover all ages from 0 to 18.

[4] "Quantity of food" refers to the caloric intake or energy value.

[5] Lunch should provide at least ⅓ of the child's Recommended Dietary Allowance for his age/sex group; breakfast should provide at least ¼ to ⅓ of the child's Recommended Dietary Allowance.

[6] PL 92-433; Section 7. After the first sentence of Section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) add the following new sentence: "Such regulations shall not prohibit the sale of competitive foods in foodservice facilities or areas during the time of service of food under this Act or the National School Lunch Act if the proceeds from the sales of such foods will inure to the benefit of the schools or of organizations of students approved by the schools."

[7] National School Act of 1946, as amended; purpose.

[8] Ten State Nutrition Survey, 1968-70.

[9] White House Conference Report on Food, Nutrition and Health.

I want to note here the invaluable assistance in pinpointing the problems of school nutrition by Mrs. Janet Shinn, director of the food and nutrition service for the Dade County public schools.

Mrs. Shinn and I both share a strong concern that good child nutrition programs must be maintained.

SUPPORT THE NATIONAL ENDOWMENT FOR THE ARTS AND HUMANITIES

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mrs. MINK. Mr. Speaker, I ask the Members of the House today to give their wholehearted support to a renewed and expanded commitment to the National Endowment for the Arts and Humanities. The arts and humanities form an integral part of what we, as a people and a nation, are and wish to become. H.R. 3926 is requesting an authorization of $145 million without illusions that it can save all of our theater groups or support all of our opera and ballet companies or aid all of our talented musicians, actors, filmmakers, scholars, and writers. The intent of this legislation is not to subsidize but to vitalize, to provide a spark and a substantial sense of commitment, which will create an atmosphere of support and encouragement.

We know that great achievements in the arts and humanities were rarely isolated moments or the products of isolated individuals—they were eras of unusual achievement, when artists and scholars and the communities that supported them seemed to draw inspiration and sustenance from one another.

Community support has always been a critical ingredient in creative achievement and that is, essentially, what we hope to contribute. Those of us who have been in Washington for sometime have noted its vigorous cultural growth and the deepening belief in itself as a national center for American culture. There is a virtually palpable air of creativity and life to this city: one achievement sparks another.

The work of the endowments here and elsewhere has laid the groundwork. There is the American Film Institute's work in preserving our film heritage and training and assisting future generations of film artists. American film is a dynamic art and yet by its very nature it is a complex and very expensive art form whose sheer costs would deter individuals from developing their talents.

I am hopeful of seeing even greater support for ethnic and regional projects. Without endowment interest and support, the simple lack of money may well condense our diverse and far flung cultural experience to the isolated pleasures of upper class residents of large metropolitan centers. The work of the endowments insures that our many, many resources are tapped and that the expression of our multifaceted talents is the property of all our people—whether they live in New York City or Wailuku, Maui.

The President requested $145 million to meet the needs of the National Endowments for the Arts and Humanities. This is the amount H.R. 3926 proposes to authorize. Frankly, I can think of few other investments in our people, in our Nation, and its continued vitality, which give a greater assurance of lasting rewards and satisfactions. This money is intended as an impetus to greater American achievements in the arts and humanities; the impact of our commitment will not be limited to those receiving direct grants. We hope to nurture—to share in the nurturing of the American spirit and its creative expression.

I urge you to approve H.R. 3926. The extension of the national endowments at an authorization level of $145 million for fiscal year 1974 and levels to be determined by Congress for fiscal year 1975 and fiscal year 1976 gives us flexibility as well as the opportunity to expand a vigorous and valuable program.

We are discussing a program which is fundamentally and vitally involved in the life of our Nation. We are talking about a purpose and understanding of life on which our Nation was built. We are talking about human expression and shared humanity. We are talking about American culture: its past, its present, its future, and its continuing diversity.

I would like to stress, as strongly as possible, that the endowments themselves have been and shall continue to be a means of perpetuating the richness of American life and the tenacity of her ideals. I urge you to consider this legislation with a full awareness of its import. I urge you to approve H.R. 3926.

THE ENERGY CRISIS AND THE ROLE OF THE OIL INDUSTRY

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. RIEGLE. Mr. Speaker, I would like to insert for the RECORD the following testimony which I presented on Monday, June 11, 1973, before the Senate Antitrust and Monopoly Subcommittee:

STATEMENT OF REPRESENTATIVE DONALD W. RIEGLE, JR.

Mr. Chairman: I want to thank you for the opportunity to appear before your Committee today, and express my appreciation for your leadership in investigating the competitive aspects of the energy crisis.

I appear here today to express my deep concern about the oil and gas shortage plaguing our country—and to encourage the Committee to explore *all* aspects of this situation. Clearly the public interest demands a complete search for the truth, and legislative recommendations which can solve this problem.

Representing an auto-producing district—and a constituency that depends substantially on automotive travel—I am convinced that the public interest requires adequate availability of petroleum products at fair and reasonable prices.

Let me say at the outset that I believe oil and gas products have come to assume a public importance here in America equal to electric power requirements. We presently subject electric power companies to public service regulation in order to prevent monopolistic abuse—and to insure adequate supply at fair prices.

Historically the oil industry in the United States had functioned as a part of the private enterprise sector, largely free of government regulation. Increasingly I am coming to the view that the unregulated market practices of the oil industry may actually be harming the public interest. If that is so, then strong legislative remedies are in order. And while all the facts are not yet known, I would urge that we not rule out the possibility that domestic oil companies may have to come under direct government regulation as to price structure and allowable rates of return.

Let me emphasize that I am not advocating such a step at this time; I would prefer to see a market environment within the oil industry that is genuinely competitive and that can establish a supply/price structure that will properly service the public interest.

If, however, the basic structure of the industry, possible monopolistic practices, corporate inefficiencies and waste, private greed, or other factors have combined to place the needs of our people and our country in jeopardy—then direct government intervention and regulation may be unavoidable.

The failure of the oil industry to produce an adequate supply of oil and gas products at this time has already created much public anxiety and injury. The American people have been inconvenienced, required to pay sharply higher prices for gas—and threatened with the prospect of inadequate home heating fuel and fuel products required by schools, police departments, and other vital units of government. Yet only a year ago, the major oil companies were objecting to increased importation of foreign oil products, assuring us that domestic refineries could adequately meet the needs of our people. Those assurances have proven worthless. We should establish whether these apparent gross errors of judgment were due to industry incompetence or outright misrepresentation.

I am also deeply disturbed at what almost seems to be the deliberate destruction of the independent oil dealer structure across our country. Effective price competition within the oil industry already has been badly damaged—and I find that an ominous development that harms the public interest. This has developed into a serious problem in Michigan, and I am glad to note that the Michigan Independent Oil Dealers will testify before you later today on this subject.

In examining these issues, I believe we must seek 1) an immediate improvement in the present situation—and 2) a competent longer range plan which is fair and workable. Such a plan must necessarily take into account new environmental standards, the obvious need for greater refinery capacity, accelerated discovery and development of needed energy sources, lower distribution costs, and thoughtful conservation of fuel, among other things.

In the short run I would specifically urge a mandatory pro-rata allocation system, so that equity is assured among dealers and users—and I am encouraged by Senate passage last week of the Fuel Allocation Act.

Finally, Mr. Chairman, I would urge the Committee to give special investigative attention to certain specific questions that are both complex and sensitive.

First, to what extent has the recent international cartel arrangement served to create or worsen our domestic oil problem here in America? Have new monopolistic relationships come into being, and if so, are domestic oil companies involved? Did former Texas Governor John Connally participate in negotiating these new arrangements, and if so, does his recent appointment by President Nixon create any conflict of interest with respect to matters of oil policy?

Second, can we more precisely establish the feasibility of various energy options for meeting our future energy needs in order that we might reach rational and wise judgments on such immediate matters as the proposed Alaskan pipeline and proposals to accelerate off-shore oil development?

Third, does any evidence exist to show collusion among the major oil companies to promote an oil scarcity in order to limit competition, secure monopolistic profits, or gain additional governmental concessions? It would be my feeling, Mr. Chairman, that any evidence along this line should prompt us to prepare new legislation which would provide criminal penalties—both fines and imprisonment—for anyone endeavoring to artificially restrict the supply of oil and gas—contriving the appearance of scarcity—or conspiring to reduce competition.

Fourth, are recent gas price increases simply the pass-through of higher manufacturing costs—or do they represent an increase in profit margins? I note for example that the profits of Exxon have mushroomed by a startling 42%—comparing first quarter results in 1972 versus first quarter 1973. Other major oil companies are also showing a spectacular rise in profits.

Fifth, I am deeply disturbed by news reports yesterday, alleging that officials of the Federal Power Commission sought to destroy confidential papers related to the shortage of natural gas. If these reports are accurate—it raises a serious question as to whether the FPC, as now constituted, is an adequate governmental regulator. If not, does it then impose upon the Congress the need to consider the possible creation of a tough, new independent regulation mechanism within government?

Finally, I would like to express my strongest opposition to the possible 5 cent a gallon national gas tax that has been suggested as a way to reduce gasoline consumption. A regressive tax of this kind would work a particular hardship on people with low incomes who must use auto transportation. While we should properly consider ways to reduce unnecessary gasoline consumption—a tax of this kind would fall with unequal weight on those people who cannot afford to pay higher prices.

Mr. Chairman, I thank the Committee for this opportunity to appear, and I wish you well in your continuing investigative efforts.

WHAT IS COMMUNISM—CHAPTER III

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. PRICE of Texas. Mr. Speaker, I am pleased with the reaction thus far to the series of analytical statements on communism which I have initiated in the CONGRESSIONAL RECORD. Comments and questions I have received reinforce my belief that there is a need for as well as an interest in this type of study. We need to understand communism because it is a powerful force at work. But we need to understand real rather than imagined communism—there is simply no room for the innuendoes, the clichés, and the stereotypes that have surrounded this subject. That is the purpose of this series—and this chapter shall deal with communism and the role of the State.

The basic premise of communism is that all forces and aspects of the society—political, social, cultural, et cetera—are directly affected by the means of production—the economic base. The economic system is regarded by Marx as the foundation of the society, and it is then the force which directly determines the nature of the other elements of the society which are referred to as the "superstructure." The State is regarded as being a part of that superstructure.

Marx believed that the State is not a natural institution and that it was nonexistent in man's earliest type of society based upon the tribe. This society was communal and nonclass in nature, and functioned in the context of the family relationship.

Gradually, as the tribe grew, certain individuals gained unto themselves increasing influence and position within the tribe, together with an accumulation of property for private use. Gradually tribal life gave way to a feudal system—a change in the means of production—which resulted in the creation of the State. Thus, the State developed in society only after the communal nonclass primitive society had given way to an owner-class within the society, which set up and used the State to protect its private property from both the peasant class and the ambition of other neighboring ruling owner-classes.

The State cannot be regarded as a power imposed on society from without; rather, it is a product of society at a particular stage of development; it is the admission that this society has involved itself in irreconcilable antagonisms and self-contradictions. To keep the society from upheaval and to protect the class distinctions, a power apparently standing above the society becomes necessary to keep the society within the bounds of order.

Because the State—the superstructure—is affected by the economic base, it follows that the economically ruling class must also become the politically ruling class. In capitalism, which evolved from feudalism—land ownership gave way to ownership of machinery and capital—the role of the State as a servant of the bourgeoisie, the capitalists, is to oppress the great proletarian mass, the workers.

Since all of history, according to Marx, is the story of class struggles and since changes in the superstructure are directly dependent upon changes in the means of production, and since the State in the capitalist system must of necessity oppress the great proletarian majority, and since the law of the dialectic—as interpreted by Marx—decrees the inevitability of communism, therefore it becomes necessary for the proletariat to seize the means of production and to establish a new superstructure. To guard against the return of capitalist oppression, as imposed by the State, a new "dictatorship of the proletariat" must be created. However, this is interpreted by Marx to be a temporary, transitional phase, for gradually the State, which is evil, must wither away leaving the perfect, classless, and static society. Since the means of production, economic base, determines the superstructure—including the State—the new classless society of workers precludes the need for the State since the class struggle and the contradictory forces of capitalism have been abolished.

The next chapter of this series will deal with the politics of systemic transformation, that is, the need for violent or nonviolent revolution.

THE GAS TAX BALLOONS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. GAYDOS. Mr. Speaker, I serve notice now that I am unalterably opposed to any increase in the Federal gasoline tax, the trial balloons for which the

Nixon administration has sent soaring higher than a superhighway "Exxon" sign.

William E. Simon, Deputy Secretary of the Treasury and Chairman of the Oil Policy Committee, is one of the balloon hoisters. He says the President "in the very near future" could ask Congress for a boost of from 1 to 10 cents above the present 4-cent-per-gallon levy.

Treasury Secretary George P. Shultz admits that such a request is under consideration. Meanwhile, the proverbial "informed sources" are being quoted by newsmen as predicting the hike contemplated as 5 cents. Such a sharp boost, they add, would increase Federal revenues to a budget-balancing degree, reduce gasoline consumption as motorists economize, and help ease the air pollution problem.

The contradiction of how a tax increase could bring billions into the Treasury while, at the same time, causing a noticeable decline in gasoline usage is not resolved in these reports. Surely less gasoline consumption would mean less picked up by the Federal Government from its increased tax rate.

Regardless, I am against this or any other measure which would heap a new cost burden on the American people at a time when most of them are struggling to keep up with the increased cost of food and other necessities. Our job is not to punish them further, but to do something about easing the load upon them by bringing about the governmental economies which cry out for attention and by adopting whatever controls are needed to get inflation under control.

An increase in the gasoline levy would hit hardest the low- and middle-income groups who are less able to afford it. A dollar a tank more means little to the rich. But it could be an extremely punishing item in the budget of the great majority of Americans—those, in fact, to whom the automobile is of major importance in their daily pursuits and in their recreation. They make up the motoring public. The wealthy ride the airlines.

As with others in this Congress, I have become weary of the contention that the inflation and Federal deficit problems are matters which demand the imposition of more taxes. This theory is invalid. What these problems do require is less waste in Government, a cut in the flow of gift dollars abroad, an economic leadership acutely aware of the plight of our people, and an end to the absurd notion that, somehow, we can spend ourselves into a lasting prosperity.

I am against a gasoline tax increase, or any other proposal which would make it tougher for the average American to get along.

TEXAS A. & M. UNIVERSITY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. TEAGUE of Texas. Mr. Speaker, it is a poor alumnus member who does not take advantage of every opportunity to "blow his horn" about his alma mater; and I am going to take this privilege of inserting into the RECORD, an article on Texas A. & M. University which appeared in the March 25 edition of the Dallas Morning News:

ESTABLISHED IN 1876—TEXAS A. & M. SERVES NATION

Texas A&M University (TAMU) has served the state and nation for nearly a century as a leader in teaching, research and extension education.

Established in 1876 as Texas' first public institution of higher education, TAMU has carried out its traditional land grant role while expanding into a variety of new fields. Its oceanographic and other marine-related activities, for example, led to the university's designation in 1971 as one of the first four Sea Grant Colleges in the United States.

As a Sea Grant College, Texas A&M has a mandate to provide leadership in developing the nation's marine resources.

The College Station campus is in the middle of an $80 million building program to accommodate its growing student body, faculty and expanding curriculum.

TAMU's 16,156 fall enrollment included 3,392 graduate students, giving the institution the state's largest percentage of full-time graduate students in comparison to total enrollment.

TAMU is continually attracting more students of high academic standing, with almost two-thirds of the entering freshmen ranking in the top quarter on their high school graduating class and approximately 90 percent are in the top half. More than 100 National Merit Scholarship recipients are currently enrolled.

Keeping pace with enrollment, the faculty has increased 50 per cent within the past five years. The university now has nearly 1,200 faculty members, two-thirds holding doctoral degrees.

TAMU's annual volume of research totals more than $30 million, making it a leader in the Southwest. The main campus includes more than 150 research laboratories for hundreds of individual projects. Among the facilities are the Southwest's largest cyclotron and one of the nation's busiest research nuclear reactors.

TAMU has 11 colleges, double the number of five years ago. They are the Colleges of Engineering, Agriculture, Business Administration, Liberal Arts, Science, Education, Architecture and Environmental Design, Moody College of Marine Sciences and Maritime Resources, Geosciences, Veterinary Medicine and the Graduate College.

Together, the college offers undergraduate degrees in more than 70 different fields and 105 degree options on the graduate level.

TAMU, with campuses at both College Station and Galveston, is part of The Texas A&M University System. The system includes Prairie View A&M College, Tarleton State College, Texas Forest Service, Texas Agricultural Experiment Station, Texas Agricultural Extension Service, Texas Engineering Extension Service, Texas Engineering Experiment Station and Texas Transportation Institute.

The major building program includes the $10-million Zachry Engineering Center and educational television facility completed last spring. Current projects are a 15-story oceanography-meteorology building, eight-story classroom-office building with two-story classroom annex, auditorium-continuing education complex, expanded Memorial Student Center, student health center, athletic dormitory and additional housing for married students.

Coeds are living on the campus for the first time this year after completion of a modern 1,000-student dormitories and commons complex. Once an all-male, military oriented school, TAMU now is fully coeducational, with 2,712 coeds enrolled.

Participation in the Corps of Cadets is strictly voluntary, yet TAMU still produces more new ROTC-trained officers each year than any other university in the nation. This year's Corps has approximately 2,650 cadets, including a new Marine Corps-oriented Naval ROTC program joining the Army and Air Force ROTC training at College Station.

GREAT SOCIETY SOCIAL PROGRAMS VIEWED AS COUNTERPRODUCTIVE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. CRANE. Mr. Speaker, I would like to commend to my colleagues' attention a most perceptive contribution to a symposium on "Nixon, the Great Society and the Future of Social Policy" in the May 1973 issue of Commentary by Dr. Edward C. Banfield. Now professor of Public Policy Analysis at the University of Pennsylvania, Dr. Banfield for many years held a chair of political science at Harvard University where he published, among other words, the Unheavenly City.

This eminent student of urban affairs and social policy points out that most of the social welfare programs of the 1960's—OEO, Community Action, Head Start, Vista, and so forth—have been ineffective or counterproductive. Many have done much more harm than good.

I should like to include his informative essay in my extension of remarks:

NIXON, THE GREAT SOCIETY, AND THE FUTURE OF SOCIAL POLICY

The Great Society was a Great Cornucopia overflowing with all sorts of goodies: civil-rights laws, the Office of Economic Opportunity (a cornucopia within a cornucopia), Model Cities (another cornucopia), manpower-training programs, compensatory-education programs, and so on—hundreds of items, altogether. Their diversity resists any one-word verdict.

Many millions of dollars were spent monitoring and evaluating, but the products of these efforts are of little value for the present purpose. The evaluations are mostly of bits and pieces of certain programs—Community Action in some cities and from certain standpoints, for example. So far as I am aware, not a single program has been evaluated systematically and in detail. That would be impossible in most cases because of the vague and contradictory nature of the goals. Model Cities, for example, was intended to concentrate resources in order to make a "substantial impact" on poor neighborhoods, to improve decision-making procedures in the offices of mayors and city managers, and (among other things) to foster coordination, innovation, and institutional change. No one had, or has, any way of knowing exactly what was meant by such words and, apart from that, there was, and is, no way of judging how much of one goal (say, innovation) ought to have been sacrificed in order to secure more in terms of another (say, coordination).

It must be remembered, too, that much of what is associated in the public mind with the Great Society had long been in existence. When Secretary George Romney called the Federal Housing Administration programs "a $100-billion-dollar mistake" he was not referring to those of the Great Society: the national housing goal was set by Congress in

1949 and even at that time the principal housing programs were a decade old.

Despite these considerations, I believe it is possible to separate out the Great Society programs and pass judgment upon them collectively. The Great Society had two general goals. The more widely publicized was that of bringing incomes up to what came to be called the poverty line. The other, which was more important from the standpoint of most of the professionals who participated in the design of the programs, was to bring "culturally deprived" persons into the "mainstream." The chronically poor, especially the young among them, were to be given training in schools and work places so that they could get steady, high-paying jobs; their civil rights were to be protected and extended; and they were to be provided with better health, housing, and recreational facilities—all with "maximum feasible participation" on their part. This, it was thought, would reduce frustration and "alienation" and engender self-confidence, self-respect, and a healthy desire for political and economic independence.

Judged against these goals, almost all of the Great Society programs (the exceptions that I have in mind are the civil-rights laws) range from unsuccessful to counter productive.

The number of the poor did, it is true, decline by one-fourth between 1965 and 1970. Without any doubt the Great Society programs accounted for some of this (OEO alone spent nearly $10 billion) but the Social Security program established by the New Deal accounted for more (mostly old people whose incomes had not been much below the line to begin with) and there were others—no one seems to know how many—whose increase of income was due to the natural growth of the economy. Indeed, on the whole poverty seems to have decreased at a *slower* rate in the 1960's than before. Robert J. Lampmann, in his valuable *Ends and Means of Reducing Income Poverty* (Markham, 1971), reports that the percentage of the total population in low-income status fell from 26 in 1947 to 19 in 1957 and to 12 in 1967. The principal factors affecting the rate of movement out of poverty are not the good intentions of legislators or the generosity of taxpayers: rather they are changes in the composition of the population, in occupations (especially farm versus non-farm), and in the size of the gross national product. According to Lampman and other economists, it is reasonable to expect that by 1980 no one will be below the existing poverty line. This would be the case no doubt even if the War on Poverty had never been declared.

There has also been progress toward the other goal of the Great Society programs—that of bringing the "culturally deprived" into the "mainstream." But here again most of it is not attributable to the programs. The income return to blacks who finished school in recent years is now about equal to that of whites; this has encouraged young blacks to want—and to get—somewhat more schooling than do whites of the same ability as measured by test performance. The Great Society's civil-rights laws deserve some of the credit for these developments, but surely the fundamental fact of the situation (accounting, among other things, for the passage of the laws) is that there has been a dramatic decline in white bigotry and insensitivity since the Second World War, resulting in vastly improved employment opportunities for the "culturally deprived" and making it possible for the motivated among them to find their way into the "mainstream." There is no evidence, so far as I have been able to discover, that the Community Action and other Great Society programs designed to stimulate upward mobility have succeeded in doing so. Where motivation developed it may have done so in spite of these programs rather than because of them. There is no doubt but that the injection of many billions of dollars of public funds benefited the black communities. The people who gained most, however, were middle class, not "culturally deprived."

That compensatory education programs have not worked and probably cannot be made to work is a conclusion now widely accepted even among those who expected most from them. Robert Levine, OEO's director of research in the Johnson administration, has written (in *The Poor Ye Need Not Have with You*, MIT Press, 1970) that in general ". . . the evaluation of educational programs shows that very little is known about what [will work] and even throws doubt on the importance of anything that might work. . . ." Much of the same has been said by others with respect to delinquency control, manpower training, community action, coordination, and most of the other programs. Indeed, in a paper presented in March at the annual meeting of the Southwestern Political Science Association, Professor Robert J. Leonard of the University of Evansville showed that anti-poverty expenditures (OEO, VISTA, Community Action, and Head Start) in 1968 had *no effect* on poverty, education, employment, and crime in the cities to which they went so far as could be judged by such crude but plausible measures as proportion of employed males per capita before and after.

Whatever judgment one makes as to the benefits of these programs, one must face the fact of their costs. These have been, and are still, very large. It has been estimated (by Charles Schultze and his collaborators of the Brookings Institution in *Setting National Priorities: The 1973 Budget*) that federal expenditures on the major Great Society programs increased from $1.7 billion in fiscal 1963 to $35.7 billion in fiscal 1973.

These money costs are far exceeded, in my judgment, by many other, more or less intangible costs, especially the following: the multiplication of categorical-grant programs beyond the capacity of the executive branch to administer them, with the result being delay, confusion, waste and corruption, and the "elbowing aside" (as the President recently put it) of state and local governments and of the private sector and their further decline in vigor and capacity; the raising of expectations to unreasonable levels leading to widespread disappointment and frustration and, on the part of quite a few, to the conclusion that this is a "sick" society "not worth saving"; the use of public funds in some cities to underwrite the "leadership" of known criminals, revolutionaries, and mountebanks who exploited—and in some instances terrorized and ultimately destroyed neighborhoods and institutions over which they were enabled to gain control (for a case in point, see the account of the destruction of the Woodlawn area of Chicago in the Winter 1973 issue of the *Public Interest*); and, finally, the cooptation of most of the young potential leaders of the poor neighborhoods and their subsequent neutralization and, in many instances, demoralization.

It was not for lack of money that the Great Society programs failed. Some of the principal efforts—Model Cities, for example—had more of it than they could spend. Others spent prodigally without measurable achievement. Federal aid to public schools, for example, increased from $19 to $52 billion in the 1960's, but the test scores of pupils, which had previously been rising, declined. (However, it should be remembered that in this decade the schools were holding more low-achieving pupils for longer periods: presumably they had some success with a considerable number of them.)

If an "income" (as opposed to "services") strategy means giving money to people rather than to governments, it is doubtful whether—except perhaps in the very long run—it would have succeeded any better in changing the style of life of those whose handicap was not simply, or even primarily, lack of income—that is, the "culturally deprived." In my opinion, putting millions more on welfare (which is what the "income strategy" seems to mean in practice) would permanently seal a great many people off from the world of work. I agree with the authors of *Work in America* (MIT Press, 1973) that "the key to reducing familial dependency on the government lies in the opportunity [I would add also the disposition to accept the opportunity] for the central provider to work full-time at a living wage."

It is a virtue of the "services strategy" that the conspicuous failure of a "service" makes it politically vulnerable. Not so with the "income strategy"; whatever ill effects that produced would probably pass unnoticed or, in any event, not be charged against it. Politically it would be unassailable. Thus we have recently been told by Joel Handley that the theory that "if enough people get on welfare it will be politically untenable to treat them as 'undeserving' . . ." is "both brilliant and humane" (*Reforming the Poor*, Basic Books, 1972).

(2) President Nixon no doubt wishes that Americans would do more for themselves and expect less to be done for them by government. Nevertheless I do not think that he is in the least likely to lead a "counterrevolution" against the trend of social policy. He knows, better perhaps than any man alive, that it is an indispensable condition of the working of the American political system that it offer strong incentives to all sorts of interests to press for advantages (not always "selfish" ones of course) and that incentives exist only as there is expectation of at least partial and occasional successes. He knows, therefore, that unwise and even outrageous measures must frequently be adopted, and that if it were otherwise (if, say, Congress were somehow made "responsible") the result would be to deprive the system of the energy that makes it work. That he is himself a very strenuous exerter of influence is evidence that he knows how to act effectively within the system, not that he wants to change it.

Although he may deplore it, the President must also be fully aware that the volume of demands placed upon the government is bound to increase. As Americans become more affluent, schooled, and leisured they discover (and also invent) more and more "social problems" which (they fondly suppose) can be "solved" if the government "really cares" (that is, if it passes enough laws, hires enough officials, and spends enough money). That one whose business it is to come to terms with reality, and who has shown himself to be extraordinarily adept at this business, will lead a "counterrevolution" against so conspicuous a feature of reality seems most unlikely. The President is a politician, not a preacher. His task and talent are for making things work, not for changing them.

The view that I am taking is in no way contradicted by the current budget proposals. The President is trying to curb inflation, avoid increases in taxes, get rid of programs that almost everyone knows have not worked, consolidate others for better administration, and turn responsibility for a wide range of matters back to the states and cities. Even if his budget contained no new initiatives (in fact it contains several major ones), it could not reasonably be taken as a portent of "counterrevolution."

The President's efforts to shift responsibilities to the states and local governments might perhaps be judged "counterrevolutionary" if he were leaving it to them to finance the programs. But this is not what he is doing. The fact is—although one would never guess it from the howls of mayors and governors—that the 1974 budget proposes to give state and local government more federal aid than they received this year (to make the figures comparable one must take into

account that in 1974 public assistance for the aged, blind, and disabled will go to them directly rather than via grants to the states) and about four and one-half times what they received a decade ago. And this although state and local governments are presently enjoying an aggregate revenue surplus which, if they do not lower their tax rates, is expected to reach some $13 billion in 1975.

I see revenue sharing and the New Federalism in general as a sort of domestic Vietnamization strategy under which Washington will provide the "villagers" with material resources and technical advice while allowing them to fight the "war" in their own way. This is not necessarily a strategy for winding down the "war." It may merely represent a facing of the fact, obvious in the Johnson administration but not faced by it, that federal programs have become too many and too complex to be administered from Washington. Another possibility—I find this more probable, although I do not suppose that it is the President's wish—is that the new strategy is preparatory to an escalation of the "war" and the opening of vast new fronts (health seems to be the most likely one now that education and welfare are both stalemated).

(3) In my judgment a sound program in the area of social policy would involve a radical devolution of federal activities to state and local government and, beyond that, of many public ones to competitive markets. Such a program is, however, incompatible with the nature of our political system, which is energized by the pressures that interests exert to get things from government. Since I believe that despite its evident faults this political system is vastly better than any practical alternative, I am in the awkward position of having to conclude that a sound program is really unsound. When constituents begin asking politicians, "What have you *un*done for me lately?" the situation will improve.

SUPREME COURT'S HISTORIC DECISION

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. LEHMAN. Mr. Speaker, yesterday the Supreme Court handed down what I believe will be regarded as a historic decision.

In Strunk against United States, the Court unanimously affirmed the right to a speedy trial. The trial of Mr. Strunk was delayed for 10 months, and in regard to this, Chief Justice Burger, speaking for the Court, stated—

The speedy trial guarantee recognizes that a prolonged delay may subject the accused to an emotional stress that can be presumed to result in the ordinary person from uncertainties in the prospect of facing public trial or of receiving a sentence longer than, or consecutive to, the one he is presently serving—uncertainties that a prompt trial removes.

Recognizing the great interest of my colleagues in this issue, I insert herewith the text of the Court's opinion:

(NOTE.—Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Lumber Co.*, 200 U.S 321, 337.)

[Supreme Court of the United States No. 72–5521. Argued April 24, 1973.—Decided June 11, 1973]

Syllabus

(Certiorari to the United States Court of Appeals for the Seventh Circuit)

Petitioner was convicted of a federal offense and was sentenced to a term of five years, to run concurrently with a sentence of one to three years that he was serving pursuant to a state-court conviction. Before trial, the District Court denied his motion to dismiss the federal charge on the ground that he had been denied a speedy trial. The Court of Appeals reversed, holding that he had been denied a speedy trial, but that the "extreme" remedy of dismissal of the charges was not warranted. The case was remanded to the District Court to reduce the sentence by 259 days to compensate for the unnecessary delay that had occurred between the return of the indictment and petitioner's arraignment. The Government did not file a cross-petition for certiorari challenging the finding of denial of a speedy trial. *Held:* In the case, the only question for review is the propriety of the remedy fashioned by the Court of Appeals. In light of the policies underlying the right to a speedy trial, dismissal must remain, as noted in *Barker* v. *Wingo*, 407 U.S. 514, 522, "the only possible remedy" for deprivation of this constitutional right. Pp. 2–6.

467 F. 2d 969, reversed and remanded.

Burger, C. J. delivered the opinion for a unanimous Court.

(NOTICE.—This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D.C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.)

[Supreme Court of the United States—No. 72–5521—June 11, 1973]

CLARENCE EUGENE STRUNK, PETITIONER v. UNITED STATES

On Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit.

Mr. CHIEF JUSTICE BURGER delivered the opinion of the Court.

Petitioner was found guilty in United States District Court of transporting a stolen automobile from Wisconsin to Illinois in violation of 18 U.S.C. § 2312 and was sentenced to a term of five years. The five-year sentence was to run concurrently with a sentence of one to three years that petitioner was then serving in the Nebraska Penitentiary pursuant to a conviction in the courts of that State.

Prior to trial, the District Court denied a motion to dismiss the federal charge in which petitioner argued that he had been denied his right to a speedy trial. At trial, petitioner called no witnesses and did not take the stand; the jury returned a verdict of guilty. The Court of Appeals reversed the District Court, holding that petitioner had in fact been denied a speedy trial. However, the court went on to hold that the "extreme" remedy of dismissal of the charges was not warranted; the case was remanded to the District Court to reduce petitioner's sentence to the extent of the 259 days in order to compensate for the unnecessary delay which had occurred between return of the indictment and petitioner's arraignment.

I

Certiorari was granted on petitioner's claim that once a judicial determination has been made that an accused has been denied a speedy trial, the only remedy available to the court is "to reverse the conviction, vacate the sentence and dismiss the indictment." No cross-petition was filed by the Government to review the determination of the Court of Appeals that the defendant had been denied a speedy trial. The Government acknowledges that in its present posture, the case presents a novel and unresolved issue, not controlled by any prior decisions of this Court.

The Court of Appeals stated that the 10-month delay which occurred was "unusual and call[ed] for explanation as well as justification." The Government responded that petitioner had, after receiving the proper warnings, freely admitted his guilt to an FBI agent while incarcerated in the Nebraska Penitentiary, and had stated that he intended to demand a speedy trial under Rule 20 of the Federal Rules of Criminal Procedure. The Government claimed that it had postponed prosecution because of petitioner's reference to Rule 20, and consequently, that a large portion of the delay which ensued was attributable to petitioner. The Court of Appeals regarded this explanation as tenuous; it also rejected the lack of staff personnel in the United States Attorney's Office as a justification for the delay. The entire course of events from the time of arrest through the Court of Appeals plainly placed the Government on notice that the speedy trial issue was being preserved by the accused and would be pressed, as indeed it has been.

On this record, it seems clear that petitioner was responsible for a large part of the 10-month delay which occurred and that petitioner neither showed nor claimed that the preparation of his defense was prejudiced by reason of the delay. It may also well be correct that the United States Attorney was understaffed due to insufficient appropriations and, consequently was unable to provide an organization capable of dealing with the rising caseload in his office especially with respect to criminal cases. Unintentional delays such as overcrowded courts or understaffed prosecutors are among the factors to be weighed less heavily than intentional delay, calculated to hamper the defense, in determining whether the Sixth Amendment has been violated but, as we noted in *Barker* v. *Wingo*, 407 U.S. 514, 531, they must.

"Nevertheless . . . be considered since the ultimate responsibility for such circumstances must rest with the government rather than with the defendant."

This served to reaffirm what the Court held earlier in *Dickey* v. *Florida*, 398 U.S. 30, 37–38 (1970).

"Although a great many accused persons seek to put off the confrontation as long as possible the right to a prompt inquiry into criminal charges is fundamental and the duty of the charging authority is to provide a prompt trial." [Footnote omitted.] [1]

However, in the absence of a cross-petition for certiorari, questioning the holding that petitioner was denied a speedy trial, the only question properly before us for review is the propriety of the remedy fashioned by the Court of Appeals. Whether in some circumstances and as to some questions the Court might deal with an issue in the setting of constitutional claims, absent its being raised by cross-petition, we need not resolve. Suffice it that in the circumstances presented here in which the speedy trial issue has been pressed by the accused from the time of arrest forward and resolved in his favor, we are not disposed to examine the issue since we must assume the Government deliberately elected to allow the case to be resolved on the issue raised by the petition for certiorari.

II

Turning to the remaining question of the power of the Court of Appeals to fashion what it appeared to consider as a "practical" remedy we note that the court clearly perceived that the accused had an interest

[1] American Bar Assn. Project on Standards for Criminal Justice. Speedy Trial (approved draft), at 27–28 (hereafter "ABA, Speedy Trial").

in being tried promptly, even though he was confined in a penitentiary for an unrelated charge. Under these circumstances:

"The possibility that the defendant already in prison might receive a sentence at least partially concurrent with the one he is serving may be forever lost if trial of the pending charge is postponed [Footnote omitted.]" *Smith* v. *Hooey*, 390 C. S. 374, 378.

The Court of Appeals went on to state:

"The remedy for a violation of this constitutional right has traditionally been the dismissal of the indictment or the vacation of the sentence. Perhaps the severity of that remedy has caused courts to be extremely hesitant in finding a failure to afford a speedy trial. Be that as it may, we know of no reason why less drastic relief may not be granted in appropriate cases. Here no question is raised about the sufficiency of evidence showing defendant's guilt, and, as we have said, he makes no claim of having been prejudiced in presenting his defense. In these circumstances, the vacation of the sentence and a dismissal of the indictment would seem inappropriate. Rather, we think the proper remedy is to remand the case to the district court with direction to enter an order instructing the Attorney General to credit the defendant with the period of time clapsing between the return of the indictment and the date of the arraignment. FED. R. CRIM. P. 35 provides that the district court may correct an illegal sentence at any time. We choose to treat the sentence here imposed as illegal to the extent of the delay we have characterized as unreasonable."

It is correct, as the Court of Appeals noted, that *Barker* prescribes "flexible" standards based on practical considerations. However, that aspect of the holding in *Barker* was directed at the process of determining *whether* a denial of speedy trial had occurred; it did not deal with the remedy for denial of this right. By definition such denial is unlike some of the other guarantees of the Sixth Amendment. For example, failure to afford a public trial, an impartial jury, notice of charges, or compulsory service can ordinarily be cured by providing those guaranteed rights in a new trial. The speedy trial guarantee recognizes that a prolonged delay may subject the accused to an emotional stress that can be presumed to result in the ordinary person from uncertainties in the prospect of facing public trial or of receiving a sentence longer than, or consecutive to, the one he is presently serving—uncertainties that a prompt trial removes. *Smith* v. *Hooey*, 393 U.S., at 379; *United States* v. *Ewell*, 383 U.S. 116, 120. We recognize, as the Court did in *Smith* v. *Hooey*, that the stress from a delayed trial may be less on a prisoner already confined, whose family ties and employment has been interrupted,[2] but other factors such as the prospect of rehabilitation may also be affected adversely. The remedy chosen by the Court of Appeals does not deal with these difficulties.

The Government's reliance on *Barker* to support the remedy fashioned by the Court of Appeals is further undermined when we examine the Court's opinion in that case as a whole. It is true that *Barker* described dismissal of an indictment for denial of a speedy trial as an "unsatisfactorily severe remedy." Indeed, in practice, "it means that a defendant who may be guilty of a serious crime will go free, without having been tried." 407 U.S., at 522. But such severe remedies are not unique in the application of constitutional standards. In light of the policies which underlie the right to a speedy trial, dismissal must remain, as *Barker* noted, "the only possible remedy." *Ibid.*

Given the unchallenged determination that petitioner was denied a speedy trial,[3] the judgment of conviction must be set aside; the case is therefore remanded to the Court of Appeals to direct the District Court to set aside the judgment, vacate the sentence, and dismiss the indictment.

Reversed and remanded.

[2] It can also be said that an accused released pending trial often has little or no interest in being tried quickly; but this, standing alone, does not alter the prosecutor's obligation to see to it that the case is brought on for trial. The desires or convenience of individuals cannot be controlling. The public interest in a broad sense, as well as the constitutional guarantee, command prompt disposition of criminal charges.

[3] ABA, Speedy Trial, at 40–41.

CAPE COD AND CAMBODIA

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. STUDDS. Mr. Speaker, on May 7, 1973, I joined three of my colleagues from the Commonwealth of Massachusetts in filing suit in Boston's Federal District Court to test the constitutionality of President Nixon's continued bombing of Cambodia. We are now waiting for the Government attorneys to respond to this suit. The basic question is: can a President of the United States violate the Constitution and several statutes passed by the Congress and signed by the President himself?

This constitutional question has not escaped the attention of the people we represent. At this point in the RECORD I would like to submit a three-part radio editorial aired by Mr. Francis Broadhurst on the Broadhurst Report, May 15, 16, and 17 on radio station WQRC, Hyannis, Mass.:

BROADHURST REPORT

PART I

The Watergate, like the plague, has become so overwhelming, has so many individuals involved, and is so shocking in all of its aspects that its very prominence has forced other issues into the background. It is really a pity because this sordid caper (which I, like many others, once considered to be a third rate burglary) has successfully overshadowed another issue which should be attracting much more attention and much more serious commentary than it has to date.

This issue is, of course, the issue of the power of the presidency versus the power of Congress—the Executive Branch versus the Legislative Branch of our tri-partite form of constitutional government. More specifically, I am referring to the move four Massachusetts Congressmen, including our own Congressman, Gerry E. Studds, to have the Federal Courts issue a judicial declaration that the actions of the Nixon Administration in carrying out bombing activities in Cambodia are violative of the Federal Constitution.

If this case is accepted by the Federal Judiciary and is actually described by the courts, it will be one of the most momentious landmarks in Constitutional Law since the Republic was founded. There is much at stake and, quite frankly, I am surprised that there has not been a spate of commentary in the press regarding the case.

I would like to explore with you some of the ramifications of the constitutional issue as I see them on a series of reports starting with a briefing on the actual suit filed in Federal District Court, Boston, on May 7th.

At the time of this writing, the battle lines of the current conflict of wills and constitutional authority between the President and the Congress over the bombing in Cambodia have been drawn on two fronts: (1) in the Congress and (2) in the Courts.

The issue is as clear cut as it is complicated: "Does President Nixon, as argued by Secretary of State Rogers and Secretary of Defense Elliot Richardson, have the authority to continue bombing Cambodia without the express consent of Congress?"

Or, to put it another way, can Congress, after more than three decades of abdicating its war making authorities to the Executive, claim that Nixon is in violation of the Constitution as argued by the four Massachusetts Congressmen?

In the Congress, the majority of the House of Representatives have already voted to stop funding the air war in Cambodia; and by the looks of things, a similar vote may be forthcoming from the other chamber—the Senate.

If, through Congressional action, President Nixon's conduct of bombing raids in Cambodia is brought to a halt through a cut off of funds, the issue will be resolved only temporarily, as I see it. However, if the suit entered in Boston before Federal District Court Justice Joseph Tauro is carried all the way through to a final judgment by the Federal Supreme Court, the issue will be fully and permanently resolved one way or the other. And the judgement of the United States Supreme Court—either in support of the plaintiffs or against them—in this case, will certainly be one of the most important to be delivered in the history of the Republic.

I would like to go through the bill of complaint filed last week. It was inserted in the Congressional Record the day after it was filed in Boston. It appears as an extension of remarks by the Honorable Robert F. Drinan of Massachusetts in the House of Representatives.

"On May 7th, 1973," said Drinan, "I, together with three of my colleagues and an active-duty service man filed suit in the Federal District Court in Boston, against the President, the Secretary of Defense, and the Secretary of the Air Force. "In the suit," said the Jesuit Scholar turned politician, "I, together with Congressmen John J. Moakley, Gerry E. Studds, and Michael Harrington and Airman First Class James H. Tayden (of Bedford), seek a judicial declaration that the actions of the Nixon Administration are in violation of Article I. section 8. clause 11 of the Constitution of the United State, various congressional enactments, the Paris Accords, and principles of International Law."

I would interject here that one should only seriously concern oneself with the first two allegations—(1) that the President's actions in continuing the bombing of Cambodia are in violation of Article I, section 8, clause 11 of the Federal Constitution; and (2) various congressional enactments.

As far as violations of the Paris Accords are concerned, constant violations of them by the North Vietnamese have effectively made them a dead letter, As far as there being any violations of the principles of international law, that would be hard to prove. I think a man as well founded in the law as Fr. Drinan (who headed Boston College Law School for so long) might agree that "International Law" is almost as nebulous and unenforceable as "natural law" and perhaps as impossible to define.

The important concerns are the alleged violations of the Constitution and Congressional enactments. It is hopefully here that the issue will be decided, not on the latter allegations which, while rooted in a certain amount of idealism, really amount—for all practical considerations—to moralistic breastbeating.

Under the bill of complaint, the nature of the action is described thusly: "The plaintiffs seek a determination that the aerial combat operations currently being conducted in Cambodia by military personnel under

the direction of the defendants are in violation of domestic and international law.

It is, as is further described, a civil action seeking declaratory judgment . . . adjudging these operations to be specifically in violation of the laws and further adjudicating that the Nixon Administration "may not engage in any such future activities in Cambodia or elsewhere in Indo-China without specific Congressional authorization; and then only to the extent and in a manner permitted by International Law."

The plaintiffs are listed and described as "Congressional Plaintiffs" who allege that they have been deprived of their Constitutional Right and obligation to participate with other members of Congress in deciding where American forces are to be committed to combat. In addition, they allege that as "Congressional Plaintiffs" they are entitled to a determination as to the legality of the defendants' actions complained of (in the suit) under their Constitutional duty to determine whether a resolution of impeachmen is called for.

Airman Hayden is in the suit on grounds that the actions of the Nixon Administration in Cambodia "may deprive him of life or liberty without due process of the law" among other things.

At this time tomorrow, I would continue this exposition of the suit by Congressmen Drinan, Studds, Moakley and Harrington by discussing in detail the defendants and the reasons why they are the defendants along with the incidents at issue as alleged by the Congressional Plaintiffs and the airman.

I would point out at this time that Judge Tauro, as of this writing, has under advisement arguments by the plaintiffs which he required of them to show cause to the court why it should take jurisdiction in this matter.

However, the court has served notice on the parties named in the suit that it has been entered. A pretrial hearing must be held and then the lengthy, time consuming legal process would begin.

Until tomorrow at this time, when I will continue discussion of Drinan et al—vs Nixon et al, Congress vs the Executive.

PART II

A major constitutional issue is being all but lost in the outfall of the Watergate scandal. The issue is whether or not the President has usurped the constitutional perogatives of Congress in conducting bombing operations in Cambodia. As I stated in part one of this series of reports, the battle between the Congress and the Presidency has been joined on two fronts—in the Congress itself where the House has already voted to choke off all funds for bombing in Cambodia and where the Senate is making ominous rumblings in preparation for a similar vote; and in the Court where four of our Massachusetts Congressmen, including Congressman Gerry Studds of the 12th District, are seeking to have the Courts declare the President in violation of the Constitution.

On the face of it, some might charge that this latter action is frivilous; that it is merely one more liberal effort to antagonize and harrass President Nixon.

Because I have been such a strong supporter of Nixon over the years, I wish—in a way—that the action were a frivolous one. However, since I have been a supporter of the Constitution more than of any individual President, I must admit to a strong desire to have this constitutional issue resolved formally and finally by the Judiciary.

It is something which I feel has long been needed. As a college student during the brief reign of John Kennedy as President, I argued vehemently that his commitment of combat troops to Indochina was a gross violation of the Constitution, Article I, Section 8, Clause 11. Later, as a reporter during the Kennedy-Johnson Years, I was even more convinced that the issue should have been resolved by judicial decision.

It is ironic that my conservative-constitutionalist arguments against liberal Presidents should now be adopted by a liberal coterie of Congressmen against a more conservative President than we have had for many decades. . . .

The Federal District Court in Boston has yet to accept jurisdiction in the far reaching suit of four "Congressional plaintiffs" against President Nixon, Secretary of Defense Elliot Richardson and Secretary of the Air Force, Robert Seamans Jr. The Congressmen, of course, are Jesuit Law School Dean turned politician, Robert Drinan; peace advocate Gerry Studds, John Joseph Moakley of South Boston and Michael Harrington of Salem.

An Airmen First Class, James Hayden of Bedford, is the fifth petitioner in the case.

However, unless the Congress successfully halts the Cambodian bombing by the U.S. Air Force through parliamentary means, thus rendering the law suit moot, it seems probable that the court will hear the case. Once a decision is made—either for the Plaintiff Congressmen and against the President (or vice versa)—the losers will most certainly attempt to have the issue finally decided by the Federal Supreme Court.

While the four Congressmen have, as is usual in any legal action gone after a decision from several approaches, only two, I would hope, will seriously be considered by the courts. They are the allegations that (1) the president is in violation of the Constitution which specifically, under Article I, section 8, reserves to Congress the power to declare war; and (2) that the president and his administration are acting in violation of various congressional enactments.

The allegations that the Administration has violated the Paris Accords and International Law, as far as I can see, are vague at best. And if a ruling should be made on these points, I fear the real constitutional issue might be avoided by the court.

The real meat of the Drinan case is contained, I would say, in the plaintiff's contention that the president oversteps himself in stating that he has the authority to continue U.S. Air combat operations in Cambodia despite the Constitution which confers the exclusive power to authorize war upon the Congress.

The affidavit filed with the bill of complaints more specificaly alludes to constitutional rights and powers of Congress. In that affidavit, counsel for the petitioners, Peter Weiss of New York, states that "the courts have already ruled in *Mitchell versus Laird*, that the Congressional Plaintiffs have a duty under the Constitution to consider whether the defendants, in continuing the hostilities (are committing) high crimes and misdemeanors so as to justify an impeachment of the individual defendants pursuant to the Constitution."

Atty. Weiss, to further buttress the efficacy of the plaintiffs' cause, cites another doctrine enunciated in *Massachusetts v. Laird* which states that "questions concerning the legality of 'Presidential' wars are justiciable and that, in a situation where the executive branch is clearly opposed, a court 'might well' hold that the Constitution has been breached."

The Massachusetts Congressmen are of the opinion today that "whatever Congressional authorization may have existed at one point for American military operations in Indochina became inoperative with the signing of the Paris accords last January. . . ."

Since that time, the four allege, "Congress not only has failed to condone, expressly or implicitly, the resumption of bombing in Cambodia on February 16, but has repeatedly declared its firm disapproval of any military operations in Cambodia. . . ." They cite the so called Mansfield Amendment which declared that it be "the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all U.S. military forces at a date certain, subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such government and an accounting for all Americans missing in action who have been held by or known to such government or such forces." . . . And they further argue that military appropriations bills also contain the Fulbright Proviso which pretty much says the same thing as the Mansfield Amendment.

Unfortunately, a great deal of bending and stretching can be applied to interpretations of both the Mansfield Amendment and the Fulbright Proviso and most of the rest of the Congressional Acts cited by the petitioners. This is so, primarily because the Congress has assiduously avoided any positive, unequivocal stand on the matter in all of its enactments up until very, very recently. This constitutional cowardice on the part of Congress will certainly be detrimental to the Congressional Plaintiffs in a court action. Congress, in ducking its responsibilities, has showed more form than substance.

Weiss goes on further in behalf of the Plaintiff Congressman with some rhetoric which is surely designed to please peace advocates and idealists, but just as surely is destined to come to nothing because it is effectively meaningless, albeit, high minded.

"Regardless of the legality or illegality of the current U.S. military operations in Cambodia under the Constitution and the Paris Accords," Weiss avers, "the manner in which such operations are being conducted is in violation of the body of international law condemning the mass destruction of the lives and property of innocent civilians, including the Nuremburg Principles and the applicable provisions of the Hague and Geneva conventions."

This is pure Drinan as much as it is pure drivel because, idealistic and altruistic as it sounds, there is effectively no body of international law which is obeyed by any nation which chooses to ignore it and the Nuremberg Principles are not much better than the high minded principles of the Inquisition, the moralistic witch hangings and witch burnings of England and Salem, not to mention the various other "justifiable" purges which have followed revolution, counter-revolution, and victory by any force driven by its zeal to find scapegoats and then to justify their elimination on moralistic grounds.

No. There is, in my opinion, only one real issue which ought to be decided by the courts in this case and that is whether or not the military activities being conducted in Cambodia under the direction of the defendants constitute a usurpation of the Constitution which vests power to declare war solely with the Congress.

I will conclude my comments on this issue when I return at the same time tomorrow.

PART III

Well, we have gone through a series of two reports thus far one the case of Congressmen Drinan, Studds, Moakley and Harrington versus President Nixon, Secretary of Defense Richardson and Secretary of the Air Force Seamans. In those reports we discussed at length the various aspects of the suit which I believe is today one of the most important issues abroad in the land. It is a headlong conflict between the powers of the Congress and the Presidency; and if the Congressional Plaintiffs are successful, the Federal Supreme Court will finally be forced to decide for all time the issue of who really has the authority to declare and authorize war. . . .

For a long time in this country there has been a steady erosion of power from the Con-

gress to the Presidency. So complete has this erosion been that since World War II this nation has twice been forced into unpopular and expensive wars—in Korea and in Indochina—without regard to the Constitution which reserves to Congress exclusively the power to declare war.

Both these wars and the current crises in Cambodia which is being challenged in the case of Drinan and the others versus the Nixon Administration have been entered into by this nation through presidential action—"Executive Agreement".

The justification for such a shift of responsibility from Congress to the Presidency did not originate with the Administration of Franklin Roosevelt, but it was certainly well developed into a working philosophy at that time.

In order to speed things up and to avoid having to seek two thirds majority approval by the Congress of many treaties necessary to conduct foreign policy during that critical period of our history, Roosevelt and Secretary of State Cordell Hull first sought to bypass Congress altogether by issuing a series of purely executive agreements which were not submitted to Congress. Then they developed an understanding with Congressional leaders who had become alarmed at this naked attempt to subvert the Constitution.

The understanding reached was a compromise which has since been the basis for further subversion of the spirit of the Constitution. Senate and House leaders decided that they should rely upon the use of "joint resolution" which requires only a majority vote, not a two thirds vote, to give Congressional approval to Executive actions.

This use of Executive agreement and Joint Resolution during the presidencies of Truman, Eisenhower, Kennedy, Johnson and now Nixon has become the "legal" (if one can call it that) modus operandi to engage us in war without seeking an actual Declaration of War by Congress. It was an effective way of getting around Article 1, Section 8, clause eleven of the Constitution which today is the section which the four Congressmen claim has been violated by President Nixon in continuing the war in Cambodia.

I have long felt that the issue should have been tested in the Supreme Court to see if (1) the President had the right to usurp the powers of Congress and (2) to see if the Congress has the right to duck its responsibilities for convenience sake even though such action made a mockery of the Constitution.

No one in the Congress seemed willing up to this point to seriously challenge this strange set of circumstances. Max Lerner, one of the nation's more liberal news columnists, pointed out recently that it has been the more liberal elements in the Congress who have worked assiduously over the years to shore up the powers of the presidency at the expense of the Congress. And now, wrote Lerner, now that these same Congressmen and Senators find themselves diametrically opposed to the man in the White House, they want to change this "unbalance of power" which they created and they find themselves unequipped to do it.

For the last six years, at least, growing dissatisfaction with our military involvement in Indo-China has brought about a shift in thinking among Congressman and growing agitation for a restoration of Congressional power which the liberals had so generously been handing over to the Executive Branch for three decades. At one time, it was the lonely voice of the conservative which sounded the call for a redress of the Constitutional balance of power. And now, thanks to the 1968 and 1972 elections and the unpopularity of President Nixon among the liberals, the latter have raised their voices for a restoration of Constitutional Government.

When I first heard of the Federal Court action filed by Congressmen Drinan, Gerry Studds and the others. I reacted with the thought that the courts are not the proper arena for Congress to fight this battle. My reasoning was that the Congress should not ask the courts to pull its chestnuts out of the fire but should, finally, reassert itself through legislative action to put the brakes on the war making powers of the President. I even went back to the Federalist Papers of Hamilton and Madison to dust off the argument that there is great danger inherent in seeking to align two parts of our tripartite system of government against the other. There is a danger in this if, somehow, for any extended length of time, two branches of our government were to ally against the other. Obviously an alliance of Congress and the Judiciary against the Presidency can render the Executive Branch powerless, just as an alliance of the Executive Branch and the Judiciary against the Congress would effectively diminish the authorities of the Legislative Branch. And certainly, an attack on the Judicial Branch by a strongly allied Executive and Congressional juggernaut would soon cripple the courts.

But after some serious reflection, one recognizes that this is not the case in this issue. And if the critical question of Congressional vs Presidential power to make war or peace in Cambodia is resolved in the halls of the Congress, the only thing that will be decided is the single issue whether or not the President has the right to conduct military operations in this single instance.

It looks as if both the House and the Senate are in fact, going to cut off direct funds for bombing operations and to seek, through legislation, to prevent the President from transferring funds from other parts of the budget.

If the issue being forced in the courts by the Congressional Plaintiffs reaches adjudication by the Supreme Court, on the other hand, the questions will be resolved for all time.

For this reason, I must support this course of action. Congress, in reaction to President Nixon, can curtail his activities. But what happens after Nixon when a more liberal president beloved by liberal elements in the Congress decides once again to declare war supported only by the flimsy justification of resolutions like the "Tonkin Gulf Resolution"? We are right back to where we started. And a subservient Congress such as we have had for three decades now would once again become the tool of a super powerful chief executive.

No. I would hope that the case of *Drinan et al vs. Nixon et al.* will be decided finally by the Supreme Court and be decided on the basis of the Constitutional question of who has the right to declare and authorize war. Such a determination has become a necessity. The question is not—or rather *should* not be—should *President Nixon's* powers be curtailed. The real issue is: Should the power of the *Presidency* be curtailed and should the Constitutional balance be restored? This cannot be determined by Congressional Action. It can only be determined now by the Supreme Court.

I believe the Constitution has been subverted. I believe it was subverted a long time ago—before Nixon. I believe it was done with the willing consent of a Congress more eager to centralize power in the hands of the President than it was in exercising the responsibilities which should be exercised by the Congress.

It is, as I said before, a pity that "The Watergate" has overshadowed the *Case of Drinan, Studds et al. vs. Nixon et al.* For surely in this case we have one of the most important issues to be decided in the history of our Republic.

CLARENCE M. KELLEY NOMINEE FOR DIRECTOR, FBI

HON. WM. J. RANDALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. RANDALL. Mr. Speaker, in the Washington Post last Saturday, June 9, on the editorial page, was a story entitled, "Mr. Nixon's FBI Nominee: A Profile." It bore a Kansas City, Mo., dateline written by Harry Jones, Jr., who is an investigative reporter for the Kansas City Star.

Before I proceed to comment upon this very well written article, may I first pay tribute to the long and successful career of the reporter who wrote this article and who is known throughout the Kansas City area as a painstaking, thorough investigative reporter. When Harry Jones, Jr., takes the time to investigate the activities of any person or group, he proceeds upon the old cliché that any job worth doing is worth doing well.

Over the long years that he has worked at police headquarters in Kansas City, and covering the city hall and in some instances the court house, he has been known as a hard-hitting reporter, fearless and unafraid; but as a long-time resident of the metropolitan area of Kansas City, it is my belief that he is also regarded as a fair reporter who writes objectively and without prejudice.

I mention the foregoing only as a preface in sharing with my colleagues the appraisal he has made of Chief Kelley, President Nixon's choice for Director of of the FBI.

Harry Jones, Jr., does about as well in his description of Chief Kelley in about one-half dozen words when he says, "He is a man's man, a cop's cop."

Harry Jone's description of Chief Kelley as a square-jawed, ruggedly handsome man would seem to make it difficult to believe that Chief Kelley is 61 years old. He has held his age well and appears to be a much younger man than the number of his birthdays indicates.

In the article written by a reporter who has been close to the city hall for many years, the philosophy of Chief Kelley so far as wrongdoing by those officers under his command is concerned is divided into two categories. First, those who make erors of the heart and second, those who make errors of the mind. Back in 1969 when Chief Kelley was speaking to a police recruit class, he described errors of the heart as acceptance of a bribe. He said he could not abide a thief and could not abide a liar, because these things go to the very center of a man's character. He warned he would treat such errors with severity.

On the other hand, he said errors of the mind are simply mistakes of judgment. These kinds of errors will result in some criticism and particularly if such mistakes accumulate, but they are of a very different category from errors of the heart. Once Chief Kelley had drawn this distinction between the two types of misconduct by his officers, he stood ready to staunchly defend those

officers whose mistakes were of the mind rather than of the heart and took the blame himself for his steadfast defense of these lesser kinds of mistakes.

If there is criticism leveled against Chief Kelley during his confirmation hearings, it could be because of race relations. After the rioting in April 1968 following the assassination of Dr. Martin Luther King. At that time some black leaders called for his resignation. But, it is noteworthy that they did not long persist in their demand, because the bulk of whites in Kansas City applauded what they regarded as firmness by his department.

May I add personally that from informal and private discussions with some of the black leaders, though they did not admit it publicly, they agreed that though Chief Kelley had been firm, he had also been fair.

Mr. Speaker, it is my prediction that Chief Kelley, the President's nominee, will be confirmed after Senate hearings. I further predict that although Mr. Kelley will have a hard man to follow, our last permanent Director, J. Edgar Hoover, he will have the respect of all of his men. He will maintain his long reputation for professionalism. He has been a no nonsense law man. This will continue to earn for him the great respect of all of those in his Department. It is also my prediction that Chief Kelley will be accepted by those outside of the Bureau equally as well as his great predecessor.

I read into the RECORD at this time the article by Harry Jones, Jr., investigative reporter for the Kansas City Star as it appeared in the Washington Post Saturday, June 9, entitled, "Mr. Nixon's FBI Nominee: A Profile":

MR. NIXON'S FBI NOMINEE: A PROFILE

KANSAS CITY, MO.—If Clarence M. Kelley, President Nixon's choice for FBI Director, receives any flack before the Senate Judiciary Committee, it probably will be over his Kansas City Police Department's record in race relations in the 12 years Kelley has been its chief of police.

In other respects, the 61-year-old ex-FBI agent has been virtually free of criticism. He is generally regarded by most Kansas Citians as incorruptible, resistive to political pressures, innovative, warm but strong in personal relationships, possessing a good sense of humor, self-disciplined and as lacking in vanity as any public official around, he is a man's man, a cop's cop.

His resignation has been demanded by persons of influence only once—immediately after the rioting in April 1968, following the assassination of Dr. Martin Luther King Jr. Several black community leaders called for his resignation while passions were still high, for six blacks had been killed. They did not persist in the demand long, however, and the great bulk of whites in the city applauded what they regarded as the firmness his department had employed.

A five-member commission appointed by Kansas City's former mayor, Ilus W. Davis, a liberal Democrat, to investigate the cause and nature of the disorder, gave Kelley a clean bill of health personally while mildly scolding the police for some of the incidents. Kelley himself acknowledged that mistakes had been made, but generally praised the police force for their performance. Only a few of the policemen had stood out as inexcusably inept, or over-reactive.

Thursday, as various Kansas Citians of both races were interviewed about Kelley's nomination, black leaders were generally cool or hostile in their remarks, while whites were almost universally laudatory or, in the case of some of the stronger liberals, silent.

Kelley's basic problem in race relations has been that while he has tried to be responsive to the many legitimate black complaints, he has been fearful of displaying what he feels might be interpreted as weakness by his predominantly white police force. Their morale has been extremely important to him.

Kansas City's population is about 20 per cent black. Its police force consists of only 99 blacks out of a total of 1,300. Three blacks are captains, nine are sergeants. As low a ratio as this is, it is considerably better than it was when Kelley became chief and he has tried strenuously to recruit blacks.

Kelley has acknowledged an awareness of the dangers of having rednecks in the police ranks and over the years has quietly tried to weed them out and reassign them to nonsensitive duties. But Kansas City's police force is recruited mainly from high school graduates in the city and nearby rural areas. Eliminating or isolating all the racially-prejudiced police in town is as difficult as solving a Mafia murder.

The square-jawed, ruggedly handsome Kelley is a native Kansas Citian whose boyhood in Kansas City's east side, as he has recalled it, was normal, middle-class and a little dull. He finished in the upper third of high school class and hit .300 as an outfielder in an advanced amateur league until his inability to hit curve balls persuaded him to drop baseball. He was graduated from the University of Kansas in 1936 and what was then the University of Kansas City Law School in 1940. He joined the FBI a few months after graduation.

He was appointed chief of police in Kansas City in 1961 at a time when the police department there was trying to recover from a series of demoralizing near-scandals in which five high-ranking officers had been indicted by a county grand jury. One under indictment was the former chief. None of the indictments resulted in convictions, but Kelley's first chore was to restore public confidence in the police department and the police officers' sense of self-esteem.

Confronted with several high-ranking old-liners who would have preferred a chief up from the ranks (for varying reasons), he slowly reorganized the department in such a way that the undesirables found themselves with less and less authority while those he thought he could trust were gaining more and more responsibilities.

Except for the discovery of a five-man police burglary ring in 1963, the department has remained scandal-free the 12 years Kelley has been chief. Meanwhile, he has managed to show a flair for innovation in police science and technology.

"It borders on heresy to say that maybe police have never really been adequately attuned to the times or suitably administered," he told the fourth annual seminar of the law enforcement assistance administration in May of last year. "I firmly believe that people in police fields have not recognized adequately that change is occurring around them at an unprecedented rate."

This was no idle remark. He has demonstrated in a variety of ways that the police must adapt to new technology. He instituted the first day-and-night helicopter patrol for any major city in the country in 1968. The same year he computerized the department so that policemen could receive almost instant information in the field and would respond more quickly on police calls. He established a metro squad that brought Kansas City police equipment and technology into investigations of major crimes anywhere in the six-county, two-state metropolitan area. He hammered away at improving police-community relations first with store-fronts in tension areas. Then, when those didn't work, stationing community relations officers in all the police stations to respond when needed.

He has displayed sternness with wrongdoers on the department but has fallen under criticism periodically by defending too staunchly, in the opinion of critics, those officers whose mistakes were, to his thinking, of the mind rather than the heart. He told a police recruit class in 1969:

"I want to warn you that we will have two ways of looking at any problem you may get into as officers. One type of problem is one which involves anything such as acceptance of a bribe or other matters of great moral turpitude. This is a matter of the heart, something you do knowingly. I cannot abide a thief. I cannot abide a liar. These are the errors of the heart, which go to the center of a man's character. Such errors will be severely judged.

"There are also errors of the mind, mistakes of judgment. For those you will be criticized. If such errors accumulate, you will run into serious trouble. Such errors are in a different category, however . . ."

Ideologically, Kelley is more conservative than he is liberal, but his sensitivity to problems of minorities and the blacks especially has noticeably improved over the years. Politically he could declare himself Democratic or Republican and few Kansas Citians would be surprised whichever he picked.

"I don't believe in such activities as police roundups or vigilantes," he said in an interview in 1963. "I do subscribe to the theory that society has to place some restrictions on the police. The police, after all, constantly are depriving people of liberty. But the pendulum can swing too far the other way. There is no question that police activity can be hampered by a too-severe interpretation of constitutional rights. Sometimes this has made the job difficult."

How will he compare with J. Edgar Hoover, a man he often had spoken admiringly of and for whom he worked for 21 years? If his style in Kansas City does not change, he will probably be less aloof, less the martinet without losing the respect of his men, just as eager to maintain professionalism in the ranks and far better liked by outsiders.

HAS THE COLD WAR A FUTURE?

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. DERWINSKI. Mr. Speaker, it is essential that the public opinion in the United States focus upon the realistic situation which presently exists between the United States and the Government of the Soviet Union.

Mr. Brezhnev's visit next week will properly be highlighted by an extensive news coverage. The purpose of the visit and the United States and Soviet Union relationship must be carefully analyzed.

One analysis, I believe should be of great significance is an article in the Alternative, May issue, authored in part by Robert L. Pfaltzgraff, Jr., who is a professor of law and diplomacy at Tufts University and a member of the Foreign Policy Research Institute in Philadelphia. The article follows:

HAS THE COLD WAR A FUTURE?

(Robert L. Pfaltzgraff, Jr.)

It is a widely accepted proposition that the United States and the Soviet Union have entered a new phase in their relations, and that the fierce competition and hostility of

the Cold War have given way to an era of detente, cooperation, and negotiation. The evidence marshalled in support of this "new wisdom" is impressive: a series of arms control accords between the two superpowers, the apparent interest of the Soviet Union in the dampening of tension in Europe and elsewhere, and, in the Moscow Summit Conference of 1972, agreement by the United States and the Soviet Union to a Declaration of Principles calling for "peaceful coexistence" and the development of "normal relations based on the principles of sovereignty, equality, noninterference in internal affairs and mutual advantage."

Basic to the thesis that the Cold War has ended is the assumption that the bipolar world of U.S.-Soviet confrontation has been replaced by an international system in which Moscow and Washington find broadening areas of harmony of interest, or at least the possibility of accommodation. To be sure, the world of the 1970s differs in several important respects from the world of the 1950s or even the 1960s. In recent years, both the United States and thhe Soviet Union have faced disintegrative forces in their alliance systems, and the Sino-Soviet alliance of the 1950s has been replaced by deeply-rooted animosity between Peking and Moscow. In Europe and Japan, major new centers of economic power have been built on the ruins of World War II.

Over the past decade, both the Soviet Union and the United States have acquired vast, highly advanced weapons systems of mass destruction; additional powers—Britain, France, and China—have built national nuclear capabilities and many other states now have the technological know-how to produce such weapons. In certain categories of strategic systems, (i.e., launch vehicles, throw-weight, and warhead size) the Soviet Union has achieved a *quantitative* lead over the United States, although the United States retains an advantage in numbers of warheads, deliverable megatonnage, missile accuracy, and new technology, for example in MIRV. As symbolized in the Strategic Arms Limitation Accords of 1972, the Soviet Union has achieved strategic "parity" with the United States. From its position as a clearly inferior power in the 1950s and 1960s, the Soviet Union of the 1970s, with a rapidly expanding modern navy, casts the shadow of its influence into regions of the globe from which Soviet power was historically excluded. At the same time, the United States has entered a period of greater preoccupation with domestic affairs and intense introspection and doubt about the premises which shaped its global policies and interests during the past generation.

In this changed world of the 1970s, the United States and the Soviet Union *have* entered a new period in their relations. If they have found common interest in limited arms control agreements and in negotiations on other issues, Washington and Moscow continue, nevertheless, to compete for influence in Europe and Asia, as well as in the Middle East. Just as the United States seeks to strengthen its links with Peking, the Soviet Union makes a concerted effort to build new relationships with the West European allies of the United States, notably the German Federal Republic. Moreover, the Soviet Union seeks to outflank China by developing new relationships with countries of the Asian rimland, and especially India. The Soviet Union has strengthened its naval presence in the Pacific and Indian Oceans, and Moscow has embarked on a diplomacy designed to enhance Soviet influence around the southern periphery of China and to seek, over time, a new relationship with Japan.

In Europe, the Soviet Union has altered its tactics rather than its overall strategy. As a result of adroit diplomacy in recent years toward the German Federal Republic, the Soviet Union has achieved one of its long-held goals: international recognition of the postwar frontiers of East-Central Europe and the international acceptance of the German Democratic Republic. The *gradual* disengagement of American military power and the neutralization or "Finlandization" of Western Europe remains a Soviet goal. Moscow seeks to avoid any abrupt change in the American relationship which might lead the Europeans to political unity or a major defense effort and the formation of a European nuclear force. The eventual neutralization of Western Europe would ease the Soviet task of communist control in East-Central Europe and strengthen Moscow in its confrontation with China over the next decade. Parenthetically, in this respect, Peking and Moscow interests in Western Europe are opposed: China favors a strong U.S. military presence and a unified Western Europe in order to divert Soviet power from the long Sino-Soviet frontier. Thus, in Western Europe the basic interests of the United States and Soviet Union remain divergent. While the Soviet Union strives to become the dominant power in Europe, the United States seeks to build a partnership with Western Europe capable of developing greater unity and providing more adequately for its own defense.

Over the next decade, American and Soviet interests are likely to continue to diverge in other parts of the globe, for example, in the Middle East. While the Egyptian expulsion of Soviet advisers and technicians in 1972 may have pointed up the limits of Soviet influence in the Arab world, Moscow retains extensive ties with other Arab states, including Iraq and Syria and even Egypt. For the Soviet Union, the importance of the Middle East will grow. Moscow and Washington will continue to seek to prevent tensions in the area from escalating to a direct confrontation between the superpowers. Yet, this may become progressively more difficult either as a result of the growing western dependence on Middle East oil or the continuation of conflict between a strengthened, modernizing Arab world, supported by the Soviet Union, and Israel, backed ultimately by the United States, fighting to retain all or some of the occupied territories acquired in the June 1967 war to achieve "secure boundaries."

Even now, the world demand for oil has enhanced the importance of the Middle East to the West, and, perhaps to a lesser extent, to the Soviet Union. As a result of rapidly rising energy needs, three of the major world power centers—the United States, Western Europe, and Japan—will become more heavily dependent on Middle East oil. Hence the importance to the United States, Western Europe, and Japan, of restricting Soviet influence in the Middle East will increase.

Fundamental to the U.S.-Soviet relationship in the 1970s is the Sino-Soviet conflict. So long as this conflict persists, both Moscow and Peking will seek to prevent each other from strengthening its ties with Washington at the other's expense. This has already conferred upon the United States considerable leverage in its dealings both with the Soviet Union and China. It made possible, together with the Soviet need for U.S. wheat and technology, President Nixon's visit to Moscow in May, 1972, just after the mining of North Vietnamese waters and the intensification of bombing. Conversely, the persistence of the rift makes it possible for the United States to develop with the Soviet Union and China a less hostile relationship than either communist state can develop with the other.

It follows, then, that a major improvement in Sino-Soviet relations would threaten much of the basis for an improved U.S.-Soviet relationship, and in fact would place in jeopardy the structure of an international system based either on a triangular relationship between Moscow, Peking, and Washington or a more multipolar system including as principal actors Western Europe and Japan. The future prospects for an improvement in Soviet-American relations then depend upon the course of Sino-Soviet relations after Breshnev and Mao, both of whom can be expected to depart from the leadership scene before the end of this decade. It also depends upon the continued willingness of the Soviet Union to forego the use of force, nuclear or conventional, to destroy China's nuclear capability before it is adequate to provide a credible second strike against the Soviet Union.

In sum, only if the United States were prepared to redefine its national interests to exclude all regions beyond North America and to acquiesce in a clearly inferior strategic posture *vis-a-vis* the Soviet Union (a prescription that not even some of the severest critics of U.S. globalism have advocated), the prospect for continued U.S.-Soviet competition looms large. Both sides will strive for technological breakthroughs designed to enhance the deterrent value of their strategic forces. Both, for their own reasons, will attempt to exacerbate the tensions within each other's alliance systems and form new relationships with allies of the other. Both will seek to preserve and extend their influence in the Middle East and in other areas of the Third World deemed vital to security. Both will continue to have different, and even divergent conceptions of "peace," differences in the principles for organizing their domestic societies, and differing conceptions of national interest underlying their respective foreign policies. If this is not the "Cold War" of the decade after World War II, it is nevertheless a far more complex form of competition whose outcome will shape the international system as well as the role of the United States in the remaining decades of this century.

SENATE—*Thursday, June 14, 1973*

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

PRAYER

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

God of all power and might, the Maker and Ruler of men and nations, we thank Thee once more for all the sacred sentiments which cluster about the flag of the United States. For all heroes and statesmen who have followed it in the past and brought us to this hour, we give Thee thanks. May our flag be to all the world a sign of service and sacrifice, of justice and brotherhood, of peace and good will. Give us zeal to follow the truth and power to assert what is right. In this moment of history unite our broken, separated, contentious people around this ensign of brotherhood and freedom. May the flag float in majestic silence