EXTENSIONS OF REMARKS

CHAIRMAN SAM PHILOSOPHIZES

HON. JOE L. EVINS
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. EVINS of Tennessee. Mr. Speaker, the Knoxville News-Sentinel in a recent editorial comments on the wise philosophical observations of Senator SAM ERVIN, chairman of the Senate Select Committee on Presidential Campaign Activities.

Certainly the comments of "Chairman SAM" reflect much wisdom and the conscience of America. Many of Senator ERVIN'S sage remarks will be recorded in history, because his perceptive insight puts the Watergate scandals in perspective—Senator ERVIN has a deep sense of history and morality.

Because of the interest of my colleagues and the American people in this most important matter, I place the editorial from the Knoxville News-Sentinel in the RECORD:

BE NOT DECEIVED

Sen. Sam J. Ervin, Jr. (D-N.C.)—who has been described variously as a crusty old constitutionalist and an "old school" gentleman fond of illustrative quotes and anecdotes—has chaired his Watergate investigation committee with poise and dignity.

Now he has added to that distinction by delivering what may stand as the most succinct and searing judgment of the entire mess that we will ever hear.

At the close of testimony Thursday by Frederick C. LaRue, the Mississippi millionaire who has pleaded guilty to conspiracy to obstruct justice in the Watergate cover-up, Ervin quietly and thoughtfully said:

"I can't resist the temptation to philosophize just a little bit about the Watergate. The evidence thus far indicates—tends to show—that men upon whom fortune has smiled beneficently and who possessed great financial power, great political power and great governmental power, undertook to nullify the laws of man and the laws of God for the purpose of gaining what history will call a very temporary political advantage.

"The evidence also indicates that just possibly the efforts to nullify the laws of man might have succeeded, if it had not been for a courageous Federal judge, Judge (John J.) Sirica, and a very untiring set of investigative reporters. But I come from a state like the state of Mississippi where they have great faith in the fact that the laws of God are imparted in the King James Version of the Bible. And I think that those who participated in this effort to nullify the laws of man and the laws of God overlooked one of the laws of God which is set forth in the Seventh Verse of the Sixth Chapter of Galatians: 'Be not deceived. God is not mocked. For whatsoever a man soweth, that shall he also reap'."

Nobody knows how many—if any—of "those who participated" in the appalling Watergate scandal will be required to pay a penalty under the laws of man. But the gentleman from North Carolina is surely right in his belief that they will pay in the long run—in the public disgrace that they have earned, if nothing more.

THE GROWING CRIME STATISTIC: YOUTHS PREYING ON ELDERLY

HON. MARIO BIAGGI
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. BIAGGI. Mr. Speaker, a report recently released by a private research institute indicates that growing numbers of our elderly citizens are falling victim to crime in our cities. This report contains some shocking statistics: In a study of over 1,000 crimes in Kansas City committed against elderly persons, almost 25 percent of these crimes resulted in physical harm to the victim.

However, a more unnerving statistic is that more than half of these crimes are committed by youths under 18, and of these criminals, most of them lived in the same neighborhood as the victim.

These statistics should indicate that we, as a nation, must begin to take strong action to protect our senior citizens. Some of the recommendations of the report would serve as a beginning step in this needed commitment.

Some of the more important recommendations include a massive public relations effort aimed at informing the senior citizen of measures which should be taken to prevent the occurrence of crime.

Mr. Speaker, I would like to include at this point in the RECORD the full account of this report as published in the Long Island Press:

GROWING CRIME STATISTIC: YOUTHS PREYING ON ELDERLY

(By Constance E. Slough)

KANSAS CITY, MO.—Increasingly, America's elderly people are crime victims. And more often than not it is a case of the young preying on the old.

These are the findings of a year-old study by the Midwest Research Institute. Says Carl L. Cunningham, an MRI social analyst who is directing the study:

"The ferocity and intensity of crimes being committed against the elderly reflect virtually the full range of crimes against persons of any age.

"The elderly are being victimized in proportion to their numbers in the population at large."

Funded by the Administration of the Aging under the Department of Health, Education, and Welfare, Cunningham and his staff have studied more than 1,000 Kansas City police reports on serious crimes against elderly victims.

Advanced age certainly is no protector: One death, five rapes and 22 assaults were recorded in the reports. Of the total 1,000 cases, 58 per cent involved burglary, 23 per cent robbery and 14 per cent larceny.

Cunningham believes the pattern in Kansas City holds true across the United States, varying as area crime rates dip or rise.

"It is important to consider the relative effect of crime on the victim," Cunningham said. "The evidence is overwhelming that the aging crime victims, as a group, suffer most."

Victimization has increased with urbanization. The elderly are more likely to live alone in the older sections of the cities—where crime rates are likely to be highest.

The effect is to thrust the elderly up against their most frequent attacker—the idle urban youth.

Statistics show, according to Cunningham, that crimes against persons are committed predominantly by persons 18 to 24 years old, and about half of all crimes against property are by youths under 18.

MRI researchers found that even higher percentages of youths were involved in the crimes they studied.

"The overwhelming motivation is money," said Cunningham, "but it is also obvious that crime offers tremendous stimulation. Otherwise, why risk your future for a couple of dollars?"

Cunningham noted a preliminary high level of violence in the police reports. One youth pistol-whipped an elderly man and said he did it "to let him know I wasn't joking."

Burglary victims often told interviewers they were sure the burglaries were committed by youthful offenders living in their own neighborhoods. In many burglaries it appeared more an act of malicious destruction than the theft of valuables.

"It is important to note the changes some victims reported in their living habits soon after the crime was committed," Cunningham said.

One woman abandoned her home after she was assaulted there in a burglary. Others abandon their lifestyles, fearing the bus stop, the walk to the store, the park they used to frequent.

"It is plain that in the minds of the victims who have been contacted thus far, the losses they have suffered are relatively inconsequential to the anxiety and fear of repeated invasion the crime generated," Cunningham said. "These people are unable, unwilling to retaliate."

The analyst believes crime is at a level "totally unacceptable to the general good" and that the elderly are "locked into an environment inimical to their security."

A solution, he says, is relocation, but that is impossible for the majority.

The MRI study suggests possible methods to alleviate the vulnerability of the elderly, including:

Improved security of residences, either by better planning in new housing or by public assistance in securing existing structures.

Reappraisal of "the intergenerational neighborhood" housing arrangement.

Increased vigilance.

A public information program. The MRI group plans to publish a handbook on security and probably will suggest films and public television announcements aimed at the elderly.

A foster homes program, Cunningham believes that such relocation would provide stimulation and some companionship as well as a higher level of safety.

Special security patrols.

Escorted shopping trips, mobile check cashing services and issuance of electronic distress devices.

"No single solution will work," Cunningham said. He stressed the need for short-term action aimed at alleviating the problem while long-range solutions are sought.

"It is no exaggeration," Cunningham said, "that the quality of life of hundreds of thousands of elderly persons is today being drastically degraded by virtue of crime and the threat of it."

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

MURDER BY HANDGUN: THE CASE FOR GUN CONTROL—20

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. HARRINGTON. Mr. Speaker, Mr. Samuel Moore has done a great thing; he has helped save a life. His heart has been transplanted to give someone a better chance for living. But the enormity of the heart transplant almost obscures the fact that Sam Moore died from a .22 caliber bullet in the brain. His friend who had been charged with assault has now been charged with murder. Moore's cause of death will be disputed in the courts. But no question would have arisen if a handgun had not been used to kill Sam Moore. I would like at this time to include the September 14 article from the Washington Post:

MURDER VICTIM'S HEART TRANSPLANTED

SAN FRANCISCO, Sept. 13.—The heart of a murdered 29-year-old man was rushed by helicopter 40 miles Wednesday for a heart transplant operation—after two days of arguments over whether or not he was dead.

The recipient, a 52-year-old retired construction engineer who wished to remain anonymous, was reported to be in satisfactory condition after four hours of surgery at Stanford Medical Center.

It was the first time that famed Stanford heart surgeon Dr. Norman Shumway had operated without having the donor body in his operating room. Of the 62 persons who have received new hearts at Stanford, 24 are still living.

The helicopter transfer from Oakland's Highland Hospital took about 20 to 25 minutes, according to a Stanford spokesman.

"The heart can remain viable outside the body in a cold saline solution for up to two hours," the spokesman said.

Shumway flew to Highland Hospital to end the legal and medical dispute and to remove the heart from Samuel Moore, who had been in a coma since Monday with a .22 caliber bullet in his brain.

A friend of Moore's, A. D. Lyons, 43, had been charged with assaulting him with a deadly weapon. That charge will now be changed to murder.

Although Moore's mother, Mrs. Dolores Moore, gave permission for the heart transplant, his body had remained at Highland Hospital—his brain dead but his heart still beating with the help of a heart machine.

Roland Prahl, Alameda County chief deputy coroner, had two problems. He wanted to do an autopsy, and cutting off the power supply and thus stopping the heart might mean Moore's death was not murder.

A Texas court recently threw out a murder indictment because hospital authorities had disconnected the life-support apparatus in a similarly hopeless case. The cause of death was held to be in dispute.

Finally, with the agreement of District Attorney Lowell Jensen, Prahl agreed to the heart being removed.

"As long as Dr. Shumway has a patient ready to receive the heart of this man," Prahl said, "we will make an exception."

There was one more hurdle, Santa Clara County coroner John Hauser, who has jurisdiction over the Stanford Center, refused to sign a death certificate if the operation was performed on a homicide victim.

That was overcome by pronouncing Moore dead at Highland Hospital in Alameda County, removing the heart there and flying it to Stanford.

It was also later revealed that, as well as the heart, Moore's kidneys were removed as potential transplant organs. One kidney was flown to Vancouver, British Columbia, while the other went to a San Francisco Hospital.

THE BARRONS OF OX-SHOE RANCH

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. JOHNSON of California. Mr. Speaker, I would like to take this opportunity to acquaint my colleagues with a fine example of individual achievement in the field of resource conservation and recreation development. This particular project is the Lassen Ox-Shoe Ranch that was developed in cooperation with the Soil Conservation Service of the Department of Agriculture.

Bruce and Elna Barron, owners of the ranch, purchased what was formerly the Manton Frontier Days Rodeo, a piece of land located on the eastern side of Lassen Volcanic Peak in the California Cascades. The Barrons had originally intended to use the land for cattle raising, but later decided to transform it into a recreation ranch.

In developing the ranch, the Barrons have cooperated fully with the Soil Conservation Service. The conservation plan for the ranch included development and expansion of springs, reservoirs and irrigation systems, and improvement of brush-covered pastures for grazing. The Soil Conservation Service also provided the Barrons with information on land capability and alternate land-use studies.

The efforts of the Barrons illustrate the constructive role played by the Soil Conservation Service in their work with individual farmers and ranchers to constructively conserve our land and water resources. I would like to commend the Barrons for their fine efforts in responsibly developing their ranch in cooperation with the Department of Agriculture.

At this time I would like to include the following article entitled "The Barrons of Ox-Shoe Ranch" that was written by Mr. Warren W. Brown, the district conservationist of the Soil Conservation Service in Red Bluff, Calif.:

THE BARRONS OF OX-SHOE RANCH

The Lassen Ox-Shoe Ranch, in the Morning shadow of towering Lassen Volcanic Peak in the California Cascades, was built by beef, beans, and bronc busters, its owners like to point out.

The Barrons, Bruce and Elna, bought the ranch in 1960, meaning to go into the cattle raising business.

The ranch was already the home of the Manton Frontier Days Rodeo. Conceivably it was the presence of the rodeo arena that soon had the Barrons thinking about turning the place into a recreation ranch.

Even before he made his down payment, Barron called at the office of the Lassen View Resource Conservation District in Red Bluff. The previous owners of the ranch had been cooperators with the district, and Barron promptly signed up to continue the conservation work.

The conservation plan for the ranch included development and expansion of springs, reservoirs, and irrigation systems and improvement of brush-covered pastures for grazing. This work fitted well into the plans taking form in the minds of Bruce and Elna Barron.

After getting advice from the Soil Conservation Service about land capability and alternate land uses, the Barrons plunged themselves into the work of improving the rodeo arena and other recreation facilities on the ranch.

It had been a fitting gesture of western hospitality to provide—for a fee, of course—a beef-bean barbecue for the rodeo participants and spectators. But dust and flies from the rodeo grounds made the original barbecue pit and serving grounds highly unsuitable. The Barrons found an ideal spot just below the rodeo arena where a small crooked stream made its way through a brushy valley.

There were drawbacks, however—dense vegetation, downed logs, and rotting tree stumps.

Barron manned an ancient bulldozer for his task. He carefully avoided damage to the stream and the clumps of alders along its banks. When he finished, he had a shady 2-acre island, with the stream tumbling on either side, as the place for serving the barbecue.

At the lower end of the island, Barron deepened the stream to obtain fill for a small dam. He thereby created a fish pond, which he now stocks regularly with trout.

Where he cleared brush, shaped the streambank, and built the dam, Barron planted perennial grasses to keep the soil in place and to add to the beauty of the setting.

Barron ran across a big waterwheel one day while pursuing runaway cows. He salvaged the wheel, which had been used in years past to power a home hydroelectric plant, and fitted it to a shaft to turn his barbecue spit. Now hundreds of pounds of beef can be roasted at a time with little effort.

The Barrons, seeing the growing popularity of their new venture, decided to sell part of the ranch and concentrate on their recreation park.

They added a combination nature trail and bridle path along a large stream, which flows parallel to their 3,500-foot airstrip. They constructed a pond at the west end of the airstrip where the nature trail terminates.

Aside from their annual rodeo, which is affiliated with Western Approved Rodeos and has received full championship status, the Barrons now restrict use of the park and its facilities to organized groups for weekend outings. This allows time for watering and grooming the park and lets the grass recover from trampling feet.

The Barrons believe that anyone having a feeling for the environment can create an outdoor recreation facility that blends into the natural surroundings.

Little capital outlay is needed, they claim, provided you spread the work out over a long period and do a great deal of the work yourself—beef, beans, and bronc busters help too.

It is a venture the Barrons recommend, if you have a dream like theirs.

MISMANAGEMENT OF THE REVENUE SHARING PROGRAM

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mrs. HOLT. Mr. Speaker, today I am introducing legislation which is designed

to provide some relief to local governments which have recently suffered from bureaucratic mismanagement of the revenue sharing program.

While I fully support the concept of revenue sharing, I think changes in the management of this program are necessary. In early July 1973, the Office of Revenue Sharing completed a data verification process which revealed widespread use of inaccurate data during the first, second, and third entitlement periods. This has resulted in substantial revisions in allocations to counties and municipalities throughout the country. The State of Maryland was extremely hard hit with over 120 units of local government being forced to pay the price of administrative errors within the Treasury Department.

The city of Annapolis, which is the capital of Maryland and located in my district, was devastated by this action. In early July, they were informed that due to the use of incorrect data by the Office of Revenue Sharing they were overpaid by $242,315. The city's fiscal year began on July 1 and the $242,000 was included in the approved fiscal year 1974 budget. In addition, this represents 50 percent of Annapolis' total revenue sharing allocation.

The effect of this "give and take" approach by the Federal Government is obvious. It has created havoc in local planning operations and has increased the distrust of local officials in revenue sharing as an alternative to categorical grant programs.

The bill that I am introducing today is designed to mitigate the adverse effects of large scale readjustments of revenue sharing funds. This bill will limit readjustments to a maximum of 10 percent of the total allocation to a specific governmental entity. The 10 percent ceiling on readjustments is retroactively applied to July 1, 1972. This will apply only to jurisdictions which have been overpaid; underpaid governments will still be entitled to their full payment.

I would like at this time to insert a copy of the text of this bill:

A bill to amend the State and Local Fiscal Assistance Act of 1972 to provide for certain adjustment payments to compensate for amounts required to be repaid by units of local governments by reason of administrative error

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subtitle A of title I of the State and Local Fiscal Assistance Act of 1972 is amended by adding at the end thereof the following new section:

"SEC. 110. ADMINISTRATIVE ERROR ADJUSTMENT PAYMENTS

"(a) Authorization of Payments.—In addition to any amounts authorized to be paid to a unit of local government under section 102, the Secretary shall, for each entitlement period, pay out of the Trust Fund to each unit of local government an amount equal to the administrative error adjustment amount for such entitlement period.

"(b) Definition of Administrative Error Adjustment Amount.—For purposes of this section, the term 'administrative error adjustment amount means, with respect to any unit of local government for any entitlement period, the excess of—

"(1) the amount required for such entitlement period to be repaid to the Trust Fund by such unit by reason of administrative error (including error in the computation of population statistics), over

"(2) 10 percent of the total amount paid under section 102 to such unit for such entitlement period (computed without regard to such amount required to be repaid)."

SEC. 2. The amendment made by the first section of this Act shall apply with respect to entitlement periods beginning on or after July 1, 1972.

CORNWALL LIBRARY ASSOCIATION—106 YEARS OLD

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mrs. GRASSO. Mr. Speaker, in August, the Cornwall Library Association, which operates the oldest and most widely used library in the town—the Cornwall Free Library on Pine Street—celebrated its 106th anniversary.

Throughout its distinguished history, the association through the benevolence of its membership has provided Cornwall and its residents with an ever improving source of valuable information, wholesome enjoyment, and deep fulfillment.

The people of Cornwall have always had a very great appreciation for the new worlds that books can open, especially for children. In this realization, they have followed a tradition in Connecticut which recognizes the need in each town for a large collection of books and other printed material within easy access to the people. Dating from colonial times, this tradition is founded on the belief that enrichment of the mind is a noble pursuit.

The library of the Cornwall Library Association has served as a center of learning, culture and enjoyment ever since it began operation in the late 1860's. When first organized in 1867, the library was housed in a private home, but was moved in 1874 to the office of Frederick Kellogg, Esq. Finally, in 1908 the building in which the library is now located was erected by J. E. Calhoun as a memorial to his father and brother.

Growing in most years at the rate of 100 volumes a year, the library boasted 5,000 volumes in 1926, and now has approximately 10,446 with 6,861 adult books and 3,585 books for children.

Some of the past presidents of the library association have been Dr. B. B. North, the Reverend S. J. White, George L. Minor, Miss Charlotte E. Clarke, and the Reverend E. C. Starr. The current president is J. C. Hemingway. Librarians were Mrs. Harriet C. Munson, Miss Mary J. Whitney, Miss Emily E. Marsh, and Mrs. Charlotte Wentworth. Cornwall's present librarian, Mrs. Hildreth Daniel, has been with the association since 1964.

At the present time, the library serves as a display area for monthly exhibits of artists, photographers, and sculptors, adding still another dimension to the service provided to Cornwall by the library association.

I would like to take this opportunity to wish the association a very happy 106th birthday.

COLORADO RIVER SALINITY CONTROL BILL ENDORSED

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. HOSMER. Mr. Speaker, there is reproduced below the resolution of the California Water Resources Association endorsing bills before this body introduced by myself and others to control salt discharges into the Colorado River and thereby improve the quality of its waters as they proceed downstream. The objective of these bills is not to be confused with that of the proposal found in the recent United States/Mexico Colorado River Salinity Agreement which is specially designed to improve the quality of waters of the Colorado River as they pass the International Boundary into Mexico from California. Both propositions need to be carried forward and they should be carried forward together in an integrated fashion.

The resolution follows:

RESOLUTION OF THE CALIFORNIA WATER RESOURCES ASSOCIATION

Proposed Federal legislation (Bills Nos. H.R. 7774, H.R. 7775 and S. 1807), designed to help alleviate the Colorado River salinity problem by controlling natural salt discharges into the river and implementing farm management practices to reduce saline return flows, are pending in Congress.

These bills would:

Provide for maintenance of Colorado River salinity at or below levels set forth in "Conclusions and Recommendations" of the Seventh Session of the Conference in the Matter of the Interstate Waters of the Colorado River and Its Tributaries;

Authorize construction of control units at La Verkin Springs, Paradox Valley and Grand Valley as the initial stage of the Colorado River Basin Salinity Control Program;

Expedite completion of planning reports on those salinity control projects described in Secretary of Interior's Report "Colorado River Water Quality Improvement Program, February 1972," and the saline water collection system of Las Vegas, Wash;

Direct cooperation between the Secretaries of Interior and Agriculture in carrying out research and demonstration projects and in implementing farm management practices furthering the salinity control program.

It was agreed that implementation of the recommended program would arrest a deteriorating water quality trend on the Colorado River in which the average salinity at Parker Dam can be expected to rise to 1100 ppm by the year 2000 (1300 ppm at Imperial) unless salinity control measures are undertaken, and help remedy relations with Mexico occasioned by the high salinity of water entering Mexico.

Now therefore be it resolved by the Board of Directors of the California Water Resources Association that Congress be urged to support H.R. 774, H.R. 775 and S. 1807 for passage at this session.

But it further resolved that copies of this resolution be sent to California's Congressional delegation, to the Secretaries of In-

terior and Agriculture, and to the Commissioner of the Bureau of Reclamation.

RED CHINA TO TAKE FOOD FROM THE MOUTHS OF BABIES

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. HUBER. Mr. Speaker, every day one can read in various newspapers and magazines that Communist China has solved all the problems that normally beset people. When a problem arises everyone just gathers around, reads out of Chairman Mao's good book, and the problem just goes away. However, just a few writers are still keeping a critical eye on Red China. Mr. Henry Bradsher, of the Washington Star-News, is one of such men. He reported on September 12, the astounding news that Mao's government plans not to supply food rations for children in excess of two per family under a new plan in order to hold down China's population. This has got to equal any of Hitler's greatest crimes. The article follows:

CHINA'S SWEET TALK YIELDS TO TOUGH ANTI-BABY POLICY

(By Henry S. Bradsher)

HONG KONG.—Evidence is accumulating that the Chinese government is gravely worried over population growth. Draconian measures are being taken to try to check it.

These include strong pressure for women with two children to have abortions and restrictions or denials of food rations to extra children.

The new measures began last January or February. This followed reports that a sample census, or possibly a full census, had been conducted secretly. Special efforts were made to keep foreigners from knowing about it.

According to United Nation's estimates, China's population is now about 816 million. This is, however, based on the assumption of a slower rate of growth than Premier Chou En-lai has reported.

Other estimates run to more than 850 million at present and increasing at about 17 million a year. Some Western experts on the Chinese economy say such high estimates are inconsistent with known food production, but that is exactly the point of the worry in Peking.

A steady growth of grain output for a decade ended last year with a decline in harvests. This year crops look poor to moderate. As a result of the need to continue increasing food availability to match the population growth, China has resumed large-scale grain imports.

This means that less money can be spent on importing industrial goods for the economic development of China. So better birth control measures are needed for the sake of economic progress.

It might be even worse than that. Some reports tell of efforts to suppress talk about the danger of famine.

Chinese officials have tried to keep the tough new measures secret. Unexpected visitors to one village were denied an opportunity to study a poster telling of the steps to force a reduction in the number of babies, and such signs apparently are removed from places where foreigners normally go.

China has had birth control campaigns off and on during 24 years of Communist rule.

Now, however, health workers no longer appeal to people to have fewer children for their own sake as well as the country's interests. Now people are being told that they will have fewer children or must face consequences.

This use of administrative force rather than political persuasion has stirred controversy. One of the opening blasts of the recent attack by Maoist radicals upon policies of Chou's government criticized impatient officials who thought ideological work was slow and time would be saved by "laying down a few hard and fast regulations."

The same issue of People's Daily, the Communist party newspaper, which carried that article had another by a youth who wanted to marry at age 20, but decided to wait and "devote my energies to the cause of socialist revolution and construction." Now 25, he and his fiancee had decided to wait some more so they could work harder in their commune.

Such exhortations to delay marriage and have fewer children have failed to have enough effect. Mao Tse-tung told Edgar Snow in 1970 that in the countryside—where 80 percent of China's people live—the old attitudes still prevail.

Chou said in April 1972 that the population was "over 700 million, but not yet approaching 800 million." In rural areas, he said, the rate of increase is around 2 percent. At that rate, working from the last published census which was in 1953, the total should now be well over 800 million.

Chou and other senior officials have been more gloomy lately, presumably on the basis of the secret census and the bad crop reports.

China has met the population problem head on by coming as close as a government can to prohibiting people from having too many babies. But the radical criticism suggests that Mao considers this the wrong approach, so it might be changed.

TRIBUTE TO HALE BOGGS

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. OWENS. Mr. Speaker, in the summer of 1968, as an inexperienced member of the platform committee of the Democratic National Convention, I met Hale Boggs, its newly named chairman. It was a hot summer for platform writers. President Johnson's hold on the party, on the issues of the war and defense and domestic spending, was tenuous at best. Each of the 110 delegates on the committee had his own strongly held views as to what the platform should be. Hale Boggs stepped into that situation and performed the extremely difficult task of fashioning a platform upon which the Democratic Party could stand. A great amount of support, astonishing under the circumstances, was obtained for that platform through the great sensitivity and superb negotiating skill of Hale Boggs.

Since that convention, while working as administrative assistant to Senator EDWARD KENNEDY when he and Hale Boggs were majority whips in their respective Houses, I worked regularly with Hale and his staff. They were extremely helpful to us in setting up the Senate majority whip's office and in establishing methods and procedures for carrying out the whip's duties. Hale Boggs was a true leader of great competence and ability.

Hale Boggs treated all equally, colleague, staff, ally, and opponent. Each year when I was working on Capitol Hill I was flattered to receive an invitation to attend the spring garden party which Hale and Lindy hosted annually at their lovely home. He was a good friend.

When Senator KENNEDY hosted a fundraising party at his home in Washington last summer, it was Hale Boggs who became the informal master of ceremonies to speak and regale the guests awaiting the arrival of their host after a late night Senate session. He was possessed of a superb sense of humor in addition to a superb sense of history.

Hale was extremely helpful in many ways, and I deeply regret his untimely departure. His record of accomplishments is very great, indeed. It was an honor and a pleasure to have known him, and to have counted him a friend, long before I became a Member of this body.

THE BEATEN CHILD

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. BIAGGI. Mr. Speaker, I would like to bring to my colleagues attention the first of a series of articles by Ronald E. Keeney appearing in the Non-Commissioned Officers Monthly News.

Dr. Keeney was one of the first men in America to expose severe cases of child abuse. His insight into the area, as well as his compassion for the young who are brutalized, are illuminated by the following:

THE BEATEN CHILD

(By Dr. Ronald E. Keeney, pediatrician)

"You can't do enough bad things to a person who would intentionally beat a defenseless baby like that. She ought to be locked up and the key thrown away." Such is often the reaction of individuals confronted with a child who has been severely beaten by a parent; for example, a beautiful 8 month old girl with 24 bruises all over her body, a burned bottom from being set on a gas heater, a fractured skull, all sustained in the course of disciplining her for infractions against the parents' feelings about what is "being bad".

However, the problem of maltreatment of children by parents or parent substitutes in our society is of such magnitude and increasing at such rate as to make such an emotional, aimless reaction not only futile, but in fact, contributory to the perpetuation of the problem. The American Academy of Pediatrics calls child abuse "a national epidemic."

The severely beaten child is almost always under 4 years of age with as many as 2/3 being under 9 months of age. A study at one university hospital revealed that 10% of all patients less than 6 years old who presented with an injury had that injury as the result of a beating. A nationwide survey conducted in 1965 indicated that as many as 4 million children may have been abused that year in the U.S., and remember, the problem has been increasing rampantly in more recent years. Of children beaten for the first time,

25–30% have permanent damage and 5% die as a direct result of their initial injuries. Of beaten children who are returned home without adequate treatment of their sick parent(s), 1 out of 4 are within the year returned to the hospital dead on arrival from recurrent beating. Of this latter group, as many as 90% of the survivors suffer permanent damage.

Dealing with parents who abuse their children has never been a popular area of endeavor. The first case to come to the attention of authorities in the U.S. occurred in 1874. The case was not admitted into court because there were no laws to protect children from abuse by their parents. The case was then brought to the attention of the Society for the Prevention of Cruelty to Animals and returned to court where the child was defined as a member of the animal kingdom. Laws against cruelty to animals were then invoked and the child was removed from her family for her protection. Public outrage soon led to the formation of Societies for the Prevention of Cruelty to Children and many laws concerning children's rights were subsequently passed. It has only been during the past decade, however, that professional concern about the problem became widespread enough to stimulate state legislatures to pass laws requiring reporting of incidents of child abuse to appropriate authorities. Now each state has its own law to deal with the problem. It would seem that the problem is on its way to control, however, the failure of most state legislatures to appropriate sufficient funds to carry out their laws' provisions has severely limited the availability of adequate personnel and facilities to provide optimal treatment of this illness that afflicts the family and produces the beaten child as its most obvious symptom.

With reference to the opening anecdote of this article, it is important to emphasize one of the most basic points in dealing with child abuse. Many parents who abuse their children were themselves abused during childhood. If, when these parents bring a battered child to us for help, our reaction is a punitive one, we will have reinforced the pattern of abnormal behavior; i.e., when the parent in question was a child he was punished (beaten) when he did something "bad". He has learned that beating is an appropriate response to a person who has done something bad. As a person who also lacks impulse control, this concept has led him to beat his defenseless child mercilessly when the child did something "bad". He brings the child seeking help and the authority reacts punitively to the parent. This reaction reinforces a life-long, learned pattern of behavior, and perpetuates the tendency of this parent to beat his child for being "bad".

In future articles other aspects of child abuse will be explored. Next month the characteristics of parents who abuse their offspring will be further explored, and ways of helping these parents will be discussed.

TRIBUTE TO THE LATE GEN. ROBERT W. SMART

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. EVINS of Tennessee. Mr. Speaker, I want to take this means of paying a brief but sincere tribute to the memory of retired Gen. Robert W. Smart who served for many years as chief counsel of the House Armed Services Committee with distinction and dedication.

I was saddened to learn that General Smart had passed away recently in West Palm Beach, Fla., where he had moved following his retirement from his position with the House Armed Services Committee and later as vice president of North American Rockwell Co. Bob Smart had previously served in the U.S. Air Force where he attained the rank of brigadier general.

Following General Smart's retirement from the Armed Services Committee staff, we maintained our contact and friendship—and I knew him to be a grand gentleman, capable, competent, knowledgeable, informed, and always helpful. He served his country well and faithfully.

Certainly General Smart will be missed and I want to extend this expression of my deepest and most sincere sympathy to Mrs. Smart and other members of the family in their loss and bereavement.

ABORTION OPINIONNAIRE FROM THE EIGHTH CONGRESSIONAL DISTRICT OF OHIO

HON. WALTER E. POWELL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. POWELL of Ohio. Mr. Speaker, as I have done many times in the past, I recently distributed a questionnaire regarding matters of public interest to every home in Ohio's Eighth Congressional District. This particular opinionnaire dealt exclusively with the subject of abortion, and the views of Eighth District citizens with regard to the January 2, 1973, decision of the U.S. Supreme Court permitting abortions during the early stages of pregnancy.

I solicited the viewpoints of two of my colleagues in the House of Representatives to present opposing arguments on the abortion question. Congressman LAWRENCE J. HOGAN of Maryland presented an argument against the Supreme Court decision, while Congressman RONALD V. DELLUMS of California spoke in favor of the Court's decision. I am grateful to both Congressman HOGAN and Congressman DELLUMS for their cooperation and interest in offering their viewpoints so that Eighth District residents could compare and analyze the opposing considerations of this vital public question.

Although a few of these questionnaires still trickle into our office every day, my staff has tabulated the results of nearly 8,000 responses. I think these results may be of interest to other Members of the House of Representatives.

Overall, 7,996 opinionnaires were returned. Of this number, 5,383, or 67.3 percent, supported Mr. HOGAN and his position of opposition to the Supreme Court decision permitting abortions during the early stages of pregnancy. The viewpoint of Mr. DELLUMS was favored by 2,613 persons, or 32.7 percent of those who returned the opinionnaires.

The opinions of the majority of Eighth District residents who returned the opinionnaires coincide with my own. Since the date the Supreme Court decision was announced, I have been actively engaged in efforts to insure that the effect of the Court's ruling is either reversed or modified. The proposed constitutional amendment, House Joint Resolution 261, the so-called right to life amendment, which has been introduced into the House of Representatives to afford full human rights to unborn individuals from their moment of conception, is currently pending in the Judiciary Committee. I have signed the discharge petition on this amendment so that the full merits of this proposed constitutional amendment can be analyzed and discussed by the earliest possible date.

In addition I have sponsored three bills dealing with this subject, one of which requires medical institutions to provide their employees with the right and the opportunity to sign a statement of conscientious objection to participation in the conduct of an abortion. This bill is H.R. 5709.

Another bill that I have sponsored, H.R. 9459, makes it a Federal crime to carry out any research activity on a live human fetus, or to intentionally take any action to kill or hasten the death of a live human fetus in any federally supported facility or activity. This bill is currently pending in the Judiciary Committee. In addition, I have sponsored H.R. 9488, a bill that prohibits the use of appropriated funds to carry out or assist research on living human fetuses. This bill is currently pending in the Committee on Interstate and Foreign Commerce.

Mr. Speaker, it is my hope that each of these bills will be considered at the earliest possible date. It is my belief that the views of the Eighth District citizens reflect the opinions of citizens all across the United States that the Supreme Court decision on January 22 of this year was wrong. I trust that Congress will take legislative steps to insure that the precious right to life is returned as a guiding principle of our Nation's moral framework.

SOLIDARITY WITH SAKHAROV AND SOLZHENITSYN

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. HUBER. Mr. Speaker, I am today introducing a House concurrent resolution calling upon the Congress to offer honorary U.S. citizenship to the distinguished Soviet scientist, Andrey Sakharov, and Soviet Russia's outstanding author, Alexander Solzhenitsyn.

These are two giant personalities, who by their steadfast faith in the right of man to intellectual freedom have recently gained the admiration of their compatriots as well as an ever-increasing number of formerly indifferent people in other countries as well. As everyone well knows, it is not easy to stand up and be counted in the U.S.S.R. for the

cause of human freedom. The risks involved run all the way from merely losing your job, to compulsory incarceration and treatment in a mental institution, exile, and a long term in a forced labor camp.

Solzhenitsyn, of course, is a well known writer and Nobel prize winner, whose books have been read by millions throughout the world. In spite of being a former inmate of the Soviet forced labor camps, Solzhenitsyn has engaged, almost single-handedly, in a titanic struggle with the legalized evils of the Soviet state in order to encourage his own people and indirectly the people of the world to resist tyranny.

Sakharov, also a Nobel prize winner, is no ordinary dissenter. He owes his stature to his contributions in the field of nuclear physics and the development of the Soviet H-bomb. In order to help the victims of the increasing persecution of dissidents in the U.S.S.R., he participated in the organizing of the Committee for the Protection of Human Rights in the U.S.S.R.

Détente will not be meaningful, in my view, unless it is accompanied by a change in attitude toward human freedom and dignity in the U.S.S.R. Therefore, I view this resolution as promoting that end and will work strongly for its passage.

NATIONAL FILM DAY

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. BRADEMAS. Mr. Speaker, I am introducing today a concurrent resolution urging the President to proclaim October 23, 1973 as National Film Day.

Mr. Speaker, many of the Nation's motion picture companies and theater owners have agreed to donate one-half of their box office receipts on that day to the American Film Institute for the support of its many worthwhile programs.

Mr. Speaker, Charlton Heston, the distinguished 1958 Academy Award winner, earlier this year, in testifying before the Select Education Subcommittee of the Committee on Education and Labor, made an eloquent statement on the importance, both at home and abroad, of American films.

Said Mr. Heston:

Film is the art form of the 20th century. If it is the art of our time, it is also the art of our country. American artists have contributed more significantly to world cinema than they have to any other art form. . . . In a very real sense, American films speak for our Nation more clearly, communicate more tellingly than any ambassador we can send to the rest of the world.

Noting the extraordinary public appeal of film, Mr. Heston added:

Unlike other equally worthy artistic endeavors which inevitably appeal to somewhat narrower constituencies, the work of the American Film Institute is rooted in a mass medium appealing to all Americans.

Mr. Heston told the subcommittee that the American film industry had begun to respond "in a most heartening way to its responsibility to make significant financial contributions to the American Film Institute."

Evidence of that response, Mr. Speaker, is the fact that a significant number of motion picture distributors and theater owners will voluntarily donate one-half of their receipts to the American Film Institute on October 23.

The Institute, Mr. Speaker, a creation of the National Endowment for the Arts, was founded as a result of the wish of the late President Lyndon Baines Johnson that Federal funding for the arts help preserve and stimulate motion pictures in our land.

Earlier this year, in a scene viewed on national television by over 20 million people, President Nixon presented the first annual "Life Achievement Award," for lifetime contributions to film, to John Ford. Next year's award will go to the distinguished actor, James Cagney.

Mr. Speaker, the American Film Institute, by means of such efforts as its film preservation program, and its Center for Advanced Film Studies for young film-makers, is both a repository of the great American film tradition as well as a fountainhead of new talent.

Funded partially by the National Endowment for the Arts, the Institute, ably led by Director George Stevens, Jr., preserves the best of the American film past, trains promising young film-makers, and enriches public appreciation of motion pictures.

Mr. Speaker, the American motion picture industry is to be commended for the general support it plans to extend to the American Film Institute on October 23. This support will help the Institute continue and expand its important programs.

Mr. Speaker, I urge my colleagues to join me in approving this resolution to designate officially October 23 as "National Film Day" and to commend the participating motion picture distribution and theater owners for their unselfish support of the American Film Institute.

The resolution follows:

H.J. RES. 723

Whereas, motion pictures are a vital and integral part of American life and have enriched the lives of the American people, and people throughout the world, for more than half a century; and

Whereas, the Nation's motion picture companies and theater owners will be celebrating the first annual National Film Day on October 23, 1973; and

Whereas, the American Film Institute was created by the National Endowment for the Arts as our country's national organization dedicated to preserving our heritage of film, and it serves as the point of focus and coordination for the national effort to train the filmmakers of the future; and

Whereas, participating motion picture companies and theater owners have agreed to donate one-half of their box office receipts on National Film Day to the American Film Institute for the support of its many worthwhile programs; and

Whereas, recognition should be given to the participating motion picture companies and theater owners for their generous and unselfish support of the American Film Institute: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 23, 1973, is designated as "National Film Day"; and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups and organizations to observe that day with appropriate ceremonies and activities.

MINIMUM WAGES AND THE VETO

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. OBEY. Mr. Speaker, I am inserting in the RECORD today a copy of the editorial on President Nixon's veto of the minimum wage bill which appeared in the September 8 edition of the Washington Post. I believe that the editorial makes it clear that the bill the President vetoed was nothing more than a cost of living increase.

I am inserting it for the benefit of my colleagues who may have missed it.

MINIMUM WAGES AND THE VETO

In political terms, President Nixon's veto of the minimum-wage bill is another shoddy attempt to blame inflation on an allegedly reckless Congress. When the President says that the bill "would give an enormous boost to inflation," he is factually incorrect. In economic terms, neither the bill nor its veto could have any significant effect on inflation one way or the other.

The bill would have raised the wages of 3.8 million workers. That is fewer than one out of every 20 employed Americans. Sen. Harrison Williams (D-N.J.) has observed, using the administration's own figures, that this bill in its first year would increase the nation's total wages only 0.4 per cent. In later years, the effects would be even smaller. The veto leaves the impression that Mr. Nixon is prepared to fight desperately over very small improvements in the income of the poor, while silently tolerating much larger increases in the politically sensitive matters of union contracts and business profits.

Mr. Nixon's denunciation of this bill as grossly inflationary is particularly unfortunate in view of his own proposal, which would have almost the same impact. The vetoed bill would raise the minimum wage from the present $1.60 an hour to $2 in November and $2.20 next July. Mr. Nixon's counter offer would bring the minimum up to $1.90 now and then up to $2.30 in steps over the next three years. The difference between these two scales, in their economic effect, is hardly measurable.

There are several ways to judge the fairness and adequacy of the present minimum wage. A person earning $1.60 an hour, working 40 hours a week and 52 weeks a year, would make an annual income of $3,320. The U.S. Department of Labor says that the current definition of poverty, for a family of four, is an income under $4,300. Even at a wage of $2.20 the worker would get only $4,576 a year, which will probably be less than the Labor Department's definition of poverty by next July when the minimum would have reached that level. Mr. Nixon's own Cost of Living Council exempts wages under $3.50 an hour from its wage controls, on grounds that such excessively low earnings ought not be subjected to any artificial restraint.

The present minimum of $1.60 began to come into force in 1967. The cost of living in this country rose 33 per cent from 1967 to last June. If the minimum wage were raised

only enough to keep up with the cost of living, it would have to be taken up to $2.13 right now. To put it another way, the minimum wage in 1967 represented about 60 per cent of the average hourly earnings in this country. If Congress had wanted only to maintain the same relation of the minimum to the average, it would have had to raise the minimum to $2.32 by last July instead of $2.20 by next July. The bill that Congress passed did not even fully compensate for the inflation of past years. It does not even keep pace with the general rise of American wages, let alone incite future inflation.

Mr. Nixon keeps saying that he wants a stronger and warmer spirit of cooperation with Congress. But he keeps deliberately provoking fights. In this case he has turned his veto into a particularly unjustified attack on Congress, citing inflationary effects that do not exist. Congress and the President share the blame for the present level of inflation, and a certain amount of public recrimination is doubtless inevitable. But here the burden of Mr. Nixon's veto will fall upon 3.8 million American workers whose present meager wages leave them deep in poverty.

PHILADELPHIA DRINKING WATER

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. EILBERG. Mr. Speaker, Philadelphians are observing this week as "Better Water for Philadelphia Week." A mobile laboratory, the largest of its kind, will test Philadelphia's drinking water for its purity and palatability.

At this time I enter into the RECORD a statement by the city of Philadelphia describing its method for testing water electronically:

PHILADELPHIA DRINKING WATER

Philadelphians can watch an all-electronic laboratory test their drinking water this week.

The mobile laboratory, the biggest of its type on wheels in the nation, has been officially opened to the public on the north side of City Hall.

A proclamation signed by Mayor Frank L. Rizzo designating the week of Sept. 16 through 22 as "Better Water for Philadelphia Week" has been issued.

Water Commissioner, Carmen F. Guarino, who accepted the proclamation, said that the laboratory is being demonstrated in Philadelphia by the National Sanitation Foundation and the Federal Environmental Protection Agency. The $210,000 laboratory was developed by NSF with EPA funds.

The Commissioner said the laboratory is a "fitting focus" for the city's annual observance of Better Water Week. This is because it houses a wide variety of electronic equipment which monitors the quality of drinking water flowing to consumers.

The laboratory can be connected to a water main, or it can be rolled up to a home, business, or public building (like City Hall) and tied into the latter's plumbing, for the purpose of testing the water going through the pipes.

"EPA and NSF envision the laboratory as a prototype for future roving laboratories that communities could use to determine whether their water remains pure and palatable after it leaves treatment plants," said Guarino.

He noted that the mobile lab contains electro-analytical sensors and a minicomputer, which will analyze and measure the water in distribution pipes for 19 "parameters", or characteristics, that affect water quality. The parameters include chlorine content, dissolved oxygen, alkalinity, hardness, corrosiveness, chlorides, temperature, turbidity, conductivity, "pH", fluoride, sodium, calcium carbonate deposition, nitrate, cadmium, lead and copper, among other things.

Guarino said the electronic laboratory is an example of present day "progressive trends" in the water works field. These trends emphasize the use of electronic sensing devices, computers, and other instrumentation to control the quality of water.

"The Philadelphia Water Department is already moving in that direction", said the Commissioner. "We plan to introduce automation into all our water plants in the next few years, allowing the entire water treatment and delivery process to be controlled by computer. Our water system will be the first in the world to be completely computerized."

Guarino added that his department is also studying the mobile EPA–NSF laboratory "as a possible tool to supplement the automation scheme for the city's water system. This laboratory is an exciting development. It could help us ensure even better water for our customers".

"Better water is our constant goal, even though Philadelphia has invested over $200 million of capital funds in the water system in the past 20 years and the city's water now meets or surpasses the quality standards of the U.S. Public Health Service," he said.

The mobile laboratory was previously stationed at the Oak Lane Reservoir and International Airport for field testing.

Two water quality experts from Michigan head the Philadephia testing. One is Dr. Nina I. McClelland, director of water research for the National Sanitation Foundation. Dr. McClelland is project engineer, in charge of developing and demonstrating the laboratory. The other expert is Dr. K. H. Mancy, professor of environmental chemistry at the University of Michigan. Dr. Mancy is an internationally recognized specialist, who has written several books on water quality and related instrumentation.

Coordinating the study for the Philadelphia Water Department is Joseph V. Radziul, chief of research and development.

VON STEUBEN DAY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. BIAGGI. Mr. Speaker, today, thousands of German-Americans will celebrate Von Steuben Day in cities and localities throughout the United States. This festive day marks the birthday of Friedrich August von Steuben, a German born patriot, who served with distinction in the American Revolution as the Inspector General of the American Army.

In the course of American history, the immense contributions of the German people in both the Revolutionary and the Civil Wars have gone largely unnoticed. Yet, in addition to these early contributions to the American Nation, the German population continues to have a strong influence on our present society. Their particular contributions to such fields as science and technology have earned them the respect and gratitude of their fellow Americans.

As we celebrate Von Steuben Day, let us salute a particular member of the German-American community, Dr. Henry Kissinger, whose influence in the field of international relations has shaped what we all hope is a generation of peace. Dr. Kissinger is currently the President's nominee to become the Secretary of State.

Von Steuben Day is marked with a number of traditional parades in major cities across the United States. The largest and most famous will be held in my home city of New York City.

Mr. Speaker, I am pleased at the opportunity to take note of this important day, and to salute the German-American people.

IN SUPPORT OF H.R. 8056

HON. CLEM ROGERS McSPADDEN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. McSPADDEN. Mr. Speaker, it has rightfully been said that the history of America is the history of her rivers. From the founding of the Jamestown Colony to the start of the Central Arizona project, Americans have looked upon their rivers as among their most valuable and important natural resources.

To the people of Oklahoma, the Arkansas River is a source of both pride and economic strength. Accordingly, the Oklahoma Legislature voted in March of 1956 to create the Oklahoma-Arkansas River Compact Committee. This was done in accordance with an act of the 84th Congress which granted Federal consent to Oklahoma and Arkansas so that these sister States could begin the long and difficult task of creating a compact to insure the future of this river.

During the next decade, extensive engineering and legal studies were made to ascertain the best methods of setting up and operating an interstate compact that would ultimately affect the lives of thousands and the economic development of two rapidly growing States.

In March of 1970, the Compact Committee released a formal draft. In January of 1971, the Arkansas General Assembly ratified this draft. Three months later, in April of 1971, the Oklahoma Legislature ratified the draft compact with an amendment, which was agreed to by Arkansas during the next legislative session, in 1972.

The central importance of this compact is that it apportions waters of this great river between the two States so that these waters can be utilized in a timely and orderly fashion. It provides for the sound management of Arkansas River Basin waters by encouraging and coordinating the kind of pollution control program that will protect this valuable resource for future generations of Oklahomans and Arkansans.

The Water and Power Resources Subcommittee of the House Interior Com-

mittee held hearings during June on H.R. 8056, a bill which I sponsored with Congressmen CAMP, JONES, JARMAN, STEED, HAMMERSCHMIDT, and THORNTON. This bill grants Federal consent to the compact. There was no opposition to it in subcommittee; it has been agreed to by the affected States and by the appropriate Federal agencies. It was reported from the full committee without a dissenting vote on July 18.

Mr. Speaker, the passage of H.R. 8056 is of vital importance to the people of Arkansas and Oklahoma as well as to the entire Nation. It represents the fruition of enormous efforts by the citizens of both States and by their respective governments. All of those who took part in the creation of this compact can be justly proud of it and all that it promises.

I urge each of my colleagues to support this important legislation.

TRIBUTE TO DR. IRVING D. LITWACK

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. ANDERSON of California. Mr. Speaker, on October 1, the people of Long Beach, Calif., will lose the services of a truly dedicated public servant, Dr. Irving David Litwack. On that date, Dr. Litwack will retire from the position of city health officer after some 37 years of service.

A native of Illinois and graduate of the University of Illinois School of Medicine, Dr. Litwack came to Long Beach in 1936 following service in the Navy. When World War II broke out, he was recalled to active duty. During this period, Dr. Litwack received special training in public health administration at the Johns Hopkins University School of Public Health.

After the war, Dr. Litwack returned to Long Beach as the assistant health officer. One year later—1947—he was named health officer, the position in which he has served untiringly ever since.

Throughout his career, Dr Litwack has received the greatest respect and admiration from both the Long Beach community and his professional colleagues. His awards include the "Good Government Award" presented by the Long Beach Chamber of Commerce for Outstanding Service to the City of Long Beach; and the "1964 Man of the Year Award" from the Bernard and Milton Saul Post No. 593, Jewish War Veterans. In 1968, Dr. Litwack received the "Outstanding Merit Award" presented by the Southern California Public Health Association during his term of office as president of that organization.

In addition to a long list of national and State professional affiliations, Dr. Litwack has found time to be involved with and contribute to numerous nonprofit and voluntary agencies. Currently he serves on the board of directors of three major Long Beach hospitals and on the boards of many other medically related organizations.

Certainly all of these accomplishments could not have been achieved without the strong support and inspiration of Edith, his lovely wife of 40 years. Their son, Kenneth, is also a medical doctor and lives in Corona del Mar with his wife and three children.

Mr. Speaker, government agencies are established to serve the people. One man who has never forgotten this and can truly be called a "public servant" is Dr. Irving D. Litwack. He chose a career in which he felt he could make life better for his fellow man, and the people of Long Beach will long remember and honor him for his unselfish service.

I want to extend to Dr. and Mrs. Litwack my sincere best wishes for happiness and fulfillment in the years ahead.

SHORTAGE OF PROPANE GAS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. DRINAN. Mr. Speaker, I attach herewith a letter which I have sent to Governor John Love with respect to the possibility of a shortage of propane gas in my congressional district and in New England.

The Fitchburg Gas & Electric Co., one of the major suppliers of natural gas in my congressional district, uses about one-third propane in the gas which it distributes to its consumers. Any substantial diminution in the availability of propane gas could bring about heating shortages that could close schools, cause widespead suffering among homeowners and conceivably could lead to a cutback in industrial production.

My letter to Governor Love follows:

SEPTEMBER 13, 1973.

Hon. JOHN A. LOVE,
Director, Energy Policy Office, the White House, Washington, D.C.

DEAR GOVERNOR LOVE: The proposed regulations of the Energy Policy Office with respect to the mandatory allocation of propane as set forth in the Federal Register of September 5, 1973 have been brought to my attention.

Gas utilities in the State of Massachusetts have expressed concern to me as to whether or not they are included within the definition of "reseller" contained in Section 2 of the proposed regulations. As you may be aware, gas utilities in Massachusetts have for many years relied upon the use of propane as a supplement to supplies of natural gas during the winter months. These utilities had planned to continue such reliance during this coming winter.

I understand that gas utilities in Massachusetts, unlike in many other sections of the country, have a low industrial load, and accordingly a high percentage of their end-users (in the neighborhood of 80 to 90 percent) are residential or other customers which use the fuel to satisfy human needs. As such, the bulk of the customers of gas utilities in Massachusetts should come within the definition of "priority customer" contained in Section 2 of the proposed regulations. The concern of the gas utilities arises in connection with the definition of "reseller" since in the supply of propane for heating and cooking purposes by gas utilities certain chemical characteristics are subject to change.

Because of the severe shortage of energy anticipated in Massachusetts this winter, it is of great importance that its gas utilities be entitled to priority status in the supply of propane for resale to priority customers. Any restriction in this supply can only serve to threaten the residents of Massachusetts with a loss of heating and cooking facilities.

I urgently request confirmation that these gas utilities will be viewed as "resellers" within definition contained in Section 2 of the proposed regulations and would suggest that the definition be amended to make clear this reading.

The Fitchburg Gas and Electric Company uses about one-third propane for the fuel it sells. Needless to say the large region within my Congressional District served by this company will suffer severely if these regulations are adopted.

Cordially yours,

ROBERT F. DRINAN,
Member of Congress.

H.R. 7395—NONCONTIGUOUS TRADE

HON. JOEL PRITCHARD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. PRITCHARD. Mr. Speaker, tomorrow the House will consider H.R. 7395 on the suspension calendar. I cosponsored this bill because I believe it would correct an oversight in the definition of "noncontiguous trade" as presently defined in section 607(k)(8) of the Merchant Marine Act of 1936, as amended.

While the bill itself is relatively short and straightforward, it deals with a very complicated subject: merchant marine capital construction funds.

Section 607 of the act provides for the establishment of tax-deferred capital construction funds by American vessel operators pursuant to agreements entered into with the Secretary of Commerce. The purpose of the tax deferment is twofold: First, to facilitate interstate, intrastate, and foreign trade between those U.S. possessions and states which must, to a large extent, depend on the shipping industry; and second, to serve that nation's interest in the revitalization of the U.S. foreign and domestic shipping industry, as well as the U.S. shipbuilding industry.

In order to make withdrawals from the capital construction fund the vessel operator must agree that the vessel to be built will be operated in United States foreign, Great Lakes, or noncontiguous domestic trade or in the fisheries of the United States. Currently the definition of "noncontiguous trade" in section 607(k)(8) explicitly allows intrastate trade between the islands of Hawaii, but overlooks intrastate trade within Alaska and between islands in Alaska.

H.R. 7395 would provide similar treatment for Alaska as is presently provided for Hawaii. The bill would allow vessels built under the capital construction fund provision of the Merchant Marine Act of 1936 to operate in intra-Alaska trade.

The current definition of "noncon-

tiguous trade" works an undue hardship on those vessel operators who operate vessels between Seattle and Alaska, and yet wish to pick up and deliver small amounts of cargo between Alaskan ports. Substantial penalties could result from the use of vessels constructed with capital construction funds in intra-Alaska trade. The definition contained in section 607(k)(8) forces diseconomies on the operators of vessels constructed with such funds. H.R. 7395 would cure such diseconomies and allow vessel operators to carry intrastate Alaskan cargoes incidentally to the carriage of interstate cargoes.

HONOR OUR CONSTITUTION

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mrs. GRASSO. Mr. Speaker, during the week of September 16–22, we honor our Constitution.

Serving as the framework of our democracy, the Constitution was written nearly 200 years ago. It is a tribute to the genius of our Founding Fathers that they were able to frame a document, the keystone of our governmental system, that has required little change in the years since it was drafted, though our Nation has grown from 13 disunited former colonies, into a world power including 50 diverse yet commonly committed States.

James Wilson, one of Pennsylvania's representatives to the Constitutional Convention held in Philadelphia in 1787, demonstrated the prophetic attitude of the Founding Fathers when he stated:

> We should consider that we are providing a constitution for future generations and not merely for the circumstance of the moment.

I am proud to say that two gentlemen from Connecticut were among the 39 men who affixed their signatures to this enduring document. William S. Johnson and Roger Sherman held dear the same timeless ideals of freedom, justice, and equality of opportunity that were professed by their contemporaries, Jefferson, Franklin, and Washington. Indeed, Connecticut is known as the Constitution State, for it was in Connecticut that the "Fundamental Orders"—in essence a constitution—were adopted in 1638. The historian John Fiske called the orders, which took their spirit from Thomas Hooker, Connecticut's founder:

> The first written constitution known to history that created a government.

Yes, Mr. Speaker, we in Connecticut have a firm understanding of the great value of our country's Constitution, and the esteem in which it is held throughout the world. The fact that it has served us for almost two centuries is testimony to the timelessness of its ideals and the foresight of our Founding Fathers.

Men like Franklin, Jefferson, Washington, Johnson, and Sherman could not have anticipated the far reaching changes we have undergone since the framing of the Constitution. Yet, the document they drafted has truly lived up to Jefferson's requirement that laws and institutions "must go hand in hand with the progress of the human mind."

Thus, it is fitting that we designate a specific week during the year to honor our Constitution, the document which continues to endure as the foundation of our democratic system.

LIBYAN GOVERNMENT ACTION EMPHASIZES NEED FOR DEVELOPMENT OF DOMESTIC ENERGY SUPPLIES

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. ARCHER. Mr. Speaker, although not entirely unanticipated, the sudden action of the Libyan Government raising the price of crude oil to $6 a barrel and refusing to accept U.S. dollars for payment is intolerable. This action will not be the last of its kind by a foreign government and should serve to dramatically awaken any person in this country who believes that the United States can exist on a dependency of imported oil.

How many more countries are going to escalate their price, refuse to accept American dollars, and in some instances nationalize American companies, before we realize that we must immediately turn our attention to the development of domestic resources?

The Nation is now consuming the equivalent of about 36 million barrels of oil per day. At the present growth rate we will require at least 95 million barrels per day of oil equivalent by the year 2000.

It is imperative that we have new policies and restructure existing ones to spur domestic activity, for it is clear that we cannot rely on energy from abroad. The possibility of such dependence is a threat to our national security as well as to our economic stability. Our balance-of-payments situation is critical even now.

I do not believe the American people should have to accept reduced economic development, fewer jobs, less gasoline, fuel oil for their homes because action is not taken to guarantee a continuing supply of oil. Certainly, we must do what we can to lessen demand and increase conservation, but we must also be aggressive in making sure that our requirements for the future are met. It is imperative that as a first step we take the following actions:

First, tax incentives are needed to encourage investment of the large amount of risk capital that is necessary for exploration for new reserves. I first introduced a bill in 1971 to establish a 12½-percent investment credit for that purpose. These tax incentives should be applicable to both onshore and offshore drilling.

Second, Federal lands should be opened for leasing and future development.

Third, closely examine any restrictions on suppliers of oil, particularly those restrictions which are unnecessarily impeding the progress of exploration and development.

Accelerated development of domestic energy supplies would benefit all segments of society: Employment would increase, individual incomes would rise, profit opportunities would improve, Government revenues would grow, and the Nation would be more secure.

Without remedial action, energy imports will inevitably increase and we will see the day that the United States will have no recourse for an action such as that taken by the Libyan Government. It is not a pleasant prospect.

A number of years ago I predicted, as did several knowledgeable officials in the oil industry, that the United States was heading toward a serious energy crisis. I think it is appropriate today to point out to all those who would listen that dependency on oil from abroad has dangerous political, military, and economic effects. We must respond while we still have a choice.

MRS. DOROTHY BUSSARD, PRESIDENT, NATIONAL AMVETS AUXILIARY

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. BYRON. Mr. Speaker, on August 26 of this year, Mrs. Dorothy Bussard of Middletown, Md., was installed as 1973–74 president of the Amvets National Auxiliary in St. Louis, Mo. I want to congratulate Mrs. Bussard on her election to this important post. It is the culmination of her many years of dedicated service to the auxiliary.

I would like to share with my colleagues an article from the Frederick Post concerning Mrs. Bussard and her installation as president of the National Amvets Auxiliary:

MIDDLETOWN WOMAN ELECTED NATIONAL AMVETS AUXILIARY PRESIDENT

(By Linda Gregory)

A National Testimonial dinner to be held Oct. 20 at the Francis Scott Key Hotel will honor Middletown resident Mrs. Dorothy Bussard on being elected 1973–74 President of the Amvets National Auxiliary.

Mrs. Bussard was officially installed in her new position at the 30th Annual National Convention of Amvets and Amvets Auxiliary held at the Chase Park Plaza, St. Louis, Mo., on Aug. 26. Describing it as a "dream come true," "Dottie" was fortunate to have her husband, Mr. A. Lee Bussard, daughters Karyl and Lori, and her parents, Mr. and Mrs. Roger Lenhart, of Mountaindale, share in her moment of glory. Her entire family was presented to the hundreds of delegates attending.

At the installation services she was given her official National President's pin, gavel, and hat. Her husband presented her with a dozen yellow roses.

Although the year ahead will mean a great deal of travel, Dottie views it as "a challenging experience" and has already begun an itinerary which will take her into community service programs in 35 states. She has chosen the theme of "Love" for her tours and hopes to "help promote patriotism, love of country, and service to fellow man."

Rather than feeling like a "working wife's widow," Dottie's husband Lee is thrilled with

his wife's success and supports her wholeheartedly. Her daughters, too, are excited and very proud of their mother's position.

Dottie has been a member of the auxiliary of Middletown Post No. 9 for the past 15 years and has served in every office and every chairmanship on the local and state level. Both the local and state Amvets Auxiliaries have supported her during her candidacy.

Being allowed only one local appointment, Dottie has chosen Mrs. Selvia Gouker, of Middletown, as her corresponding secretary. The new president's first visitation is already scheduled to begin Sept. 21 when she will visit the national headquarters in Old Orchard Beach, Me.

WE MUST CORRECT THE CENSUS UNDERCOUNT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. RANGEL. Mr. Speaker, the undercount of minorities in the 1970 census has been a cause of increasing concern for me and those of us who know the importance of an accurate census count for the increasing number of Federal programs tied to formulas based upon an accurate count of the population.

Although the Bureau of the Census has admitted that minorities were undercounted in the 1970 census and although Secretary of the Treasury George Schultz admitted this undercount would mean a loss in revenue-sharing dollars to communities with large minority populations, no action has been taken by the Federal Government to correct the undercount.

The National Urban League, who along with the Joint Center for Political Studies, has performed the basic research which has forced the Federal bureaucracy to admit and face up to the undercount, has come up with a formula which can be applied to correct the undercount. To date, however, the Federal Government has failed to respond to the request of the Urban League to use their formula and has failed to come up with a corrective formula of their own.

It is important that we, in the Congress, insist upon a fair and accurate basis for the distribution of Federal funds. I urge my colleagues to share my concern over the unfairness of the census undercount of minorities. I place in the RECORD, for your information, a column written by the executive director of the Urban League for the New York Voice entitled "Census Undercount Means Lost Dollars" at this point:

CENSUS UNDERCOUNT MEANS LOST DOLLARS

(By Vernon E. Jordan, Jr.)

You might be one of the 5.3 million people the U.S. Census Bureau admits it did not count in the 1970 Census. If so, that means that your neighborhood loses federal aid apportioned on a per-capita basis, including revenue sharing money, and shares less than it ought to in other federal and state programs.

Over five million people not counted may not seem much on a national basis in a total population of over 200 million, but its impact on localities, especially on hard-pressed cities and towns with substantial minority populations, is important.

The bulk of the "missing persons" are minorities; almost eight percent are black, as against less than a two percent undercount for whites. Spanish-speaking people were probably undercounted more than any other group, since the Census forms were in English only.

AMOUNTS LOST

How much have key cities lost because of the undercount? It's hard to say exactly, but a good estimate, based on the Census Bureau's own figures of the undercount, indicates that New York State lost about $15.1 million in revenue sharing funds alone, while California lost almost as much.

Major cities lost large amounts that could be used to help relieve the crushing problems they face. New York City lost about $6.7 million; Chicago, $2.5 million; Washington, D.C., $1.5 million, and other cities similar amounts depending on their size and their minority populations.

What ought to be done to rectify a mistake the Census Bureau admits occurred? After all, the census is no academic head-counting exercise; it is the basis not only for allocation of federal and state funds, but also for political representation and the drawing of political districts at all levels of government.

The Census Bureau itself wants another census in 1975, instead of waiting until 1980 as mandated by the Constitution. There is a lot to be said for cutting the census interval from ten to five years in our highly mobile nation. There is an agriculture census every five years counting every farm animal and tractor in rural America. If we can count chickens every five years why not people?

But Congress refused a mid-decade Census so we must deal with these figures for the next ten years. I have already suggested an across-the-board increase in official population figures to account for the estimated undercount, but such suggestions have met with a defeatist response that simply says that the national figures can't be adjusted on a local basis.

NEW FORMULA

Now the National Urban League's Research Department has come up with a formula it says can be applied to correct the undercount. The researchers went to the Census Bureau's own estimated national undercounts of different subgroups of the population and devised a system of adjusting local figures.

They make clear that this is an interim device to be used in the current emergency. Eventually, population researchers and the Bureau may come up with a fool-proof method of compensating for national undercounts, but until then, it makes sense to put the League's method to immediate use in all population based formulas on federal and state aid.

After all, this wouldn't be the first time the government used nation-wide figures to deal with localities. The famous poverty index, for example, applies a national definition of poverty regardless of the significant cost of living variations in different regions. The national poverty index is used as a national standard for allocating funds to localities; so too, the suggested revisions in population figures would be used as a standard for disbursement of funds until the next census.

KTUL–TV PRAISED FOR MUSCULAR DYSTROPHY EFFORT

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. JONES of Oklahoma. Mr. Speaker, the 1973 Jerry Lewis Muscular Dystrophy Telethon has once again been a tremendous success in northeastern Oklahoma. A great deal of the success of this year's telethon can be directly attributed to the outstanding effort put forth by the staff and management of television station KTUL, which provided coverage for the telethon.

Viewers of KTUL–TV contributed a final total of $94,447 to the telethon over the Labor Day weekend. Speaker of the House CARL ALBERT, Congressman CLEM MCSPADDEN, and myself all made televised appearances during the telethon, and I believe we all shared the same high regard for the dedicated service of KTUL–TV personnel in conjunction with this very worthwhile charitable cause.

Mr. Speaker, I want to personally commend the staff of KTUL–TV for the important role they played in the great success of this year's Muscular Dystrophy Telethon, and to offer them our sincere thanks for their exceptional service in this important project.

IRISH ROLE IN REVOLUTION UNFULFILLED DEBT FOR AMERICA

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. BIAGGI. Mr. Speaker, every American schoolboy is aware of the role played by the Marquis de Lafayette in our fight against the tyranny of King George III of England to win independence for the United States. Not only France, but many other nations contributed to the winning of our Revolution.

In 1917 when the American Expeditionary Force landed in France the word was, "Lafayette, nous sommes ici"; Lafayette, we are here. For many Americans our involvement on the Allied side in the First World War was easily justified as a proper expression of the gratitude owed by the United States as a result of the invaluable assistance of France during the American Revolution. Such sentiments are indeed noble and deserved.

After the successful achievement of American Independence the British Parliament launched an inquiry into the reasons behind their loss. They blamed it on the Irish. Gen. James Robertson testified:

It is believed half of the Rebel Army was from Ireland.

An examination of the muster rolls of the regular Continental Army corroborates this.

Gen. Sir Henry Clinton wrote:

The Emigrants from Ireland were in general looked upon as our most serious antagonists.

Even the French aid to the cause of American freedom included the famous "Irish Brigade"—under Dillon and Walsh—men who had fled Ireland—"the Wild Geese"—na Geana Fiadhaine—to fight against England overseas. On April 2, 1784, Lord Mountjoy publicly concluded in Parliament, "America was lost by [the action of] Irish emigrants."

Let us not forget that Irish—Gaelic—

was often spoken in the ranks of the Continental Army, and that George Washington was made a member of the Friendly Sons of St. Patrick during the war. Gen. Stephen Moylan, Col. Dan Moore—Bunker Hill—and Rifleman Timothy Murphy are just a few of the many Irish names familiar to those who know the lists of Revolutionary War heroes. Nor should we ever forget Commodore John Barry of the County Wexford, who organized and led the infant American Navy in its now legendary exploits against the mighty British Royal Navy. Among the famous American Marines recruited on and after November 10, 1775, at Tun Tavern in Philadelphia were Thomas Murphy, Mark Sullivan, Michael Kelly, Lt. William Gilmore and Capt. Robert Mullen. Indeed, when we gratefully celebrate our independence we should remember that America's debt to the Irish is no less than the debt we redeemed in France.

SKIING THE UNCROWDED SNOW FIELDS OF HAWAII

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. MATSUNAGA. Mr. Speaker, most Americans are aware of the stunning beaches and agreeable climate which make Hawaii the world's favorite year-round vacation spot. But few know of or have enjoyed snow skiing atop the snow covered peaks of our 50th State. With the blossoming of this healthful winter activity, Hawaii has become one of very few regions to host such a range of recreational facilities. Just southeast of Honolulu, on the Island of Hawaii, one can enjoy the sunny slopes of some of America's loftiest peaks.

Hawaii's ski areas are unique in that their development has proceeded at a rational pace. Fresh virgin snow awaits all. I warmly welcome vacationers to bring their snow skis as well as swim suits and water skis this winter.

The following article which appeared in the Star last year, but which is current in substance, should be of particular interest to my colleagues who would like to try skiing next winter in a tropical climate, and would like to lay their plans now:

SLOPES OF MAUNA KEA—THAT'S NO HOOMALIMALI

(By Earl A. Selle)

HILO, HAWAII.—After years of celestial hocus-pocus the Hawaiian snow goddess Poliahu has finally scored and subtropical Hawaii—incredible as it may sound—is building a ski tow at the summit of snowy 13,796-foot Mauna Kea. As the mynah bird might fly, it is just 180 miles southeast of summery Honolulu.

Mauna Kea is one of two twin peaks on the 4,000-square mile island of Hawaii, commonly known as the Big Island.

The 1200-foot long tow over eight-foot deep snows which often remain from October till May, is expected to be completed by early 1972. The work is being done privately by members of the Ski Association of Hawaii who have been a flurry of activity behind this tourist attraction for many years.

They hope ultimately to secure state funds and park department cooperation for additional recreational facilities.

A year ago citizens believed at first they were being subjected to hoomalimali, as the being kidded saying goes, when "Ski Hawaii" bumper stickers appeared throughout the 50th state.

Failing initially to gain legislative support, it had a big job before it. Fund-raising took the form of screening ski firms wherever members could produce an audience, banquets in the park and a variety of forms of subscriptions.

Gov. John A. Burns proclaimed an official "Ski Hawaii Week."

Richard Tillson, of Honolulu, is an example of the hard core of ski enthusiasts, many of whom are also water skiers. Tillson, an aeronautics engineer turned candy salesman in order that he might have more free time to promote mountain skiing along with Engineer Wolfgang Buss and Wally Johnston, is regarded as the father of skiing in Hawaii.

He has carried its burden, say association members. Alone, he camped for three months in sub-freezing temperatures atop Mauna Kea testing the weather and measuring snowfalls.

He has bombarded media with literature on skiing and hounded legislators about developing Mauna Kea's snowy summit, where the mercury can fall to 20 degrees above zero, as a tourist attraction.

To stimulate the idea of skiing he has opened his own "moonlighting" shop for ski togs atop the candy-making plant in Honolulu.

Both of the terminal points are up and the long handrail is in place. The first of the ski tows is manually operated. The second quarter-mile tow is to be motor-driven. Primitive, says ski-father Richard, but that's the way we like it. The day of the chair lift will come only when the price tag of $150,000 is at hand.

Hawaii skiers have been using these slopes for years, struggling back up over a difficult trail. The new tow will allow them to enjoy 10 to 12 runs a day.

It will terminate at the very summit adjacent to the University of Hawaii's $5,000,000 observatory whose giant NASA-financed 84-inch telescope is the world's highest stellar observer.

Ski runs will vary from a half to a full mile with sharp drops. Overnight cabins are available at a lower level.

Funds for a warming hut with snack bar and restroom facilities along with a snowmobile may yet come from the state.

TAX REFORM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. CRANE. Mr. Speaker, just before the August recess, there appeared in NAM Reports, the journal of the National Association of Manufacturers, an article by our colleague from Louisiana, the Honorable J. D. WAGGONNER, Jr., entitled "Tax Reform—an Overall View."

In my opinion, this is one of the most clear, concise, and reasoned discussions of the question of tax reform and what to do about it that I have encountered anywhere. As a member of the Committee on Ways and Means which reviews all taxation legislation, JOE WAGGONNER has had the opportunity of familiarizing himself with the subject in detail and this article says to me that he has done his homework well. Our tax law is presently so complicated that when one ventures into it, it is often difficult to see the forest for the trees. In his article, the gentleman from Louisiana has demonstrated that he, at least, is not lost in the woods. He is able both to recognize and to discuss the many specific problems and put them into their true context. It is no easy task to bring both lucidity and common sense to bear upon so complex and controversial a subject as taxation, and I commend my friend from Louisiana for the skill with which he has done just that.

I recommend his article as "must" reading for every Member of the House of Representatives and insert it in the RECORD at this time:

TAX REFORM—AN OVERALL VIEW

(By JOE D. WAGGONNER, JR.)

Those who are students of history know that the level, equity, and even morality of taxes have been topics of debate throughout recorded history. The Bible has many references to taxes. Wars have been fought over taxes. Everyone has his or her own strongly held and emotional view of taxes. Views here in the United States are expressed in a rhythmic fashion. Around April 15 of each year, when 77 million Americans fill out their returns, there is usually widespread discussion—often heated—of taxes. The subject of taxes causes emotional responses because nobody likes to pay them. But, as Justice Oliver Wendell Holmes so aptly stated. "Taxes are what we pay for a civilized society."

To begin at the beginning, what do we, the people, want our federal tax system to do? The primary purpose, of course, is to raise the revenues to pay the cost of governing this great nation. This fundamental purpose raises the first series of debates.

How big should the public sector of our economy be? Obviously, the more government spends, the more it will have to raise in revenues to pay the bill. As people demand more government services and programs, they should at the same time know they are also increasing the pressure to raise revenues. In other words, the power to spend is in reality the power to tax.

Debate on this particular aspect of taxes was in full swing during the election campaign last November. Now the people have spoken. In my view, they said in no uncertain terms that the federal sector is too big—that Uncle Sam has grown too big for his britches. And this implies, and rightly so, that the people have concluded that Washington is not capable of solving every last problem that arises in the states and localities. In fact, it has come time to admit that some of our problems are not solvable although there may be better answers or approaches.

But the function of raising revenues is not the only consideration involved in the determination of tax policy. We want our tax system to be efficient, simple, and equitable. And we want it to work in such a way that it furthers, rather than impedes, the achievement of our social and economic goals. Here is where the arguments start to heat up. Take the matter of simplicity. It would be very simple to have everyone pay the same percentage on all income across the board. Just pick a figure and apply it to all people and all income. This might meet the test of simplicity, but it would have to ignore many other considerations. The loudest cries would come from those who insist on equity. The

American people, time after time, have supported what they consider to be fair deductions on federal income taxes. For example, the vast majority of Americans think it is only fair that a family that is unlucky enough to experience a major medical expense be allowed to deduct that expense from federal income taxes.

Support for this provision was so strong that it was never seriously questioned in the Tax Reform Act of 1969.

But the more efforts that are made to meet the test of fairness, the more complex the tax laws become. For example, there are provisions to deduct for non-insured casualty losses. These seem very complicated—and they are—but those unfortunate people hit by tropical storm Agnes would rather put up with some of the complexity than suffer the complete loss of home and property. The retirement income credit, also enacted as a matter of equity, also complicates things for the taxpayer.

As deductions and credits have expanded to cover more specific situations, individuals form definite opinions. Just ask any taxpayer. A deduction is something that he is legally entitled to—a provision that was established to take care of his particular situation. A so-called "loophole" is a deduction that applies to someone else.

The tax system has also been used to meet social goals. A good example was the 1969 provision allowing a faster write-off on antipollution equipment for business. Another encourages the rehabilitation of slum housing. Still another example of the use of the tax system to further social objectives is the provision for education, religion, and charity.

The melding of our tax system with our economic goals is proper. The economic growth of the nation requires a continuous flow of investment in productive machinery. When we talk about employment, for example, it is fundamental to understand that it takes on the average an investment of $30,000 to support one job in manufacturing.

It is necessary, I think, to understand that the only money that is actually available for investment purposes is "saved" money. That is so whether the money is your own or borrowed.

In terms of economic growth, it is also imperative to consider the impact of tax policy on our international competitive position. In short, our tax policies must take into account simplicity and equity and should be consistent with our social and economic objectives. It is very easy to base arguments on any one of the four factors and make statements that seem to be very convincing. Practically speaking, each factor is and must be a trade-off for the others.

With these basic goals in mind, let me now give you my thoughts on how tax legislation should develop in the months and years ahead. The Nixon Administration, I believe, shares this general thinking. The "limousine liberals" who cry for the closing of so-called "loopholes," of course, disagree. The reform these people seek is intended to simply shift the burden to others.

First, we should avoid radical changes in the tax system purportedly designed to redistribute income, or put more bluntly, "soak the rich." This idea that the federal tax system should somehow confiscate a large portion of anyone's earnings is just about as un-American as anything I can think of. If earnings are illegitimate a person should not be entitled to them in the first place. But if legitimate, high earnings indicate to me that a fellow has built a better mousetrap, or worked harder, or in one way or another been successful in carrying out his chosen work. Under existing federal tax laws, individuals pay up to 70 percent on extra dollars of income from investments and similar sources and up to 50 percent on those from salary and fee income. I think that is high enough—in fact, *too* high. We cannot afford to use the tax system in this, a free society, to destroy the competitive nature of the free enterprise system or to destroy private wealth. To do so is to destroy our free society.

Second, we should avoid the temptation to lighten the tax burden on individuals by raising it on business. Indeed, it is a myth to believe that we can do so. This is not to say that the business system should not be used to generate a fair portion of the taxes paid to the federal government.

But appearances can easily be deceiving. *Businesses do not pay taxes—people do.* Those people are either the customers of the business, if the taxes are passed on (as they frequently are) in the form of higher prices, or the stockholders of the company, if they are taken out of dividends, or the workers, if the tax burden becomes so heavy that the enterprise ceases to exist and jobs are wiped out.

There is another aspect of business taxation. Today, we in the United States tax business more heavily than any other major industrial nation in the world. And as you know, we are locked in a competitive battle with those nations. Millions of jobs and our standard of living are at stake. If we continue to insist on this type of foolish taxation, then we shall find it increasingly difficult to compete in world markets. And as U.S. products become less competitive, jobs will disappear.

Moreover, if we turn inward, trying to protect ourselves with a wall of tariffs and restrictions on trade, we shall all suffer—just as we did in the 1930s when we tried to isolate ourselves from other economies. American agriculture would lose more from this foolish policy than any other sector simply because agriculture is our most productive and, therefore, most competitive activity. We must, therefore, concentrate on becoming more, not less, productive. And a tax system that encourages saving, investment, and productivity is a major weapon in the battle for international markets.

Third, Congress should not, in my judgment, spend a great deal of time this year in an effort to just simply close the so-called "tax loopholes." The demagogues that tell you there are some $40 to $50 billion of these preferences are not telling it like it is, for they couch their criticisms in such terms as to hide what the preferences are all about.

Any such list would have to include all of these items: $5.1 billion in deductions for interest on mortgages and property taxes on owner-occupied homes; $1.9 billion for deductions on charitable contributions; $3.6 billion resulting from the net exclusion of employer pension contributions plus earnings; and so on. These figures are estimates for calendar year 1971.

The point I want to make is that each and every preference that has found its way into the Internal Revenue Code serves a purpose. The task of Congress, therefore, is not to enact a blanket elimination of the so-called loopholes, but to examine each and every one of them carefully, as was done in 1969, to make certain they serve a useful purpose and do so efficiently.

The other side of the tax question coin and of equal importance to the individual taxpayer is the question of controlling federal spending. Too much federal spending for too long has resulted in too high taxes for too many people. Generally speaking, one-fourth of our total national debt which has been incurred in all our history has been incurred in the last four years. Such deficit spending *cannot* be tolerated and must be stopped here and now.

In the coming weeks and months of this Congress, we are going to see the implementation of President Nixon's promise to tighten federal expenditures. I share this desire, and I know its necessity.

Hearings have been held this year on tax reform, and the Ways and Means Committee expects to write a bill sometime after Labor Day. The areas to be covered are numerous and include, but are by no means limited to:

Capital gains and losses; tax treatment of capital recovery; tax treatment of real estate; minimum tax and tax shelter devices; farm operations; pensions, profit sharing, and deferred compensation; tax-exempt state and local bonds; taxation of foreign income; estate and gift taxation; and natural resources.

Some changes *are* needed, but I also know that we must protect—and indeed, further enhance—the competitiveness of American industry if we are to provide jobs for *our* people.

Despite complaints, we do have the most successful tax system in the world. It raises the money to support government, and does so in a very efficient manner. Undoubtedly, the system can be improved, for nothing is perfect, I hope it will be improved.

SENATE INVESTIGATION IS A 5-YEAR BOONDOGGLE

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 13, 1973

Mr. LANDGREBE. Mr. Speaker, the prolonged continuation of the Watergate hearings has drawn attention away from another Senate investigation—one which has cost taxpayers over a million dollars during its nonproductive 5 years' existence. I wish to bring to the attention of my colleagues an article written by Robert S. Allen for Hall Syndicate. The column follows:

Watergate is getting all the limelight, but here are other kinds of Senate investigations.

This is a report on one of them—that, in effect, is actually a boondoggle.

Maestro of this "investigation" is Senator George McGovern, and although virtually unknown to the general public it has cost taxpayers more than $1.250 million in its nearly 5 years' existence.

Official designation of this expensive boondoggle is most imposing—Select Committee on Nutrition and Human Needs.

But its results are far less impressive—as this column ascertained after an investigation of this "investigation." On the basis of this inquiry, this affair appears to be nothing more than a boondoggle to promote McGovern's publicity and electioneering for the Presidency last year and another Senate term next year.

This column decided to look into this matter because last February the South Dakota radical managed to wangle another $255,000 to continue this lofty-sounding boondoggle.

Actually, he asked for $291,000—after fenagling $283,000 last year when he was running for President. But the Senate Rules and Administration Committee determined $255,000 would be enough—with a sharply pointed admonition that this "investigation" had been going on long enough and it was time to wind it up. Said Senate Republican Whip Robert Griffin, Mich.:

"In the deliberations of the Rules and Administration Committee there was concern about how long this temporary committee would continue. A number of senators be-

lieve this committee is not to go on forever. In fact, there was an inclination on the part of some committeemen to cut the budget much further expressly to make it evident that this temporary committee is to be phased out."

McGovern blandly disregarded this warning. Airly he announced:

"The $255,000 will simply not be sufficient to fund all activities. I wish to make clear that I fully expect it will be necessary to request supplemental funds later in the year."

Recently there have been backstage hints that the ultra-liberal South Dakotan is getting ready to do just that—seek another $50,000.

THE FINDINGS

To learn just what justification there might be for such a handout, this column dug into this sonorously-titled "investigation" to ascertain exactly what it has done—if anything.

The answer is short and simple—nothing of any consequence or moment.

A few desultory hearings have been held, at which some handpicked "authorities" and "experts" have expounded their opinions and views—and that's all. There has been no published report, and no present indication when or if one is contemplated.

Kenneth Schlossberg, staff director of the committee, says other hearings are likely, but is vague and hazy as to when and what about. There is no prospectus, no schedule, no list of witnesses—nothing.

One committee member frankly admitted he had no idea what was going on or being planned. Another committeeman, professing equal ignorance, added disparagingly, "I doubt if the staff knows what it's going to do from month to month. As far as I can tell, there is no organization or planning or anything else. McGovern runs the show, and from all appearances, he doesn't seem to be paying much attention to it."

This column's inquiry confirmed that judgment to the hilt.

The Select Senate Committee on Nutrition and Human Needs is a high-flown boondoggle pure and simple. It's a gross waste of taxpayers' money, and should be ended forthwith.

Instead of getting more funds, it should be required to turn in what is still unspent—if anything, and McGovern compelled to finance his own promotion and electioneering.

If the cocky boasting of his henchmen is to be believed, he doesn't lack campaign funds. To hear him tell it, he has already amassed some $250,000 from supporters throughout the country responding to a solicitation from a select list of devotees.

According to these inside sources, McGovern's aim is a campaign fund of $1 million.

That's quite an electioneering chest for a state that last year cast 300,000 votes in the Presidential election—in which the McGovern-Shriver slate spent a record $25 million, a highly significant fact the Democrats carefully never mention.

ECONOMICS OF THE DOLLAR

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. HARRINGTON. Mr. Speaker, an Op Ed piece appeared in the August 31 issue of the New York Times entitled "The Dollar Overhang," by Fred Bergsten. Dr. Bergsten analyzes the current impasse in international monetary negotiations, and concludes that what the world needs is a Marshall Plan in reverse. He feels that this could eliminate the economic imbalance created by America's cold war support of Europe and Japan and could contribute significantly to the prospects for peace and stability in the world.

Dr. Bergsten is a wise man. He has served on the National Security Council under Dr. Kissinger, and is now a senior fellow at the Brookings Institution. Dr. Bergsten's advise and counsel has been invaluable to many members of the Foreign Affairs Committee considering such pressing questions, and his words should be heeded on this question as well. I would like, therefore, to insert his article in the RECORD at this time.

The article follows:

[From the New York Times, Aug. 31, 1973]

THE DOLLAR OVERHANG

(By C. Fred Bergsten)

WASHINGTON.—America and Europe stand at an impasse on international economics. Despite the welcome improvement in atmospherics, the Committee of Twenty has bogged down completely in its effort to develop new monetary rules. The long-awaited trade negotiations have already been much delayed, and numerous obstacles threaten to abort them entirely. There is no progress toward a common front on energy.

The Atlantic economic stalemate greatly deepens the threat to the prosperity of both America and Europe already posed by rampant inflation and potential recession. Monetary instability appears chronic. Flexible exchange rates could easily deteriorate into vicious "dirty floats," especially with the onset of recession. Trade protectionism could break loose if not contained by new cooperative ventures. A competitive scramble for oil has already begun, and looms for other raw materials. The confidence of private sectors around the world in the ability and will of America and Europe to cooperate has virtually collapsed. Open economic conflict would obviously jeopardize Atlantic security relations, especially with growing European suspicion that the U.S. cares only for bilateral deals with the Soviet Union and China—perhaps at European expense—in any event.

Both sides are to blame for the impasse. America shows little real interest in monetary reform, and some Americans apparently first want nonreciprocal trade concessions from Europe. Europe immobilized by internal differences, and some Europeans insist on monetary reform before moving on trade. Neither seems willing or able to break the economic Gordian knot. Japan is in fact now pursuing the most constructive foreign economic policy of any major country, but cannot be expected to resolve the Atlantic stalemate.

The root of the problem is the breakdown of the international economic order which effectively governed the postwar generation of economic peace. That order was based on fixed exchange rates, the dollar and steady liberalization of trade and international capital flows. It was largely managed by the United States, through the rules of the International Monetary Fund and the GATT. It provided an environment of stability and predictability for international economic relations which, in turn, inspired universal confidence in the cooperative resolution of problems as they arose.

But the rules and practices of the past are no longer viable. A replacement must be found for U.S. stewardship. No one knows how these issues will be resolved. Instability and unpredictability now govern international economic relations, with little confidence around the world in what the future may bring.

It will obviously take time to construct a new international economic order. But the construction need not be complete to dispel uncertainty and restore confidence. The urgent need is for a bold new initiative to break the current impasse, start the process of reform, and—most of all—provide convincing evidence that the major countries want to work together meaningfully once more. Elimination of the dollar overhang is an ideal candidate.

The overhang is the $100 billion or so now floating around the world, held largely by central banks, the legacy of the U.S. balance-of-payment deficits of the past. Its continued existence virtually guarantees monetary instability, for it can move rapidly across the exchanges and trigger wild currency gyrations. Its existence was probably the source of the excessive depreciation of the dollar in the early summer, far below levels suggested by the strong current outlook for the U.S. balance of payments. It precludes a restoration of convertibility for the dollar into U.S. reserves because it could wipe out those reserves in a day. It symbolizes the dollar hegemony of the past. Its elimination is essential to restore short-run stability and permit long-run reform, which would *inter alia* preclude the creation of new overhangs in the future.

The overhang could be eliminated through I.M.F. creation of a special issue of Special Drawing Rights, the international money of which over $11 billion has been issued since 1970 to provide the needed basis for multilateral control over world reserves. Central banks could then exchange their dollars for these S.D.R.'s receiving an asset of guaranteed value and stabilizing the system. Dollars now held by private foreigners could also be converted if they moved into central banks.

The main barrier to such a step is its terms. Would the U.S. have to pay off the dollars converted into S.D.R.'s? Over what period of time? At what interest rate? With what value guarantee? These issues run into many billions of dollars for the U.S. Disagreements over them could thwart the whole effort.

Europe (and Japan) should offer to cancel completely the American debt embodied in the overhang. At a stroke, it could thus restore international monetary stability and start the process of basic reform. It would do so at no cost to itself, since it would receive S.D.R.'s in return for all dollars returned to the United States. Europe's access to real resources would remain unchanged, but the United States would no longer have to give up real resources to pay off its debt.

Similar steps have been carried out twice before, in comparable circumstances. The Hoover Moratorium effectively canceled the debt overhang from World War I. Marshall Plan grants enabled Europe to recover from World War II. Both lifted from Europe the need to give up real resources for years to come, which would in turn have forced it to internal squeeze, external controls, and ever more vigorous international competition. Both thus contributed mightily to the economic well-being of all countries and to world peace.

A Marshall Plan in reverse could now erase the financial legacy of the cold war, and contribute mightily to contemporary peace and prosperity. Such an offer from Europe would dramatically break the economic impasse. It would completely transform both

the substance and atmosphere of overall Atlantic relations. It could provide the basis for another generation of economic peace.

INCREASING EDUCATIONAL OPPORTUNITIES FOR VIETNAM-ERA VETERANS

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mrs. SCHROEDER. Mr. Speaker, shortly before the August recess, I presented testimony to the Subcommittee on Education and Training of the House Veterans' Affairs Committee on H.R. 8495. This bill, being considered by the subcommittee in conjunction with other education bills, would grant Vietnam-era veterans who are attending institutions of higher learning an additional $1,000 per year for tuition and books.

We are all aware that the cost of living has increased significantly since the end of World War II. We are also aware that the cost of higher education—the cost of tuition, books, and other fees—has mushroomed. Yet, the over 6 million individuals who have served in the military during the Vietnam era not only pay for their living expenses, but their tuition, books, and other school fees on as little as $220 per month, if they wish to obtain higher education.

The result is that the comparable percentage of Vietnam-era veterans attending institutions of higher learning under the current GI bill is lower than the percentage attending after World War II. As of April 1972, only 37.3 percent of the Vietnam-era veterans had taken advantage of their benefits. The participation rate of the World War II GI bill was 44.9 percent, and after the Korean GI bill, 39.8 percent for the same time period.

The unmarried Vietnam veteran is expected to manage somehow to pay for his tuition, books, school fees, rent, food, and any other living expenses on $220 per month. Perhaps this explains why the Harris poll on problems facing the Vietnam-era veteran—October 1971—found that of the Vietnam veterans who had not made use of the current GI bill, 53 percent said they would use the bill if the benefits were increased.

Not only are fewer Vietnam veterans attending institutions of higher learning, but their choice among institutions has been severely limited. The number of veterans attending private schools has declined considerably. They simply cannot afford the expense on the current allotment.

In hearings before the House Subcommittee on Education and Training of the Veterans Affairs Committee in 1971, testimony was presented which attested to this fact. Five thousand six hundred students attended Harvard between 1947 and 1948 of whom 3,326 were veterans. In 1971–72, Harvard had 6,073 students, 89 of whom were veterans. Even considering that there were twice as many World War II veterans than veterans of Vietnam, relatively fewer Vietnam veterans are attending private schools under the GI bill.

Certainly, a good deal of this trend is due to differences in the benefit structure under the GI bill then and now.

I believe that H.R. 8495 can do much to alleviate the disparity between the two bills. By providing up to $1,000 per school year for tuition, books and other fees, the Vietnam-era veteran can then use the $220 per month stipend for the basic necessities of life. He can afford the privilege of becoming a full-time student.

I also believe that this bill will increase the number of veterans seeking higher education and thus reduce the number on the unemployment rolls. It would provide, as it did after World War II, for the elevation of the general level of education in our society. Also, it will provide the opportunity for the veteran to raise his occupational capacity which will eventually result in his repaying the costs of his benefits to the Federal Government through higher taxes.

I have received the attached correspondence which strongly endorses this bill. Both Mr. Dean Phillips, Colorado State Coordinator for the National Association of Concerned Veterans, and Mr. John Aaron, President of the Colorado Association of Collegiate Veterans, have corroborated the urgency of this matter. I think Mr. Phillips aptly places this bill in perspective:

It seems a bit warped when a society will encourage a veteran not to work or attend school by offering him almost twice as much money if he chooses to collect unemployment insurance.

I ask each of you to consider the future of the many young men and women who served during the Vietnam period and urge you to insure passage of H.R. 8495.

The correspondence follows:

COLORADO ASSOCIATION OF COLLEGIATE VETERANS,
Denver, Colo., July 24, 1973.

Congresswoman PATRICIA SCHROEDER,
Federal Building,
Denver, Colo.

DEAR MS. SCHROEDER: As President of the Colorado Association of Collegiate Veterans, I would like to thank you on behalf of the Vietnam-Era veterans in Colorado for co-sponsoring HR 8495. Such an effort is commendable in light of the problems facing many Vietnam-Era veterans in their attempts to receive an education in a time when inflationary pressures are restricting the veterans' desires to do so.

As you are aware, the cost of living has more than doubled since 1946, yet changes made in the GI Bill have not been an effective deterrent in reducing the cost of education for the veterans. World War II veterans received educational benefits which had many provisions the Vietnam-Era veterans do not enjoy. Such is the case with the allowance of $500 per year for tuition and fees afforded to veterans after World War II. With the doubling of the cost of living, not to speak of the spiraling cost of tuition, the amount on an equity basis today would allow the veteran a credit of over $1125 per year. However, the Vietnam-Era veteran does not receive any such benefit.

To the aforementioned point, I should like to point out that in the activities which I have performed throughout the State of Colorado, the point has been continually pressed that payment of tuition, books and fees constitute a very major economical affect on the individual. At these particular points in the academic year, many individuals are so economically depleted they cannot afford the luxuries of rent, food, and other living expenses.

When the individual suffers this economic disaster, he or she must turn to alternative sources. In the past, this source has usually been the institution he or she attends. Over the past few years this problem has been compounded by the reduction in student grants, work study monies and the inability to secure guaranteed student loans. The practice of counting GI Bill benefits as earned income while establishing the veteran's need has also complicated the situation for many veterans.

Along with these problems, an additional factor must be considered and that is the availability of a position of employment for the veteran which coincides with his or her academic schedule. In March of 1973, the Colorado Division of Employment, in cooperation with the Governor's Task Force, Jobs for Veterans, released their findings for the upcoming Phase IV job program. Their findings revealed that over 72% of those veterans actively seeking employment served during the Vietnam war. The opinion of the Division of Employment was that of those seeking employment, three categories were steadily increasing: Minority veterans, Disadvantaged veterans, and undereducated veterans (less than H.S. or GED).

A supplemental amount in the GI Bill would remove much of the disparity faced by the Vietnam-Era veteran in his or her attempt to seek an education. Such action as proposed by HR 8495 would also provide a stimulus for additional veterans to take advantage of the educational system. In Colorado, our statistics from the Veterans Administration, show that only one out of every six eligible Vietnam-Era veterans take advantage of their educational benefits by attending either a two- or four-year institution. This fact is discouraging and all attempts should be made to make higher education for veterans a reality not merely an imaginary dream.

I again thank you on behalf of the Colorado Association of Collegiate Veterans for your concern for their well-being and that of the Vietnam-Era veteran in general.

Sincerely,

JOHN R. AARON,
President.

NATIONAL ASSOCIATION OF CONCERNED VETERANS,
Denver, Colo., July 19, 1973.

Hon. PATRICIA SCHROEDER,
House of Representatives,
Washington, D.C.

DEAR MS. SCHROEDER: As a Vietnam Veteran and as State Coordinator for NACV, I want to thank you for co-sponsoring HR 8495 which is a significant step in the effort to see that the Vietnam Era GI Bill is raised to a level equal to the GI Bill that World War II veterans received.

As you are aware, the cost of living has more than doubled since the end of World War II and the cost of education has increased from 200% to as much as 600% at the various institutions of higher learning across the state of Colorado and the United States.

World War II veterans received GI Bill payments for up to 48 months while Vietnam Era Veterans receive them for up to 36 months. World War II Veterans received: (1) free tuition and fees (up to $500.00 per year

which was a great deal of money in 1944–1950), (2) free books, and (3) a living stipend for a single Veteran of $75.00 monthly which is equal to more than $165.00 in 1973.

After years of concentrated effort on the part of legislators and Veterans' groups such as the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, and more recently NACV, the Vietnam Era GI Bill was recently raised to $220.00 monthly for a single Veteran attending school full time.

When the increase in the cost of living and education are considered, the GI Bill of today does not come close to parity with the WW II GI Bill. This is clearly documented in a study done for NACV by individuals at Canisius College earlier this year. I hope you will examine the enclosed copy. I have also enclosed a copy of the NACV legislative committee report.

While the Veterans Administration was a serious advocate for the World War II Veteran, it has in more recent years become a parrot of the executive branch of the federal government. In 1969, when the GI Bill was only $130.00 per month, the President and the VA went on record as favoring an increase to only $147.00. This was in contrast to the US Senate which wanted an increase to $190.00 and the US House which suggested an increase to $170.00

More recently, the US Senate wanted an increase to $250.00 and the House to $200.00 per month. The President and the VA went on record as wanting a raise to only $190.00. As you know the raise to $220.00 was finally signed into law by the President less than two weeks before the 1972 election.

In my research on veterans' problems as co-chairman of the legislative committee for the Colorado Governor's Jobs For Veterans Task Force, I was alarmed to discover that a Vietnam Era Veteran returning to Colorado could draw up to $377.00 monthly for six months if he did not work or attend school under the GI Bill. The same individual could only draw $220.00 monthly if he went to school full time under the GI Bill. It seems a bit warped when a society will encourage a veteran not to work or attend school by offering him almost twice as much money if he chooses to collect unemployment insurance.

Again, I thank you for the interest and action you are taking for the Vietnam Era Veteran.

Sincerely,

DEAN K. PHILLIPS,
Colorado State Coordinator, NACV.

SATELLITE KEEPS TABS ON OHIO POLLUTION

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. TEAGUE of Texas. Mr. Speaker, Mr. William D. McCann, staff writer for the Plain Dealer, in a recent article discussed the contribution of the NASA Earth technology satellite in monitoring pollution in Lake Erie. This activity, along with many of the other space-related practical benefits being derived from our national space program, is contributing in an ever-increasing way to a better standard of living for every American.

I am including this interesting article in the RECORD and commend its reading to my colleagues and the general public:

SATELLITE KEEPS TABS ON OHIO POLLUTION

(By William D. McCann)

COLUMBUS.—Pollution in Lake Erie near Cleveland, a nuclear power plant being built on the western lake shore and strip mining in southern Ohio are being closely watched by a NASA satellite 570 miles in space.

Seven state agencies are cooperating with Ohio State University and Battelle Memorial Institute to study Ohio's natural resources and environment using satellite pictures.

The study, directed by the Ohio Department of Economic and Community Development, is funded through a $215,000 NASA grant.

The Earth Resources Technology Satellite (ERTS–I) was launched a year ago. It has been hailed as a huge success by scientists and engineers throughout the world.

In Ohio, ERTS–I pictures have helped researchers monitor water and air pollutants. The pictures show precisely the extent of strip mining and reclamation. They are helping to survey forest lands and crops. They are monitoring subtle environmental changes caused by large construction projects, such as a nuclear power plant. The pictures are also used to make precise maps for long-term land-use planning.

Aboard the 10-foot-tall craft is a multispectral scanner which makes photo-like images in four bands of the light spectrum, two visible and two invisible to the human eye. The different bands bring out features such as dirty water or diseased crops that may not be easily detected by the naked eye.

Images are transmitted to Earth by radio signal. Films are made by NASA technicians and sent to researchers around the world. Films of Ohio are forwarded to Terry Wells, senior planner with the development department and project coordinator.

Wells and Battelle researchers then analyze the film with various viewing instruments. One has a TV-like monitor to show on a screen. Researchers can zoom in on part of the picture. By pushing a button, a specific area, such as strip-mined land, shows up in color. When other buttons are pressed, vegetation shows up brightly in one color and water in another to make photo interpretation easier.

Photographs made from the film are compared with those taken from aircraft and the ground and correlated with measurements from ground instruments.

The researchers also will be using pictures taken by the Skylab astronauts, Wells said.

Wells believes that the biggest benefits from the satellite pictures of Ohio will be to map land and study land use and urban sprawl. Federal legislation now being considered would require states to make an inventory of land use, he said. Satellite pictures would make such work quick and cheap, he said.

While researchers will be looking at the entire state, much of the project will concentrate on six test sites, Wells said.

Pictures of Zaleski State Forest will be used to help survey the forest lands and study nearby strip-mine areas.

Researchers will study land-use changes using pictures of the Ohio Transportation Research Center being built on an 8,100-acre site in Logan and Union counties near East Liberty.

Crop studies will use pictures of the Ohio Agricultural Research Center near Wooster. Researchers want to find out if they can differentiate among crops using satellite pictures.

Researchers will study satellite pictures of marshlands in Ottawa County along the lake shore. One thing they will be looking for is possible environmental effects of the Davis-Besse nuclear power station being built in the area.

Studies also will be made of the effects of urban sprawl and pollution of Lake Erie in the Cleveland area.

Land-use studies also will be made of the Columbus area as a backup to Cleveland, which often has cloudy weather. The satellite scanner cannot take pictures through clouds.

The project has already proved useful in several fields, Wells said.

An inventory of strip-mined land in Harrison County was made in a few hours using satellite pictures.

Pollution control officials have been monitoring a smoke plume from a power plant on the Muskingum River. In one photo, the plume was 16 miles long.

The strangest thing the satellite pictures have turned up so far has been the sighting of a black area at the mouth of the Cuyahoga River. It showed up in only one picture in April, according to Joachim Stephan, who heads the remote sensing laboratory at Battelle. In other pictures the area showed up as a light color.

"Normally we can expect pollution to be light in color and cleaner water dark," Stephan said. "Since we hardly expect the Cuyahoga to discharge clean water into the lake right now we are mystified."

SHOE IMPORTS DOUBLE IN 2½-YEAR PERIOD

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. BURKE of Massachusetts. Mr. Speaker, although we are aware that the situation in the shoe industry has been steadily deteriorating due to the flood of foreign imports, I was shocked to receive the latest statistics from the American Footwear Industries Association showing an approximate 40-percent import penetration of the domestic shoe market, or almost double the penetration rate in January 1971, when the Tariff Commission sent to the President a decision which would allow him to provide relief to the industry. It should be noted that the President has seen conditions worsen in the industry during this 2½-year period while imports have almost doubled and he has still failed to act affirmatively on the Tariff Commission's findings. I find this situation incredible, and yet my committee, Ways and Means has been asked, and soon, this very body will be asked to grant the President unprecedented authority to conduct this Nation's trade policies. In view of the experience of this one industry, I think it would be well for each Member to carefully consider granting the President virtually unlimited authority to lower what trade barriers presently exist and further erode conditions in the shoe, chemical, textile, steel, and electronics industries.

I have asked that the statistics reflecting this astronomical increase in foreign-made shoes be printed in the RECORD for the Members' attention.

The material follows:

AMERICAN FOOTWEAR INDUSTRIES ASSOCIATION,
Arlington, Va., September 10, 1973.

To: All Members of Congress:

In January of this year, I indicated to each of you that we would be sending you, on a regular basis, updated information with respect to the shoe industry, and I even ventured as to suggest that you might want to establish a special file, regarding the facts in connection with the condition of the shoe industry, for your consideration at the time of any review or discussion on trade matters.

Subsequent to that time, we have been in touch with you not less than once every two weeks . . . and in many cases, far more frequently than that. Nothing, however, which we have submitted to you is more telling or more significant than the enclosure I am sending you with this letter. It is our Statistical Summary for the first half of calendar year 1973 and is based upon the statistics we have received from the Departments of Commerce and Labor.

The shoe industry today has an import peneration of approximately 40%, an increase from the 21% penetration which existed at the time the Tariff Commission in January of 1971 sent to the President a decision which empowered him to give relief to our industry. Instead, imports have almost doubled in that 2½ year period and production for our industry is the lowest in more than a score years. The need for relief is, hence, doubly urgent.

I respectfully urge that each of you review this information, and the backup detail attached thereto, and keep it in mind in connection with your considerations on our national trade policies.

Very truly yours,

MARK E. RICHARDSON.

FOOTWEAR AND THE ECONOMY STATISTICAL SUMMARY, JUNE 1973

With the first half year data in for 1973, as reported by the Departments of Commerce—Census and Labor—BLS, the following highlights were observed when comparing the first six months of 1973 with that of 1972.

Retail sales. Retail dealer sales for all goods showed a health gain of 14%. Department stores sales increased 15% with "chains" gaining 16% and "independents" showing an increase of 6%. Apparel stores sales were up 12% with "chains" and "independents" registering increases at 16% and 10%, respectively.

Total shoe stores sales showed an increase of 18%. Census recently revised the "chains" sales figures downward, but these revised figures were still ahead of last year by 22%. With the total footwear supply data revealing no gain at all this year and the Volume Footwear Retailers of America study of about 4,000 volume stores showing only a 6% gain over last year, the validity of Census figures is very much in question. This problem was discussed with the Bureau of the Census during a recent meeting and the Bureau did assure us that they would re-examine the reliability of the sales figures, especially with respect to possible reporting error by shoe chain operators.

Supply. Nonrubber footwear supply was down by almost three million pairs for a decline of 1%. The domestic production was down 6%, while the imports were up 9%. Rubber/canvas footwear supply increased 2% with domestic production showing a 5% decline and imports gaining 25%. As a result total footwear supply in 1973 was almost holding on to the 1972 level with no apparent percent change.

Value. The total value of domestic shipments lost 1% while the f.o.b. dollar value of imports gained 21%. The domestic shipments averaged $6.02 per pair for a 9% increase and the imports averaged $2.82 per pair for an 11% gain.

Wholesale and consumer price indexes. The Wholesale Price Index of nonrubber footwear index showed the sharpest increase at 12%. The Consumer Price Index for all commodities increased 5% while that for all footwear rose 4%.

Cost of materials. The Wholesale Price Index for hides and skins and leather declined in June. However, the first six months WPI averaged 48% increase for all hides and skins and 44% for cattlehides. The leather WPI rose 24% with cattlehide leather also indicating an increase at 24%.

Labor. The total number of employees in the nonrubber footwear industry declined by 3%. Average weekly earnings increased 2% coupled with 3% increase in hourly earnings and 1% decline in weekly hours.

FOOTWEAR AND THE ECONOMY—STATISTICAL SUMMARY

1. DEMAND

[Millions of dollars]

	June 1973[1]	May 1973[2]	June 1972	6 months 1973	6 months 1972	Percent change, 6 months, 1973/1972
Retail sales: Total all goods	$43,641	$43,190	$38,730	$239,571	$210,094	+14
Department stores	4,290	4,209	3,739	22,419	19,468	+15
Apparel stores	1,989	1,920	1,739	10,813	9,693	+12
Shoe stores	345	324	298	1,949	1,658	+18
Independent store sales: Total all goods	30,635	30,525	27,300	168,760	148,008	+14
Department stores	487	484	432	2,529	2,395	+6
Apparel stores	1,434	1,384	1,267	7,804	7,066	+10
Shoe stores	186	180	[3] 173	1,073	942	+14
Chain store sales:[4] Total all goods	13,006	12,665	11,430	70,811	62,086	+14
Department chain sales	3,803	3,725	3,307	19,890	17,073	+16
Apparel chain sales	555	536	472	3,009	2,587	+16
Shoe chain sales	159	144	[3] 125	876	716	+22

II. SUPPLY

[Thousands of pairs]

Total footwear supply	84,988	86,382	88,290	549,494	549,571	n/c
Nonrubber, total	66,716	66,911	69,809	433,176	436,025	−1
Domestic	41,513	41,669	46,224	255,484	273,076	−6
Imports	25,203	25,242	23,585	177,692	162,949	+9
Rubber/canvas, total	18,272	19,471	18,481	116,318	113,546	+2
Domestic	12,663	13,964	14,314	82,118	86,167	−5
Imports	5,609	5,507	4,167	34,200	27,379	+25

III. VALUE OF ALL NONRUBBER FOOTWEAR

[Dollar amounts in millions]

Domestic shipments	$243.3	$228.6	$256.9	$1,499.7	$1,512.1	−1
Imports, f.o.b.	73.6	74.9	71.8	500.4	413.7	+21

Footnotes at end of table.

IV. PRICES

	June 1973[1]	May 1973[2]	June 1972	6 months 1973	6 months 1972	Percent change, 6 months, 1973/1972
Nonrubber footwear average value per pair:						
Domestic shipments	$5.93	$5.92	$5.52	$6.02	$5.52	+9
Imports	2.92	2.97	3.05	2.82	2.54	+11
Wholesale Price Index, all commodities [5]	136.7	133.5	118.8	130.3	117.6	+11
Nonrubber footwear	129.3	129.3	125.8	130.2	121.6	+7
Men's and boys'	137.2	137.2	126.8	136.7	121.8	+12
Women's and misses'	123.7	123.8	125.0	125.8	121.3	+4
Children's and infants'	129.6	129.6	127.3	129.5	123.6	+5
Consumer Price Index, all items [5]	132.4	131.5	125.0	130.1	124.2	+5
Apparel and upkeep	126.8	126.7	122.1	125.1	121.6	+3
Footwear	130.0	130.3	124.7	128.8	123.8	+4

V. LABOR

Employment and earnings, nonrubber footwear manufacturing industry:						
All employees (thousands)	202.1	197.7	209.3	196.6	203.5	−3
Production workers (thousands)	176.5	172.1	182.8	170.9	177.0	−3
Average weekly earnings	$105.84	$103.79	$102.97	$102.32	$100.75	+2
Average hourly earnings	$2.70	$2.71	$2.62	$2.70	$2.62	+3
Average weekly hours	39.2	38.3	39.3	38.0	38.5	−1

VI. COST OF MATERIALS

Wholesale Price Index, all commodities [5]	136.7	133.5	118.8	130.3	117.6	+11
Hides and skins	241.6	253.5	204.1	259.7	175.3	+48
Cattle hides	249.9	270.6	235.8	276.0	192.3	+44
Calfskins	131.4	131.4	122.2	136.7	106.7	+28
All leathers	156.4	159.7	138.1	161.2	130.5	+24
Cattle hides	153.4	157.8	141.1	162.8	130.9	+24
Calfskins	124.2	124.2	106.4	121.1	98.5	+23

[1] Preliminary.
[2] Revised.
[3] Independents are defined as stores of firms operating less than 11 retail stores.
[4] Chains are defined as stores of firms operating 11 or more retail stores.
[5] Index base, 1967=100.
Source: AFIA, U.S. Departments of Commerce, Labor and Agriculture.

H.R. 14—CONSUMER PROTECTION AGENCY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. ROSENTHAL. Mr. Speaker, hearings began today on legislation to create a new Federal Consumer Protection Agency. The proposed agency would represent the consumer interest before Federal departments and agencies on issues affecting the health, safety, and economic well-being of the buying public. Presently, there is a dramatic imbalance between the ability of consumer groups to get represented and the ability of industry to make known its views before and within the Federal Government.

I testified in favor of my bill, H.R. 14, which is cosponsored by 92 other House Members. The testimony sets forth some of the reasons why such an agency must be established immediately. My testimony follows:

STATEMENT OF CONGRESSMAN BENJAMIN S. ROSENTHAL

SEPTEMBER 17, 1973.

I appreciate the opportunity to testify in support of H.R. 14. This bill, which has been co-sponsored by 92 of our colleagues, would establish an independent Consumer Protection Agency (CPA) and an Office of Consumer Affairs in the Executive Office of the President.

The task we are pursuing here today—the creation of a new agency to represent consumers before the federal establishment—is no less urgent because we have failed in its accomplishment on two previous occasions. To the contrary, today's climate of shocking inflation and skyrocketing food prices; of energy shortages and product quality deterioration; of high interest rates and even higher corporate profits—and the governmental processes and programs that have led to these conditions—make the establishment of a Consumer Protection Agency more imperative than ever.

The need for a Consumer Protection Agency, to advocate the consumer interest before federal agencies whose decisions affect the health, safety and economic well-being of millions of Americans, was well-established long ago. Almost no one finds credible any longer the argument that consumer sovereignty reigns supreme in the marketplace and that the normal checks and balances between competing economic forces in society are adequate for the American consumers' protection. That consumers lack adequate representation both before and within the federal government was the motivating factor behind Senator Kefauver's introduction of a Department of Consumer Affairs Bill early in the 1960s. In the 88th Congress, I introduced H.R. 7879, to establish a Department of Consumer Affairs. That bill had no co-sponsors. In the 89th Congress, 24 House members co-sponsored Department of Consumer Affairs legislation. That figure rose to 61 in the 90th Congress and 88 in the 91st Congress. A bipartisan effort to create a Consumer Protection Agency during the 92d Congress enjoyed the co-sponsorship of 142 Congressmen.

In order to set the framework for my testimony here today, I would like to restate part of my testimony before this Subcommittee in April of 1971:

In evaluating the testimony of witnesses, I hope that extraordinary weight is given to the views of expert consumer spokesmen. I also suggest that the views of the business community be treated with some caution. The sincereity of those views is not in doubt. But neither is the historical antagonism of producer groups to legislation designed to aid the consumer. Behind the testimony of business interests at these proceedings is their fervent desire to minimize the ability of any independent Consumer Protection Agency to contest industry objectives at the federal level. Let us be mindful that this bill does not attempt to regulate business practices; it does not attempt to legislate corporate policy or behavior. What it seeks is to give consumers an effective representative in Washington. In the case of consumer representation at the federal level, there now exists a startling imbalance which favors producers. Only the creation of an independent Consumer Agency with a strong Congressional mandate can bring about the proper balance. Because their interests are so broad and desperate, consumers will never have the kind of organized representation—trade associations, lawyers, lobbyists—that has been so effective for producer groups. Only government can fill that void.

This Subcommittee cannot hope to approve a bill that will satisfy both the business and consumer communities. I hope it does not try. It must choose either to create a Consumer Protection Agency and a White House office that consumers can look to with pride and confidence; or, it can approve a bill about which the trade associations will boast in newsletters to their members, as they did last year, "We have won again."

The economic distress now being experienced by consumers makes quick and favorable action on the Consumer Protection Agency legislation imperative. Although it is not possible for me to prove to this Subcommittee, beyond a reasonable doubt, that the prior existence of a Consumer Protection Agency would have altered significantly Administration decisions regarding the cost of living and other issues of importance to the buying public, consumers would at least have been represented on the governmental field of battle. And the doubts of millions of American consumers that the government is willing and able to protect their interests, would have been largely removed.

This year there are competing for approval three separate approaches toward the establishment of a Consumer Protection Agency: H.R. 14 et al, H.R. 21 et al and H.R. 564. There are, of course, significant differences between these three approaches; but, at least as between H.R. 14 and H.R. 21, there are also great similarities. It is my hope that the differences can be satisfactorily resolved by the members of this Committee so that a meaningful bill can be reported to the House.

Although I think we all understand the need for a consumer advocate at the federal level, I would like to spend a few minutes examining how the existence of a Consumer Protection Agency might operate in the context of some of today's most pressing consumer problems.

FOOD PRICES AND AVAILABILITY

It is clear to me from constituent mail and from national opinion polls, that the cost of living in general and the cost of food in particular are the major problems facing consumers today. Because the CPA is designed to assure that government decisions are responsive to consumer needs, it might be useful to examine the process by which those decisions influence the cost and availability of food and to determine the role, if any, that consumers play in the making of these decisions. I am not speaking now about decisions of the Cost of Living Council which are generally responsive to more basic economic decisions already made; but rather, to the decisions of the Department of Agriculture and a handful of other agencies that largely pre-determine the supply and cost of food in the first instance.

Department of Agriculture decisions relating to acreage production restrictions, import controls and export policies are all central to the availability and price of food to the public; and the Agricultural Stabilization and Conservation Service (ASCS), together with the Export Marketing Service, exercise enormous influence over those decisions. While grain sales, import restrictions, set asides and the like are approved at the highest levels of government and often involve foreign policy considerations, the USDA bureaucracy does influence those decisions by the information and data it provides on land-use programs designed for voluntary production adjustment, resource protection, and price, market and farm income stabilization.

How does this intricate system develop the data that the policy-makers need to make their agriculture policy decisions and what role does the consumer play? It operates through a system of state and local agricultural committees, supervised by appointees of the Secretary of Agriculture. In each of the approximately 2900 agricultural counties across America, a County Committee of three farmer members is responsible for local administration. In communities within a county, a community committee is elected annually by farmers to assist the county chairman. About 65,000 farmers throughout the country regularly serve as county or community committeemen.

The point here is that these committees are comprised entirely of farmers and that they influence and administer important programs vital to consumers such as feed grain programs, acreage allotments, marketing quotas and long-term land retirement programs. There are no consumers and no consumer representation involved in this process.

In Washington, administration decisions relating to export controls, acreage production, farm prices and the like are based on reports and studies from the Department of Agriculture's Inter-agency Commodity Estimates Committee, chaired by the Administrator of the Agricultural Stabilization and Conservation Service. The various food commodity committees which comprise the Inter-agency Estimates Committee have members from USDA's Export Marketing Service, Economic Research Service and the Foreign Agricultural Service. The function of this group is to make official estimates to the Secretary of Agriculture on agricultural stocks, production, price evaluations, import needs, and domestic consumption requirements.

The point I wish to make here is that this intricate apparatus—the ASCS state and local Committees and the Commodity Estimates group in Washintgon—provides important data input to the Secretary of Agriculture out of which emerges official policy on exports, imports, acreage production restrictions, marketing orders and the like. Most importantly, this apparatus is closed to consumers and even unknown to the public at large.

A closely related example of how consumers are shut out of the Department of Agriculture's decision-making process is that the Foreign Agricultural Service at this very moment, is actively engaged in spending tax dollars to promote the sale abroad of agricultural commodities, like soybeans and wheat, that are in short supply here.

Let us hope that there won't always be a food price emergency. But so long as meaningful consumer representation is absent from the process by which agricultural policy is established, food prices will continue to rise and food quality will continue to deteriorate.

MILK PRICE INCREASES

On September 4, 1973, the Department of Agriculture announced a major increase in the minimum price that must be paid to farmers for milk, from $5.78 to $6.38 per hundred weight. This 13% increase followed three days of milk marketing hearings in Clayton, Missouri. As a consequence of this ordered increase, milk prices are expected to rise 2¢ a quart at retail in many places across the country. It is not my purpose to argue the merits of the increase. I would like to point out, however, that of the 45 witnesses at the Department of Agriculture hearings, *none* were appearing as consumers or as representatives of consumer organizations. Milk producer associations, dairy cooperatives, state departments of agriculture, dairymen, milk processors and food manufacturers were all represented—but not consumers.

LOWERING THE QUALITY GRADE REQUIREMENTS FOR VEAL AND CALF MEAT

On November 24, 1971, in an action that can only be characterized as being akin to putting a Dior label on a ready-to-wear dress, the Department of Agriculture lowered the quality grade standard for veal and calf meat. Under the revision, meat formerly graded "choice" was upgraded to "prime," "good" was upgraded to "choice," "standard" to "good," "utility" to "standard." According to the Department's Livestock Standarization Section, the change was initiated by the Western State Meatpackers Association as a result of increases in the cost of milk, which is fed to calves.

Of the many comments received by the Department of Agriculture, prior to the proposal becoming final, only three were in opposition to a lowering of the standards—all from individual consumers. The rest were from agri-business interests. The head of USDA's Standardization Section characterized these comments, as follows: "All we can go by is what we hear from the public. And we would give more weight to someone like a meat scientist or a trade association than an individual consumer who obviously knows nothing very much about the problem."

A similar kind of disdain for the views of consumers was reflected in a September 12, 1972 decision of the Department of Agriculture to permit the use of sodium acid pyrophosphate in sausage products to speed curing. Althoug most of the 447 comments submitted to the Department on its proposal were from individual consumers in opposition to the plan, the Department approved use of the additive by noting that "most of the comments consisted of opinions *without* supportive data or information."

Mr. Chairman, there are endless other examples of why a Consumer Protection Agency is so desperately needed. As recently as March of 1973 the Federal Trade Commission denied the appeal of three major consumer groups to intervene in the ITT-Wonder Bread false advertising case before the Commission. In dissenting from that decision, Commissioner Mary Gardner Jons stated that the Commission's refusal was "simply an arbitarary refusal to hear these particular intervenors for reasons which the Commission refuses to disclose." In November of 1972, the Interstate Commerce Commission rejected an individual consumer's request to be allowed to file only one copy of comments, as opposed to the customary 15, to an ICC proposal dealing with household moving companies.

What I have described briefly above are instances of important governmental decision-making where consumers were either not represented at all or were represented by individual citizens whose views were quickly dismissed as lacking expertise or professionalism. In short, many important governmental decisions are made in the consumer's name—but hardly any are made in the consumer's presence. It is this imbalance which does harm to the integrity of government and the quality of its decisions, that the Consumer Protection Agency bill seeks to correct.

I would like to spend a few minutes discussing the major provisions of H.R. 14 and H.R. 21.

While there is no reason to minimize the differences between the two bills, neither is there reason to exaggerate them:

H.R. 14 does authorize, in Section 208(b), a process by which the Consumer Agency can obtain information from industry outside the context of a formal intervention and purely in an investigatory capacity. This authority to secure specific answers to specific questions, is enforceable in U.S. district courts. H.R. 21 contains no such authority. If we are to require the Consumer Protection Agency to carry out investigations and surveys, as both bills do; and, more importantly, if the right to petition other federal agencies to initiate proceedings is to have any meaning, then we must invest the Administrator with power to compel information directly from industry. It is self evident, that the success or failure of the CPA's petitions to other agencies for the initiation of proceedings will depend in large measure on the quality of the evidence it presents to an agency in support of its petition. Without the ability to get informtation to support its petitions, the CPA's efforts will surely fail.

It is my hope that the bill reported by this Committee to the House will give the Administrator authority to compel information and data from reluctant business enterprises outside the scope of a formal intervention. Otherwise, the Agency's status and its ability to function as a collector of consumer complaints and a petitioner to other agencies for

relief from those complainants, will be rendered meaningless. Its ability to investigate and make recommendations to Congress will similarly be hampered.

It is, of course, in the area of intervention that the differences between H.R. 14 and H.R. 21 are seemingly the greatest. I deliberately use the word "seemingly" because a review of the hearings and floor debate on last year's consumer agency bill reveals that the differences may be more apparent than real. With respect to the ability of the Consumer Advocate to intervene in informal matters, for example, Chairman Holifield stated the following on the House floor:

"Bear in mind that the Administrative Procedure Act does not distinguish between formal and informal proceedings as such. The Consumer Protection Agency will be able to intervene in agency proceedings as a party, whether the proceedings are formal or informal, and whether or not they are attended by hearings. A hearing is not indespensible to a proceeding under the Administrative Procedure Act. Thus, the alleged exclusion of the Agency from informal proceedings is a pseudo issue . . ."

The Chairman also quoted from a letter by Rober Cramton, then Chairman of the Administrative Conference of the United States which said that "Under the provisions of H.R. 10835 [last year's House bill], the Agency will have broad powers to participate in and influence the informal administrative process." During his testimony before the Senate Government Operations Committee, Chairman Holifield also stated:

"The second argument is that the bill would exclude the Consumer Protection Agency from informal agency actions, which presumably constitute the bulk of administrative effort. To this I rejoin that the bill makes participation in agency proceedings a matter of right. It makes no difference whether these proceedings are formal or informal. The Administrative Procedure Act makes no distinction on that point."

It seems clear then that it has been Chairman Holifield's position all along to have the Consumer Protection Agency intervene as a matter of right in most, although certainly not all, informal administrative proceedings and processes. If that is the case, then the sponsors of H.R. 14 and the sponsors of H.R. 21, would seem to be on the same side of this important issue.

I do want to add, however, that it is my view and I believe the view of most administrative law experts, that the language of the intervention section of H.R. 21, raises the most serious questions as to the ability of the Consumer Advocate to do what Mr. Holifield intended—permit him to intervene in informal proceedings. These serious questions concern not only the designation of the Administrative Procedure Act as the framework for all party interventions but also the limitations on intervention imposed by the "fine, penalty, or forfeiture" language contained in Section 204 (a) (2). I think the sponsors of H.R. 21 will agree that the "seeking primarily to impose a fine, penalty, or forfeiture" language does impose indefinite limitations on the ability of the Consumer Advocate to intervene as a party in adjudicatory proceedings.

Because there undoubtedly will be some testimony to the effect that informal proceedings should be beyond the reach of the Consumer Advocate as a party, I would like to point out that these proceedings constitute the bulk of consumer law enforcement activities by the various federal agencies and are therefore incredibly important to consumers.

In the June 12, 1973 Congressional Record, Senator Ribicoff inserted the views of Professor Ernest Gellhorn of the University of Virginia Law School on the Consumer Protection Agency legislation. Professor Gellhorn is widely regarded as one of the leading administrative law experts in the nation and his comments on the Senate Consumer Agency bills are applicable to many of the questions we face in this Committee. I would like to quote some of Professor Gellhorn's observations to you at this time:

On the subject of Consumer Agency intervention as a "party" as opposed to an "Amicus," Professor Gellhorn had this to say:

"The [Senator] Allen bill allows the CPA to 'present' its views 'as a right' orally or in writing after a timely filing of the CPA's determination and reasons for its participation. The Ribicoff bill is more generous to the CPA, authorizing its intervention in formal proceedings as a party. The Ribicoff bill's approach seems clearly preferable in this instance. If the consumer's interests are to be presented adequately, they deserve full representation. Party representation means a full opportunity to participate in the proceeding including the shaping of the issues, the presenting and testing of evidence, the opportunity to argue the significance of the evidence and the meaning of precedents, etc. Without such authority, the CPA could become a supplicant without power to make its voice . . . heeded. No reason supports the Allen bill's second-class status for the CPA."

Like the Allen Bill, H.R. 564 (Mr. Fuqua's bill) does not permit the Consumer Agency to intervene as a party.

On the subject of judicial review, Gellhorn had this to say:

"Effective participation in agency proceedings, whether formal or informal, often depends ultimately on access to the courts. The availability and scope of judicial review of administrative action has a direct bearing not only on the matter under review, but also on agency procedures and substantive policies. Judicial review not only legitimates administrative action, it is a procedure for public accountability of the administrative process. And what is most important is not necessarily the actual judicial order. Rather it is the availability of review—the ability to challenge an erroneous or unjustified decision—which may be most effective in assuring that consumer comments are considered and CPA objections are taken into account. This does not mean, of course, that such review will always be (or even frequently) sought. The proper analogy here is to the policeman who walks his beat. His presence is not justified by the number of arrests he makes or crimes he observes being committed. Rather it is his presence which is considered important. Again, a comparison of the Ribicoff and Allen bills suggests the soundness of the former's provisions. It recognizes the CPA standing to appeal from the decision of another agency. If only a regulated business can appeal or question an agency decision, it seems obvious that the agency decision will be most concerned with business objections."

Again, like the Allen bill, H.R. 564 does not permit the consumer agency to seek judicial review, but merely to join in a court proceeding already underway and initiated by others.

On the subject of CPA participation in the informal administrative process, Gellhorn makes the following observations:

"But many, and perhaps most, agency decisions are not made in the formal administrative process. As a landmark study of administrative agencies concluded a generation ago (Attorney Generals Committee on Administrative Procedure, Senate Document Number 8, 77th Congress, First Session, 35 (1941), 'Even where formal procedures are fully available, informal procedures constitute the vast bulk of administrative adjudication and are truly the lifeblood of the administrative process.' More recent studies not only reach similar conclusions but they go even farther suggesting that it is in the informal administrative processes that many governmental decisions important to the consumer's interest are made. They also conclude that it is in the informal process where unchecked abuses most readily occur. By their very nature they tend to be unseen; their procedures are unstructured; access is limited to those familiar with the process; and judicial review to assure regularity and fairness is generally unavailable. The informal administrative process not governed by Section 553–57 of Title 5 of the United States Code (The Administrative Procedure Act) or not involving a hearing conducted on the record includes such diverse agency activities as: interpretive rule making; much substantive rule making (e.g., when it is within one of the exceptions enumerated in 5 USC Section 553); tests and inspections (e.g., FDA or Department of Agriculture drug and food testing); agency surveillance of business activity by supervision (e.g., bank regulation); application and claims (e.g., tax return audits, immigration visas, social security claims); investigation, negotiation and settlement (the unseen work which limits agency need to rely on formal processes).

"This bare-bones outline makes clear that it is in the informal administrative process that effective consumer advocacy could make its most significant contribution. It seems obvious beyond question that the CPA should be authorized to participate in the informal administrative process. To fail to do so would ultimately frustrate the Congressional will since it is in the informal administrative process that many significant consumer decisions are made and that the consumers viewpoint is most sorely missing. Professor Pitofsky's statement to the Senate Subcommittee that over 90% of Federal Trade Commission activities affecting the consumers' interests falls into the area of informal regulation is most persuasive."

The necessity for giving the Consumer advocate the ability to intervene in informal processes is thus clearly established. It is of course Chairman Holifield's view, expressed in his floor statement on the consumer agency bill in the 92nd Congress, that the Consumer Protection Agency should not "attend every informal action, sit in on every conference of the commissioners or examiners of the agency, read every office memorandum that passes back and forth from one agency to another, and be around, day and night, to look over the shoulders and breathe down necks of agency officials." Mr. Holifield then quotes Roger Cramton to the effect that "if the bill were to require consultation with the Consumer Protection Agency before every informal decision is made . . . the results 'would guarantee administrative chaos' ".

I believe that there is a way to strike a balance between the need for the consumer agency to participate fully in informal as well as formal agency proceedings and the need to permit the administrative processes of government to function efficiently. If the Consumer Protection Agency is to enjoy the confidence of consumers and have authority sufficient to accomplish its intended purpose, then it is to this important task that we must all dedicate ourselves in the weeks ahead.

SOCIAL SECURITY: MYTHS AND INEQUITIES

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. FRASER. Mr. Speaker, I commend the following article to the attention of my colleagues. Carolyn Shaw Bell has written about the social security system and points out the many fictions which inhibit clear thinking about needed changes.

This article provides a framework for discussion on how to correct the inequities which abound and what goals we are trying to achieve. "Social Security: Myths and Inequities" from the September 2, 1973, Washington Post, poses difficult questions that the Congress must consider:

SOCIAL SECURITY: MYTHS AND INEQUITIES

(By Caroyln Shaw Bell)

Since the beginning of social security in 1935, the myths surrounding it have hardened into dogma. Yet it is time to acknowledge that it is not insurance but a massive income-transfer program containing many elements of welfare, and that it contains a number of serious inequities that need correcting.

Most of use believe, of course, that we pay social security into insurance funds and get it back later; that we all earn our social security benefits—the more we pay in, the more we're entitled to get back; and that social securtiy is something we work for and are entitled to, unlike welfare which is a government handout.

Actually, the monthly social security checks currently received by, among others, widows, retired workers and the dependent children of disabled workers come from only one source: the payroll taxes collected by the Social Security Administration on the current earnings of some 93 million workers. It is a flow of funds—about $4.6 billion a month—from earners to non-earners.

Once the system is correctly identified, controversial issues of equity arise:

Financing the system by a payroll tax calculated at a flat percentage makes it highly regressive, posing more of a burden for those earning low wages than for those receiving high salaries. For most Americans, the sums withheld in social security contributions exceed those withheld for federal income taxes. Yet most of those receiving social security benefits need not have (and probably have not) remitted any such contributions.

The Social Security Administration calculates benefits partly on the basis of income maintenance, and Congress has approved the notion that the system should provide a family with an income adequate to meet its basic needs for food and shelter and clothing. Yet such welfare considerations do not exclusively determine the amount of benefits, for they also reflect past earnings and hence contributions.

The system taxes individuals as workers, and for families with more than one worker, the tax burden rises accordingly. Yet the system benefits individuals not only as retired or disabled workers but as dependents in a family. Hence the relation between taxes paid and benefits received is far less generous for a family with two or more earners than for a single- earner family.

People with incomes below the poverty level are exempt from the federal income tax, but must pay social security taxes. Yet social security benefits are themselves exempt from income tax.

These and other inequities surely require extensive public discussion, rather than being confined to congressional committee hearings and to disputes among experts.

THE TRUE FLOW OF FUNDS

From the beginning, the terms "contribution" and "social insurance" have been used to describe social security, although it was never seriously contemplated that payments to trust funds would in any sense be saved intact or invested to provide future benefits to the workers taxed. The notion that people have "rights" to social securtiy, based on their contribution, has also persuaded many to envision a flow of funds from some kind of accumulation, and are therefore entitled to benefits.

Little effort has been made to get people to appreciate the true flow of funds, from taxpayers this year to beneficiaries this year. The revision in the 1972 legislation which put the entire system on a pay-as-you-go basis has not been particularly publicized. It may well be that public faith in the system, and to some extent in the federal government which administers it might be severely shaken if people suddenly discovered that no vast pile of funds existed. ("What did they do with all the money?") But changing the system to meet the true needs and wants of the people who support it will never occur without more widespread understanding of what now exists.

Because of the emphasis on retirement provisions, the income transfers brought about by social security is frequently described as one between generations—that is, between workers and retired workers. Yet over half the people on social security obtain allowances as dependents; they may or may not be of a different generation than the working population which furnishes their income. They include over 4 million children and an equal number of widows (including widowers), mostly elderly. Another 3 million wives (and a few thousand husbands and parents) of disabled or retired former workers (who are themselves drawing social security benefits) also receive allowances. These people may or may not have contributed social security taxes themselves, but they receive their benefits as dependents of some other person. Benefits also go to those who have left the labor force because of disability rather than age: almost 2 million of them today. In other words, today's workers help support millions of people their own age, or younger, who for various reasons do not earn income from employment. Only $2.4 billion of the $4.6 billion in monthly benefits goes to retired workers.

REDISTRIBUTION OF INCOME

Because the system emphasizes a link between contributions and benefits, the impact of its transfer payments on the distribution of the nation's income has been overlooked. To most people, perhaps, the phrase "redistribution of income" conjures up some vision of equalizing income, of taking from the rich to give to the poor, but such is not necessarily the case.

Social security beneficiaries receive their payments as a matter of eligibility defined by law, and a "means test" or other income definition does not determine this eligibility. As far as the dependents are concerned, their eligibility status turns on their family relationship to someone working in so-called "covered" employment. (Most workers who do not pay social security taxes are enrolled in some government pension plan.) The amounts received depend on the contributions of the "covered" worker and, for dependents, on the nature of the family relationship.

The sums contributed by any worker reflect, of course, both length of employment and the earnings derived. In general, people who have earned higher wages over a given number of years are entitled to higher benefits than those who earned less.

Because the level of benefits has depended on the level of earnings in this way, the system has been stoutly defended as one of "social insurance" and its payments as "contributory." One can also argue that it reflects the American belief that people have unequal incomes at least partly because people work with different skills and degrees of effort. There is no clear majority, or even plurality, in this country in favor of a completely equal distribution of income. And if it is equitable for those with special skills to earn more than the untrained or less ambitious, it seems equally appropriate for such people to enjoy higher retirement income, "paid for" out of their earnings. But this argument does not apply to social security as a whole, because the complex formula used to determine benefits does not consistently provide more to those who pay more.

First, those with low incomes receive more generous benefits, compared to what they have contributed in taxes, than do those with higher incomes. For example, a worker whose monthly earnings averaged $300 would be entitled to a retirement benefit of $193, which is 64 per cent of what he had earned. Someone employed at a wage level twice as high, with years of work at a salary of $600 a month, would of course be entitled to higher benefits. But they are not twice as great. The retirement pay for such a worker amounts to $309, or only 51 per cent of the average earnings.

Secondly, those coming under the system in recent years will benefit, in proportion to what they pay in, far more than those who have worked in "covered employment" for many years, or who have paid taxes since the system began in 1935. And, to cap it all, each time that Congress adjusts the conditions of eligibility or the benefits paid (and this has occurred 10 times so far) the relation between taxes paid and benefits available changes, generally toward more generous treatment of the newly eligible.

Together with the graduated scale of benefits, these policies reflect the goal of providing adequate family income. Thus the surviving widow of a covered worker who leaves four children receives a higher total benefit than does the widow with a single child. The system must insure sufficient income for families and individuals to purchase the primary necessities of life, whether or not the covered worker's contributions would generate this amount of income. Such provisions justify describing the system as one of income maintenance; a system of income insurance would calculate benefits in a consistent relation to contributions.

BENEFITS VERSUS HANDOUTS

This ambiguity about the goals of the system—whether it should provide income insurance or income maintenance—has assumed threatening proportions with recent efforts to alleviate poverty in this country.

Next January a new supplementary security income program (SSI) will replace old age assistance (OAA), the welfare program for older people now administered by the several states. Under SSI all elderly people in need will be guaranteed a minimum level of income, uniform throughout the country. The payments scheduled, however, will exceed many benefits now being paid to retired workers under social security—some of whom may have been receiving additional funds from OAA.

Accordingly, the two programs will be integrated so that the elderly who were formerly covered workers, or retired people who have contributed to social security, will receive higher payments than those paid with SSI alone. For example, the basic SSI payment for an elderly individual will provide $130 monthly. A single person now receiving a retirement social security benefit of $84.50 will be entitled to the new minimum, $130, but will also be allowed to receive part of the social security payment as well. The total monthly income will be $150.

The retired worker thus does get more—$20 a month more—than the person receiving only the basic security income. But this difference, $20, can also be regarded as the sum total of the retirement benefits "earned" by all the social security taxes paid in previous years. To many retired workers, the income thus yielded by their contributions will look very small indeed.

It is true, of course, that retired workers get substantial psychic income in addition to their social security checks. These returns can be described in terms of self-respect, of pride at having "earned" the benefit, of a moral righteousness or satisfaction with the fulfillment of a contract. Obviously, for some, these feelings are enhanced by invidious

comparison to those on welfare who receive "government handouts." (The hardworking couple who've paid social security taxes all their lives claim they deserve more income, when they retire, than the indigent welfare types who never paid a dime to the government but now expect to be taken care of for the rest of their lives. And who is to deny their claim?)

In fact, of course, because benefits have not been calculated in a consistent relation to contributions, strong welfare elements exist in the present system of social security. A large part of the benefits paid have not been "earned" by the recipients any more than the sums paid to dependent children have been earned by the youngsters involved. Nevertheless, the public, and especially that portion of the public receiving social security benefits, differentiates sharply between the two programs.

Although SSI clearly takes the first step towards an overall income maintenance program, the strong feelings about social security, and the widespread ignorance of its welfare content, will probably prevent any easy substitution of such a program, financed from general revenues, for social security. Precisely because the system has been described for so many years in terms of insurance and of contributions, the public may be unwilling to relinquish the myth of self-support in favor of income maintenance.

OUTDATED ASSUMPTIONS

This brings up the other basic conflict in the social security system as a whole: that among the differing economic roles played by an individual during his or her lifetime. The system receives its funds from workers as individuals: all wage-earners pay the same rate of tax without regard to their family situation; no provisions exist for joint filing or for figuring total family income. Benefits, however, go to individuals and their dependents who are identified in terms of a family. The amount of income received, therefore, reflects the family situation rather than that of the individuals in the family. Major inequities arise when more than one individual in a family has contributed to social security, for the system does not yet provide that benefits can be calculated on the basis of two sets of earnings.

An example may help: This year the social security base, (the maximum earnings to which the tax is applied) amounts to $10,800, which means about $590 in taxes for a man earning this amount. If this man marries a woman earning $6,000 who pays social security taxes of $351, their combined "contributions" amount to $941. But a man whose salary equals that joint income—that is, someone earning $16,000—would not pay that amount of tax. His total social security contribution is the $590 payable on the first $10,800 of earnings.

The problem can also be revealed by comparing benefits. If both men are married, and each have the same years of earnings, their social security disability or retirement benefits will be equal. Each will be entitled to the same monthly payment, plus one-half the dollar amount for his wife. The fact that one wife has, herself, worked at covered employment and contributed to social security may or may not provide the family with additional income. If the benefits she is entitled to, in her own capacity as a retired (or disabled) worker, exceed her allowance as a dependent wife, then she may, of course, collect the higher sum. But in over one million cases the return is negative; that is, the elderly woman who has worked receives more as her husband's dependent wife or widow than she would from her own retirement benefit. In millions of other cases the difference is very small and in many cases falls short of the annual social security taxes paid before retirement.

There are other anomalies in the system's treatment of two or more earners in the same family. They can nearly all be traced to the simplistic notion of dependence used to define family relationships.

The basic assumption pervading the system (and probably American society as well) is that a family is dependent upon the husband and father, a woman is a dependent wife or widow, and children depend on their father for economic support and on their mother for care.

In economic terms, these statements have been meaningless for a good many years. Over 6 million families have no husband or father to support the woman and children. Only 1 out of 3 married couples depends on the husband as the sole earner; the majority of married women earn income from their employment. That these women have entered the labor market by the millions over the past decade has done more to reduce the number of families below the poverty income level than any other single occurrence. The contributions of women earners to their families' income cannot be easily measured, in terms of their human significance, by simply quantitative statements about average dollar sums or median wages. But clearly economic dependence for the family can no longer be defined in terms of the male breadwinner as the means of support.

Aside from defining economic dependency, the family has also been accepted as the basic unit of analysis for many social phenomena. Social security benefits, welfare programs and the whole concept of income maintenance merely symbolize or reflect this fairly widely accepted construct. Yet the notion that children require the mother's care and attention may itself be questioned since young mothers with small children are joining the labor force more rapidly than older women or than men.

From 1960 to 1971, the number of families headed by men increased from 40 to 47 million, or about 16 percent, while the number headed by women rose from 4 to 6 million, or about 38 per cent. Only a few among these latter families receive any support for the children from their fathers.

UNFAIR TO WOMEN

These changes in the economics of the family pose special problems for women. Social security benefits they earn tend to be much smaller than those for men, chiefly because working women are confined to low-wage occupations. A woman who works full-time, year-round, earns 57 per cent of what her male counterpart does—a substantial decline from the 65 per cent fraction of a decade ago. It follows that the regressive nature of the payroll tax also bears more heavily on women; for the increasing number working to support their children, the protection offered by social security may not seem worth the cost.

On the other hand, the economic work women perform at home does not count as "covered" employment under the Social Security Act so there is no way for women outside the labor force to earn rights to disability or retirement income. Hardship results for the divorced woman, whose years spent in caring for husband and children may have precluded her taking a paid job, and for the widower with young children, who has to pay for domestic services.

This problem points up the conflict in the system between taxing individuals as earners but paying benefits to family member and dependents. If benefits should be calculated on the basis of family needs, then why not tax wage earners on the basis of total family income, rather than regarding them as separate individuals? If, on the other hand, the present system of allowances for wives and widows recognizes their economic contribution of household care, then why not vest their rights to social security benefits in themselves as people, rather than requiring a state of dependency? In the more advanced social security systems of some European countries, this approach has been explored, with, for example, tax credits granted to women on maternity leave, and pensions provided elderly women in their own right as retired wives and mothers.

Another special problem under the present social security program concerns older people who continue to work after age 65. Their retirement benefits are reduced by $1 for every $2 they earn over a sum of $2,100 annually.

For example, assume that most of the 3 million workers over 65 are entitled to the average social security retirement benefit of $163.70 monthly. To supplement this income, the older worker cannot expect to earn equal wages to those paid younger people, but take the case of someone earning half the median wage, or $4,500. For an elderly person, the net yield from employment paid at this rate is $3,300 and the loss in income of $1,200 represents an effective tax rate of over 36 per cent. In the schedule of federal personal income taxes, such a rate applies to incomes over 20 times as great. Of course, the elderly worker also pays social security tax on the earnings, and has occupational expenses as well to reduce take-home pay.

This provision clearly exposes the conflict between income maintenance and income insurance. If retirement benefits are designed to replace earnings (i.e., income insurance), then clearly they should not be paid at all when earnings exist. But since retirement benefits provide very low income to many people, the goal of income adequacy results in their being allowed to supplement their social security payments with earnings, albeit earnings taxed at extremely high rates.

THE IMPACT ON POVERTY

Another conflict over the goal of maintaining adequate incomes is seen in the impact of the social security system on those with low incomes. The average payments for retired workers amount to less than the poverty level income for elderly single people, although the benefit to retired couples averages slightly above the poverty level. This means that many beneficiaries have not "earned" from their "contributions" sufficient income to keep them out of poverty. With significant increases in social security benefits last year and this year, the number of poor people over 65 has, however, dropped from almost 5 million in 1969 to about 3 million today.

Among poor people who are not 65, the system works hardship because of the impact of taxes. Families and individuals with incomes below the poverty level pay no federal income tax: in 1972 a family of four with about $4,500 of income or a single person with an income of $2,163 would have been so exempted. Of the 5 million families classified thus as "poor" in 1972, about half contained at least one person who was employed, and in over a million families two workers brought home wages and salaries. Despite the fact that their earnings were insufficient to raise the family out of poverty, these people paid social security taxes at the same rate as the highest salaried executive in the country. Especially for the two-earner family, total income might well have exceeded the poverty level had it not been for social security.

These controversial issues cannot be easily solved. They pose hard questions about goals: Do we want income insurance or income maintenance? What are the demands of equity and of ethics? But they cannot honestly be dealt with until the additional question about people as earners and as family members can be squarely faced. If the system taxes each worker as an individual, it should pay the beneficiary as an individual; if it pays benefits in terms of family status, it should tax the worker on the basis of family status.

GANNETT REPORTER CHRONICLES CHANGING HOUSE SENTIMENT TOWARD VIETNAM WAR

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. WON PAT. Mr. Speaker, with the end of the Vietnam War and the rapidly approaching cessation of hostilities elsewhere in Southeast Asia, America's role in these matters during the past decade will increasingly come under the scrutiny of historians.

History's judgment, of course, can be no more accurate than its source material. I believe that it behooves all of us, then, to do our part to assure that the information available to future biographers of this era reflects the actual events—especially where the Congress is concerned.

Mr. John Simonds, a reporter for the Gannett Newspaper chain, has made an excellent contribution to posterity with his story chronicling the history of appropriations within the House of Representatives for the Vietnam conflict. His story carries us from the early days of the Tonkin Gulf Resolution, which enjoyed overwhelming support in the House, to the August 15, 1973, House measure calling for a prompt end to American involvement in Southeast Asia conflicts.

Whatever one's personal views on this critical issue, I feel that Mr. Simond's article merits searching attention for its historical significance. Accordingly, I now submit for inclusion in the RECORD at this time Mr. Simonds' story, which appeared in the San Bernardino, Calif., Sun-Telegram, Sunday, July 22, 1973.

The article follows:

ONLY SEVEN OPPOSED WAR IN 1965; TODAY IT'S DIFFERENT

(By John E. Simonds)

WASHINGTON.—On May 5, 1965, in a vote that was to become a decision for war only seven members of the House of Representatives opposed a $700 million defense appropriation for fighting in Southeast Asia.

"This is not a routine appropriation," President Johnson had said the day before. "For each member of Congress who supports this request is also voting to persist in our effort to halt Communist aggression in South Vietnam."

Rep. Carl Albert, D-Okla., then majority leader, urged overwhelming support as an "act of confidence in our President . . . to tell the entire world that we are not going to bow to Communist aggression."

It passed, 408 to 7. Unlike the Tonkin Gulf Resolution of 1964 that passed nine months before, 416–0, this money bill spelled out the purpose of the vote, and for those in doubt the President and his leaders made it blunt. "History has shown that appeasement means weakness," warned then Speaker John W. McCormack, D-Mass., in a rare floor speech.

"If South Vietnam goes, then all of Southeast Asia goes. That means Australia. That means the Philippines will be threatened. Formosa, South Korea, even Okinawa—all of the Far East defenses will be threatened," McCormack said, reciting the domino theory.

Now, eight years later, there are at least 240 votes in the House to stop fighting and bombing in Southeast Asia. It is more than half, enough to block an appropriation of the kind that whistled through in 1965. And if not quite enough to override the President's desire to keep bombing Cambodia, it was sufficient to force last week's compromise ending it on Aug. 15.

It has been a long process, marked by violence, anger, public demonstrations, weary rhetoric, bad judgment, and disappointments along the way.

The House now has the votes to shut off the war.

The public was ready to cut it off long ago, judging by public opinion polls, and President Nixon has already done most of the work. The House is getting into the act somewhat late, taking a tough position with the President after years of trying to court the White House into stopping an undeclared war that dragged on.

The seven who voted against the Vietnam money in 1965 did so at great political risk and endured the ostracism of the herd, of an administration that took this opposition personally. Five of the seven remain in Congress—California Democrats George E. Brown Jr., Philip Burton, and Don Edwards; Rep. Edith Green, D-Ore., and Rep. John Conyers, D-Mich. The others were the late Rep. William Fitts Ryan, D-N.Y., and former Rep. John G. Dow, D-N.Y., who was defeated last year.

"This appropriation, Mr. Speaker, may prove to be among the most fatal decisions in American history," said Dow in 1965. "This bill is equivalent to a declaration of war with little warning to show it does mean that. This bill commits us to endless violence."

"What we are being asked to do is to approve the policy and actions of the administration in waging war in Vietnam, in the name of the American people," said George Brown. "This I cannot do."

The 408 who voted for the Vietnam money included an interesting political array, many no longer in the House—Mayor John V. Lindsay of New York, Melvin Laird of Wisconsin, the Pentagon, and the White House, Sen. John V. Tunney and Lt. Gov. Ed Reinecke of California, Sen. Richard S. Schweiker, R-Pa., former Sen. Charles E. Goodell of New York, Gov. John J. Gilligan of Ohio, for example.

It also included many less well known who have stayed in the House and quietly changed their minds. One of these, Rep. John Flynt, D-Ga., who is 58, emerged this year as a leader of the fight against further appropriations for the bombing. Flynt's conversion from hawk to dove was so absolute that he led the fight last week against accepting the Aug. 15 halt that the President has since signed into law.

"I voted for the Gulf of Tonkin Resolution, and I have regretted it almost since the very day that I voted for it," Flynt confessed to his House colleagues recently. "When I face the Supreme Judge of the Universe, I shall ask Him for mercy and to forgive me for voting for the Tonkin Gulf Resolution. I hope that the spirits of the 50,000 Americans who have been killed in Southeast Asia will not serve on the jury which tries that case."

Others among the 408 who have since been converted include Joseph Addabbo, D-N.Y., and Clarence Long, D-Md., who have been, with Flynt and Rep. Robert Giaimo, D-Conn., engineers of plans within the House Appropriations Committee to close off the pursestrings on the war.

"Remember how many times we have heard: "The light at the end of the tunnel. Don't disturb the situation—and so forth." Giaimo recalled in recent House debate ". . . . You do not have an old dove talking in the well right now. I supported the war in Vietnam. I have supported it for years, to my sorrow, because I at long last realized it was a mistake. I at long last finally realized the utter futility of it."

The House hasn't had the stars the Senate has produced on the war issue. For years it operated under Sam Rayburn's tight rules. With the changes in rules under Speaker Albert and the arrival of the new "mediagenic" House members, new stars are rising, but it is a long way to go and too late for the war issue.

As the minority party in both Houses throughout the war years, the Republicans played a mixed role. Under Rep. Gerald R. Ford, R-Mich., they often complained to President Johnson that he could not have his guns and butter, too, but they always found it easier to cut the butter. Once during a debate on domestic issues in 1967, Republicans began shouting, "War! War! War!" to the Democrats' boasts of their full employment and prosperity. But Johnson could count on the Republicans' votes.

Two Republican critics of the war policy under Defense Secretary Robert S. McNamara turned out to be an unlikely pair in later political life, but close workers and leaders in the House—Charles C. Goodell, who veered off into full time liberalism as a senator, and Melvin Laird, who later was to become Defense Secretary.

Rep. Howard W. Robison, R-N.Y., typified a small group of middle-road Republicans who phased from hawk to dove somewhere between Johnson and Nixon. Robison, sensitive to anti-war feelings among his university constituents, offered amendments and wrote letters to the White House urging an end to bombing and a gradual withdrawal of troops, but like many he preferred to operate quietly and in the shadows of others.

Rep. John Anderson, R-Ill., the leader of the House Republican Conference, provided the unusual spectacle of a leader voting against the President of his own party on the war issue, Anderson urging an end to bombing Cambodia and even voting to override the President, a decision that already threatens his leadership position.

Many events changed the House's attitude toward the war. One was the basic fact of personalities, today's 435 House members include only 217 who were on hand for the key 408–7 pro-war vote in 1965.

The turnover got a big boost last year when 67 new members were elected, partly because 40 elder members retired, some to take advantage of improved pension benefits.

The coalition of votes against the war also includes a rare group which believes the U.S. didn't try hard enough to win, and anything less than total victory was not worth the effort. Freshman Rep. Steven D. Symms, R-Idaho, an ex-Marine and ultra-conservative, is one of these.

In the late 1960s and 1970, individual House races were often billed as the latest referendum on the war. They sent to Congress people like Abner Mikva of Illinois, Ron Dellums of Oakland, Michael Harrington and Robert Drinan of Masschusetts, Bella Abzug and Allard Lowenstein of New York. They have been interesting but limited in their impact, and Mikva and Lowenstein are already gone.

The band of seven opponents in 1965 grew very slowly in numbers for five years. Most anti-war members were liberal Democrats unaccustomed to cultivating people who could not side with them on only major issues.

In 1966, the anti-war group couldn't get five people to vote against a defense appropriation, but 78 House members signed a statement saying their vote for the war money did not constitute an endorsement for the war. It was a typical gesture of that time, the intent of their votes not mattering much to Lyndon Johnson who referred to the 89th as "my Congress" with some justification for the boast.

But concern was mounting, and in 1967, the grand total of 18 members voted against spending money for bombing North Vietnam from a $4.5 billion defense bill. The

group by that time had attracted people who have been its stalwarts right up until today—Robert Kastenmeier, D-Wis.; Patsy Mink, D-Hawaii; Henry Helstoski, D-N.J.; Charles Diggs, D-Mich.; Sidney Yates, D-Ill., Thomas Rees, D-Calif., Benjamin Rosenthal, D-N.Y., and Don Fraser, D-Minn. They, plus the original seven, gave the anti-war faction its hard core.

In 1968, the year of the Tet offensive, the McCarthy and Kennedy campaigns, of President Johnson stepping down because of the war, and the bloody Democratic Convention in Chicago, the House was busy with domestic problems and cleared its big military bills with little trouble from anti-war members. Their high for the year was 29 votes against the Foreign Military Sales Act.

In 1969, President Nixon's pledge to end the war captured the imagination of such middleroad Democrats as Rep. Jim Wright, D-Tex., and Wayne Hays, D-Ohio, who offered a conciliatory "Peace with Justice in Vietnam" resolution. Its language aroused the suspicions of the antiwar members who warned that it was another Tonkin Gulf scheme hatched by the Republicans. It passed 334–55, after an attempt to open it for amendments failed, 252–100.

The year of Cambodia, Kent State, and the Con Son tiger cages, 1970, raised the House's anti-war population to formidable size. Rep. Donald Riegle, D-Mich., then a Republican, emerged as a vocal critic of his party. Riegle's move to have the House accept the Senate's (Cooper-Church) amendment against any more fighting in Cambodia lost, 237–153. Late in the year, the House did agree to the amendment, and it became law months after the President had withdrawn U.S. troops after their incursion.

Riegle led other efforts to turn back defense money bills unless they would cut off Vietnam spending, but these lost with no more than 46 votes. Rep. William Anderson, D-Tenn., and Rep. Paul McCloskey, R-Calif., joined Riegle as angry leaders of the peace cause in the House. By then its rank and file had already attracted Rep. Ken Hechler, D-W. Va., Ogden Reid, D-N.Y. (then a Republican), Jerome Waldie, and John Tunney, both D-Calif.

In 1971, Rep. Charles Whalen, R-Ohio and Lucien Nedzi, D-Mich., took the lead in trying to set cut-off dates for ending the war. Both members then of the Armed Services Committee, they sought a measure similar to the Hatfield-McGovern deadline of the Senate side. Their proposed year-end money cut-off lost, 258–155, and a series of substitutes with different deadlines suffered worse defeats.

Rep. Edward Boland, D-Mass., later tried a similar approach with a July 1, 1972, deadline, and like Nedzi and Whalen, tied to the release of American prisoners of war. It was defeated, 238–163. The movement seemed to be gaining a few votes each time.

In the big election year of 1972, Rep. Michael Harrington, D-Mass., offered an amendment cutting off Vietnam funds by Sept. 1 as conditional on the release of U.S. prisoners. It lost 244–152.

In a dramatic effort, the House Foreign Affairs Committee voted, 18–17, last year to approve a foreign military aid bill with an Oct. 1 cut-off of funds for Indochina. Two efforts were made to change it on the floor. Representative Whalen sought to move the cut-off back to Dec. 31, and lost, 304–109, in a maneuver that set anti-war members in disarray. Then Rep. Richard Bolling, D-Mo., moved to knock out the money cut-off entirely and won, 229–177. The bill passed, 221–172.

The aid measure split the Democrats from their leaders. The Democratic caucus endorsed the cut-off date, but Speaker Albert stuck with the President.

This year, the situation was different. For the first time, Albert was ready to vote against the war, and the Democrats had a majority behind him, outnumbering those on the Armed Services Committee and key military appropriations chairman like Rep. Bob Sikes, D-Fla., who led the battle against blocking the Cambodian bombing funds.

This year there also was no attempt at harmonizing with the President in the language of the amendments and no need to make them carefully conditional on the release of the POWs. In May the Addabbo amendment passed, followed by the Long amendment, both to halt the Cambodian bombing. Then in June, the House adopted Giaimo's amendment agreeing to the Senate amendment against spending money for bombing anywhere in Southeast Asia.

Appropriations Chairman George Mahon, D-Tex., tried to delay it until Sept. 1, but lost in a spectacular 204–204 tie. After President Nixon vetoed the bill, the House sustained him, then pushed through the measure agreeing to the Aug. 15 compromise on ending the bombing.

BELLA ABZUG URGES GO SLOW POLICY ON NEW YORK CITY CONVENTION CENTER

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Ms. ABZUG. Mr. Speaker, the Water Resources Subcommittee of the Public Works Committee has, at my request, deleted from the Water Resources Development Act of 1973 a provision that would have provided final clearance for the waterfront construction of a massive convention center in Manhattan.

The deleted provision would have waived navigational servitude requirements in New York Harbor for the construction of the convention center which was slated to extend into the Hudson River from 44th to 47th Streets in my district. As a matter of public policy, all such construction should be subservient to the needs of harbor navigation.

Because of a number of still unresolved issues which threaten the existence of the Clinton community, where the proposed New York City Convention Center would be located, I could not support an amendment that would provide a waiver eliminating the need for the center to meet navigational servitude requirements in New York harbor.

As the Representative of the people of Clinton, I have for many months been involved in negotiations and conversations with city and convention center officials about questions of deep concern to Clinton. Throughout this period, I repeatedly stated that I could not support a navigational servitude waiver unless adequate progress was achieved on these issues. While there has been some progress, it has not been nearly adequate enough to assure the continued existence of Clinton as a stable, thriving community on to guarantee full protection of the environment.

The creation of a special district, covering much of Clinton and designed to protect its current residential and small business character from inroads by real estate interests, has been approved by the city planning commission. As I have testified, this is a necessary first step. However, the district as outlined has important omissions. Furthermore, it is a temporary or interim district, and there has been no concrete assurance that a permanent district will contain adequate safeguards for the community. Indeed, there have been informal indications that the permanent district will be of a weaker nature than the interim one.

In addition, there are a number of other serious problems on which there has been little or no progress. Still unresolved are the issues of convention center-connected job opportunities for Clinton area residents, the prospect of extreme traffic congestion, and the overall environmental impact of the center. Concerning the latter issue, for instance, I believe strongly, that without a subway to service the area, a system of electrically powered minibuses should be employed to hold down air pollution.

Also unresolved and a matter of great concern is the validity of funding this center out of the city's capital budget when New Yorkers have so many pressing needs.

I do not have a closed mind about locating the proposed convention center in the Clinton area. However, these outstanding problems which I have just discussed must be satisfactorily resolved before we rush ahead with momentous decisions and irreversible commitments concerning the convention center. The stakes are too high for precipitous action.

Mr. Speaker, recent editorials in each of New York's three major dailies support my arguments. The New York Times, the New York Daily News, and the New York Post believe that consideration of the convention center should be delayed until all of the unanswered questions are resolved.

The texts of the editorials follow:

[From the New York Times, Sept. 12, 1973]

CONVENTION CENTER

The questions raised by the New York City Convention Center are as big as the proposed facility and there are no easy answers. Its proponents, the Convention Center Corporation and the city, claim that it will meet a pressing need for new trade show and commercial exhibition space of a size to compete with other cities with new centers, and that it will be a generator of jobs, taxes and income for New York on a grand scale. They have an impressive set of studies and figures to prove it. Those who oppose the scheme have an equally impressive set of figures to disprove the Convention Center's claims. The fact is that no one has really proved anything.

If one assumes that all the projections of the Civic Center Corporation are true, it could well be the boon to the city's economy and vitality that its supports say. Certainly there are few who love the Coliseum, the defects of which are legion and legendary. But even accepting the desirability of the mammoth project, solutions to the mammoth problems that it poses are not in sight.

That the structure will have a major environmental impact is beyond argument. The city and the Convention Center Corporation have worked diligently with the neighboring Clinton community to bulwark it against the shock waves of megadevelopment and rising land prices and all the dislocation this brings,

but the process has the air of a futile, formal pavane on the way to the exit of the Lindsay administration. Although the Clinton area has just been declared a special district eligible for protective measures, large chunks have been excluded from the designation, and it is anyone's guess how the next administration will carry out these plans and promises. This small, stable community is still fighting for its life.

Circulation and transportation remain critical issues in spite of carefully designed ramps and entrances and sanguine talk about special bus routes. During shows, 45,000 people a day are expected to make their way across Manhattan. There would be more cause for optimism if a projected east-west subway link had not been dropped, and if there were any visible signs that midtown chaos is to be less than a permanent condition.

The city is surprisingly untroubled about the air and noise pollution that can only be increased by the immense truck, bus and automobile-serviced installation envisaged. The Convention Center Corporation's environmental impact study now being prepared in accordance with Federal law can only show the degree to which the pollution levels will be raised. Everything seems to rest on the hope that the city's recommended procedures will lower those levels enough to bring the increase under the line.

All of which suggests a go-slow on the $50-million appropriation before the Board of Estimate this week, which will advance the planning and design stage further into the unretractable before any of these essential questions are answered. Admittedly, there is a gamble for large commercial benefits. For New York, the gamble is the even larger one of community and quality of life.

[From the New York Daily News, Sept. 13, 1973]

LAST CHANCE TO FIND OUT

The Board of Estimate will get a final opportunity soon to look closely at the proposed West Side Convention Center before it leaps into committing $200 million of city money to the controversial project.

So far, sponsors have failed to come up with a detailed environmental impact study. Plans for shuttling thousands of peoples to and from the facility are sketchy.

Those matters pale, however, before the financial angles. Once sold as a self-supporting venture, the center now is to be built entirely with public funds. Taxpayers may even be stuck for operating subsidies unless the optimistic, unspecific projections of utilization offered by supporters hold up.

The board owes it to New Yorkers to get firm answers. Let's not get saddled with a white elephant.

[From the New York Post, Sept. 13, 1973]

NO STAMPEDE, PLEASE

As anyone familiar with the mammoth project is fully aware, the proposed West Side convention center has been given an equally sizable publicity buildup. But there is no reason to rush ahead with more substantial construction.

Specifically, it will be an unwarranted and potentially very expensive action if the Board of Estimate proceeds today to authorize initial financing for the center's development without waiting for more data.

Little effort has been spared by the center's enthusiasts in promoting the plan; to them, it is apparently axiomatic that the center will be a veritable cornucopia of revenue. But persuasive figures are lacking, there are serious concerns about costs, the predictions of occupancy are speculative, the impact on the West Side Clinton community stands to be severe—notwithstanding the concessions they have been able to obtain—and the pending "impact statement" projecting the effect on the city's environment is still to be received.

If the center project is really the indispensable civic and commercial masterwork that its supporters claim, they should be able to reveal its virtues more convincingly. They deserve time to try. In the meantime, the New Yorkers most endangered by the project are entitled to real protection, not promises.

VON STEUBEN DAY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. ANNUNZIO. Mr. Speaker, September 17 is the anniversary of the birth of Gen. Friedrich Wilhelm von Steuben, one of the leading patriots of the Revolutionary War.

General von Steuben received a great estate from New York State and a large award from Congress for his outstanding contributions to the winning of American independence. Along with General Lafayette he was second only to General Washington as a shaper of the Continental Army.

Indeed, it was George Washington himself who, in his final act as general of our Revolutionary Army, wrote:

I wish to make use of this last moment of my public life to signify, in the strongest terms, my entire approbation of your conduct, and to express my sense of the obligations the public is under to you, for your faithful and meritorious services.

That letter was addressed by George Washington to Gen. Friedrich Wilhelm von Steuben.

Von Steuben came to America in 1777 to offer his talents to that great cause then being born on this continent. In so doing he set an example for all time for millions of other Americans of German origin, who have contributed untold wealth to their adopted Nation.

During the bitter days at Valley Forge, General von Steuben sustained the courage of his men and contributed his private funds for their well-being. He drilled and taught them so that when winter subsided the American troops emerged more prepared than ever to engage the best army of the day in equal combat.

During that winter he also wrote the "Regulations for the Order and Discipline of the Troops of the United States." In 1781 von Steuben served with Lafayette in the batttle against Cornwallis' invasion of Virginia, and at the battle of Yorktown he commanded one of the three divisions of the Continental Army.

The U.S. Senate passed a joint resolution in 1961 authorizing the President to proclaim September 17 of each year as General von Steuben Memorial Day. A copy of that resolution follows:

RESOLUTION

Whereas the successful conclusion of the struggle of American colonists for liberty was immeasurably aided by sacrifices and services of freedom-loving nationals of many countries; and

Whereas General Friedrich Wilhelm von Steuben, following a brilliant military career in his native Germany, responded to the appeal for assistance from the beleaguered Colonies; and

Whereas General von Steuben, drawing upon his experience and his vision, instructed forces mobilized by the Continental Congress, directed training at Valley Forge, and established discipline and morale which enabled disordered, retreating forces to rally and reorganize following the Battle of Monmouth; and

Whereas General von Steuben served with distinction as inspector general of the colonial forces, in command of the district of Virginia, and during the siege of Yorktown; and

Whereas the drill regulations and rules of order and discipline for troops of the Colonies conceived and promulgated by General von Steuben were formally adopted by the Continental Congress as the governing code for forces of the Revolution; and

Whereas the ideas and methods advocated and perfected by General von Steuben were reflected in the establishment of the United States Military Academy; and

Whereas the United States regularly shows appreciation to heroes of other nationalities who were conspicuous in the fight for independence; and

Whereas the anniversary of the birth of General von Steuben and the anniversary of the completion of labors of the Constitutional Convention coincidentally fall on September 17: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized annually to issue a proclamation calling upon officials of the Government to display the flag of the United States on all governmental buildings each September 17 and urging the people of the United States to observe the day with appropriate ceremonies commemorating the birth and the services of General Friedrich Wilhelm von Steuben.

I am pleased and honored to join with German-Americans in the 11th Congressional District of Illinois, which I am proud to represent, in the city of Chicago, and all over the Nation who are celebrating German-American friendship and the brilliant accomplishments of this German-American patriot, Gen. Friedrich Wilhelm von Steuben, and extend to them my best wishes and congratulations. America is a nation of emigrants, and Americans of German descent have contributed mightily to the greatness of our country.

PEACE AND VIOLENCE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. ASHBROOK. Mr. Speaker, to those who have for years stressed the oppressive nature of Communist governments over their peoples, the recent statements of Nobel Prize winning novelist Aleksandr I. Solzhenitsyn and physicist Andrei D. Sakharov, both captives of the Soviet regime, have come as a very welcome endorsement of our concern. No further comment is necessary on the letter of Mr. Solzhenitsyn proposing Mr. Sakharov for the 1973 Nobel Peace Prize which appeared in the New York Times of September 15, 1973.

The letter is an eloquent exposé of the

decadent double standard of pragmatism as contrasted to the vitality of basic moral values. The Solzhenitsyn letter follows:

PEACE AND VIOLENCE

(By Aleksandr I. Solzhenitsyn)

I

The last few generations, having been shaken by two successive great world wars, committed an emotional error, a shift in their thinking: They began to view wars almost exclusively as the threat to a peaceful, just and benevolent existence of man, and this gave rise to the basic opposition of "Peace and War."

Widely touted congresses were convened, World Peace Councils were elected, and the label of "peace partisans" was attached to public figures who devoted their efforts (some sincerely, others demagogically) to the prevention of new wars (sometimes meaning a particular category of wars, while favoring wars of another category).

Yet the label of "peace partisan" sounded much better than the deeds for which it was awarded. A movement "against war" is still far from being a movement "for peace."

The opposition of "peace and war" contains a logical error in the sense that the entire thesis (peace) is opposed to only part of the antithesis (war). War is a massive, dense, loud and vivid phenomenon, but it is far from being the only manifestation of a never-ceasing, all-encompassing worldwide violence. The only opposition that is logically equivalent and morally true is: Peace and Violence.

The existence of man is being destroyed and corroded not only by stormy outbursts of war, but also by the constant inexorable processes of violence, sometimes also stormy, and sometimes sluggish and concealed.

And if we often say (and it is true) that peace is indivisible and that the slightest violation (not necessarily military!) disturbs the whole peace, it is equally true that violence is indivisible. The seizure of just one hostage and the hijacking of just one plane is just as much a threat to world peace as a shot fired on a national frontier or a bomb dropped into the territory of another country.

And here, just as in the dubious classification of wars into "just" and "unjust," we are confronted with a sordid challenge to the truth: Certain groups of violent ones insist that the particular form of violence that they display does not represent a threat to the peace (and in fact promotes peace).

Take, for example, the terrorism of the last few years. Tensed and on the alert against wars, man has proved to be unprepared and weak in face of other forms of violence, and has been thrown into total disarray by the terrorism of tiny individuals.

Most striking of all, the great world organization of man was unable to bring forth even a moral condemnation of terrorism. A selfish majority in the United Nations countered such a condemnation with yet another effort at dubious distinction by asking whether any form of terrorism was in fact harmful. And what is the definition of terrorism, anyway?

They might well have suggested in jest: "When we are attacked, it's terrorism, but when we do the attacking, it's a guerrilla movement of liberation."

But let's be serious. They refuse to regard as terrorism a treacherous attack in a peaceful setting, on peaceful people, by military men carrying concealed weapons and often dressed in plain clothes. They demand instead that we study the aims of terrorist groups, their bases of support and their ideology, and then perhaps acknowledge them to be scared "guerrillas." (The term "urban guerrillas" in South America almost approaches the humoristic level.)

It goes without saying that, with quantitative growth and continuous territorial spread, terrorism at some point becomes a guerrila movement (either for gaining control over one's own territory or for carrying war and revolution to someone else's territory), and a guerrilla movement, in turn, may grow into a regular war, conducted national frontiers by military staffs.

For all the indivisibility of violence, such smooth transitions do exist, yes, and they may pose some problems of distinction, especially for those emotionally interested in not getting at the truth and in justifying some forms of violence.

I can encourage these drawers of fine distinctions with an example out of the history of the U.S.S.R. The massive peasant movements of 1920–21 in Siberia, the Tambov region and in Uzbekitsan, involving tens of thousands of people and spreading over areas the size of entire countries (on a European scale), were labeled banditry without the slightest terminological inhibition, and this term has become so firmly implanted in the consciousness of the surviving descendants of the rebels (and not many survived) that they now refer to their fathers and grandfathers as "bandits" without the slightest hint of irony.

By the same token, any spontaneous mass guerrilla movement that is genuine, in the sense of not being directed from abroad, may be caused by constant, forcible and unlawful decisions of a government, by systematic violence of the state.

It is this form of established, permament violence of the state, which has managed to assume all the "juridical" forms through decades of rule, to codify thick compilations of violence-ridden "laws" and to throw the mantle over the shoulders of its "judges," it is this violence that represents the most frightening danger to the peace, although few realize it.

Such violence does not require the planting of explosives or the throwing of bombs. It operates in total silence, rarely broken by the last outcries of those it suffocates. Such violence manages to appear saintly, kind and very peaceful, almost drowsy.

But the scope of such violence can be appreciated roughly from calculations made by the statistician, Prof. I. A. Kurganov (they were published in the West and can be easily checked). He has put the number of victims at 66 millions of dead, or more than all the belligerent countries lost in the two World Wars taken together.

Those are useful figures for those who tend to belittle the significance of "sluggish," "peaceful" forms of violence compared with "hot" wars.

II

The error committed by man in his understanding of the meaning of "peace" is nothing but emotional. I meant what I said. This is nothing unusual. We often err not because we find it hard to perceive the truth (it is often right there, at the surface), but because it is easier and more pleasant to be guided by our feelings, especially if self-centered.

The truth has long been demonstrated and proved and explained, and yet it has remained without attention or sympathy, like Orwell's "1984," because of a "universal conspiracy of adulation" (in the author's own words).

The bestial mass killings in Hue, though reliably proved, were only lightly noticed and almost immediately forgiven because the sympathy of society was on the other side, and the inertia could not be disturbed.

It was just too bad that the information did seep into the free press and for a time (very briefly) cause embarrassment (just a tiny bit) to the passionate defenders of that other social system.

How can anyone believe that this fluttering butterfly of a Ramsey Clark, after all a former Attorney General, simply had no idea, simply could not have guessed that the prisoner of war who handed over a piece of paper, needed by Clark for his political purposes, had just been subjected to torture? (The only thing that Clark might not have known was the form of the deception, namely a broken arm being raised and lowered by a string drawn through a pulley in the ceiling.) Quite understandably, no one in the United States reproached Clark for it. After all, that was not Watergate.

Only such a lopsided moral outlook could have induced the leader of the British Labor party to visit a foreign country (of course, not in Africa—that he would never have been forgiven!) and to grant self-appointed forgiveness to the Government without once consulting the local population. [An allusion to Harold Wilson's visit to Czechoslovakia in 1972.]

And when in 1968, with the memories of August still fresh, only the Norwegians suggested that not all nations be admitted to the Olympic Games [in Mexico City], the majority of Olympic officials became uneasy, frowned and muttered something about the supreme interests of sports and business.

And yet, how they would close ranks if it were a matter of protesting the other way. Could, say, the Republic of South Africa, without being penalized, ever be expected to detain and torture a black leader for four years as General Grigorenko [Soviet dissident] has been? The storm of worldwide rage would have long ago swept the roof from that prison!

In 1966, a British magazine, operating in the broad scope of its unlimited freedom, found nothing tactless in labeling as "ambitious" a plan by Mihajlo Mihajlov [Yugoslav dissident] to produce an equally free magazine in Yugoslavia and a [West] German magazine, in its serenity, commented that Mihajlov's plan was "premature and would ill serve liberalization"! Since Mihajlov's imprisonment we have seen how liberalization, no longer hampered by any ill service, has spread widely through Yugoslavia.

Or take the recent desperate boldness of Australian and New Zealand protests against the French nuclear tests. Why were no protests directed against the far more serious Chinese tests? Was it only because of the great cost of keeping an observation vessel indefinitely on station? I can tell you why. Aside from a lopsided way of looking at the world, it was simply cowardice, because no one would have come back from an expedition into the Chinese desert or toward China's shores, and they knew it.

There we have the whole hypocrisy of many Western protests. It is perfectly proper to protest if there is no danger to life, if the opponent is likely to back down and if you don't risk being denounced by the left (in fact, it is always better to protest together with the left).

The same applies to the various forms of "neutrality" and "nonalignment" that have become so widespread. They require you always to bow and scrape toward one side, and always to kick the other side (which happens to be the one that feeds you!).

Before the onset of the fast-paced, shifty twentieth century, the existence of two moral standards in man, in a social movement or even in a government agency, was called hypocrisy. And what is it called today?

Could it possibly be that this massive, hypocritical lopsideness of the West is visible only from afar, but not from closer up?

A similarly dense hypocrisy emanates from today's political life in the United States, from the distorted vision of the Senate leaders and the discordant Watergate affair. Without in any way defending Nixon or the Republican party, how can one not be amazed at the hypocritical, clamorous rage displayed by the Democrats?

What did they expect from a democracy

that has no built-in ethical foundation, a democracy that constitutes a clash of interests, a clash regulated only by the Constitution, without any all-embracing ethical edifice?

Wasn't that democracy full of mutual deception and cases of misconduct during previous election campaigns, except, perhaps, that they were not on such a high level of electronic technology and remained happily undiscovered?

Having been personally engaged all these years in research on Russian life before its collapse, I am impressed by the seemingly impossible similarity between the Russian monarchy in it final years and, say, the Republic of the United States in what, I dare predict, are also its final years before the great breakdown.

The similarity does not lie in the material and economic sphere or in the social structure. It lies in the psychological lack of restraint and in the emotional recknessness displayed by politicians. The vehement uproar of the Democrats around the Watergate affair seems like a parody of the vehement and precipitate onslaught of the C.P.S. Cadets in 1915–18 against Goremykin and Stümer. [The reference is to efforts by the former Constitutional Democratic party to oust the last two Czarist premiers, Ivan L. Goremykin and Eoris V. Stürmer, in a vain move to save the monarchy.]

This is one of the mysteries of an irrational history. How could the Russia of the late 19th century, still industrially undeveloped, still dormant in its slow-pased existence, be propelled into such a dynamic leap forward that a Russian reearcher now looks on public affairs in the West as something long ago, as something in the past? It is both funny and sad to see how social currents, public figures and the young people of the West, with a time lag of fifty and seventy years, now reenact "our" ideas, mistakes and deeds.

There seems to be little doubt, as many now realize, that what is going on in the U.S.S.R. is not simply something happening in one country, but a foreboding of the future of man, and therefore deserving the fullest attention of Western observers.

No, it is not any difficulties of perception that the West is suffering, but a desire not to know, an emotional preference for the pleasant over the unpleasant. Such an attitude is governed by the spirit of Munich, the spirit of complaisance and concession, and by the cowardly self-deception of comfortable societies and people who have lost the will to live a life of deprivation, sacrifice and firmness.

Although this approach has never helped preserve peace and justice and those who have followed it have always been crushed and abused, human emotions have proved stronger than the most obvious lessons, and again and again an enfeebled world draws sentimental pictures of how violence will deign to assume a gentler nature and will readily abandon its superior strength, so that meanwhile everyone can continue to live a carefree existence.

Both hijackings and all other forms of terrorism have been spreading tenfold precisely because everyone is ready to capitulate before them. But as soon as some firmness is shown, terrorism can be smashed forever. Just remember that.

Because of the great scope and complexity of what peace represents, the decisive struggle for peace in the world of today is not being waged only at conferences of diplomats or at congresses of professional orators addressing millions of well-wishers.

The most awesome forms of nonpeace evolve without atomic rockets and without navies and warplanes and so peacefully that they seem almost like a "traditional national custom."

Therefore co-existence on this tightly knit earth should be viewed as an existence not only without wars—that is not enough!—but also without violence, or telling us how to live, what to say, what to think, what to know and what not to know. . . .

I don't know about Europe, but in my country railroad embankments along the right-of-way are decorated with stone mosaics reading "Peace to the world!" and "Let there be peace in the world!" That propaganda might be very useful if it meant not only that there be no wars in the world, but also that all internal violence cease as well.

If we want to achieve not just a brief respite from the threat of war, but a real peace, a peace in essence, with a healthy foundation, we will have to struggle no less intensely against the quiet, concealed forms of violence than we struggle against the loud forms. We will have to set ourselves the aim not just of silencing rockets and guns, but of pushing back the frontiers of state violence to the point where members of society will no longer feel the need for protection. We will have to erase from human consciousness the very idea that anyone has the right to use force against justice, law and mutual consent.

Then peace will be served not only by the one who counts on the magnanimity of the doers of violence, but also by the one who incorruptibly, unbendingly and indefatigably stands up for the rights of the oppressed, the vanguished and the victimized.

Such fighters for peace, so far as I can judge from afar, also exist in the West. They must also have an audience, and that alone helps keep our hopes from total eclipse.

I am not competent to list the names of such people. But for the sake of clarity I will name one. René Cassin, the distinguished Nobel Peace laureate, who combines a deep understanding of the problem, moral rectitude and spiritual strength.

In the Soviet Union, the name that comes naturally to mind is that of Andrei Dmitriyevich Sakharov.

III

The widespread mistake of defining peace as the absence of war rather than as the absence of violence has naturally led to faulty estimates of the merits of individual public figures in the fight for peace.

The most highly praised fighters for peace, gathering laurels in airport lounge and parliaments are usually those who, at any price, are able to banish the breath of war, whether "hot" or "cold" (known more precisely as a "war of words," which the West always seems to lose because its statements are subject to critical analysis, or better yet as a "war of nerves," or a contest in persistence, which, all the more, the West is always doomed to lose). Such fighters for peace are willing to make every kind of concession to put a halt to polemics in the press and create a breathing spell for trade and other fancied benefits.

On the other hand, people who steadfastly stand in the way of global threats to the peace from all forms of violence risk being counted even among "warmongers" and sometimes are deliberately slandered as such. This shift in our understanding of what is in fact opposed to peace is bound to affect the activities of the Nobel Peace Committee. Its judgments and decisions, on the one hand, are naturally determined by the attitudes of the world community, but, conversely, they just as naturally shape those attitudes and establish criteria.

That is why the Nobel Peace committee bears such an extraordinarily great responsibility in the choice of laureates. Even the committee's failure to award the prize to anyone becomes significant in the sense that the merits and utility of the activities of the preceding laureate were so great that they are beyond comparison with others.

There is also the danger of a wrong estimate. To take a distant example, suppose the Nobel Peace Prize had been awarded to Neville Chamberlain in 1939 (actually the outbreak of war prevented the award of 1939 peace prizes, and a nomination would have been late for the awards in October 1938). [Prime Minister Chamberlain of Britain became a symbol of appeasement of the Nazis after having signed the Munich Pact with Hitler in September, 1938.]

Today, too, great bewilderment and a wide difference of views would be produced by the award of the prize to a public figure who may have partly fostered a relaxation of international tension by the method of "nonalignment," but is known at home as a suppressor of freedom and of ethnic movements.

If the Nobel prizes are supposed to crown the long efforts of particular persons and strengthen the authority of such persons in their future work, the worthy or unworthy choice of candidates no less tends to raise or to undermine the authority of the very institution of Nobel prizes.

Since I want to make use of my right as a Nobel laureate to nominate candidates for Nobel prizes and have no other way of addressing the Nobel committee except through this article, I am asking that these lines be considered a formal nomination of Andrei Dmitriyevich Sakharov for the 1973 Nobel Peace Prize. [Solzhenitsyn apparently did not know that Nobel laureates can make formal nominations only in their own fields, in his case in literature.]

I stated the basis for my nomination in my recent interview [with The Associated Press and the French newspaper Le Monde] by pointing out A. D. Sakarov's indefatigable activities of long standing at the cost of great sacrifice (and even personal danger), in opposing the persistent violence of the state against individuals and groups.

Such activity, in the sense described in the present article, must be viewed as a supreme contribution to the cause of universal peace, not an ostentatious or illusory contribution, but a contribution of the most fundamental kind, in which a mighty violence is being contained heroically by one's own little individual strength, thus bolstering universal peace.

And let there be no doubts within the Nobel committee about Sakharov's past and perhaps too conspicuous an achievement in the armaments field. There is actually no paradox. It is in the realization of one's past errors, in purification and atonement that we find the supreme meaning of the existence of man on earth.

PRESS ON THE PROWL

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. RHODES. Mr. Speaker, I am pleased to insert in the RECORD the lead editorial "Press on the Prowl," which appeared in the Tucson Daily Citizen of August 29. It is an excellent editorial which clearly sets forth the philosophy of its writer—Mr. Paul A. McKalip. Mr. McKalip, a longtime friend, is the very fine editor of the Citizen who has been dedicated to the principle freedom of the press ever since he has been a member of the press. He always stressed and practiced the "balance, fairness and responsibility" of which he speaks in his last paragraph. For this reason, I believe Mr. McKalip's editorial should have particular meaning for all those who read it:

PRESS ON THE PROWL

(By Paul A. McKalip)

I do not claim that the Tucson Daily Citizen is "the press" any more than I accept the misconception that the Washington Post and the New York Times are "the press."

Nevertheless, I concede that the Post-Times axis comes close to being "the press" on the Washington scene where their reporters are in full cry in a fox-and-hounds chase with President Nixon as their quarry.

There is another force on the Washington news front, however, a force that should be providing a balanced report of the news. It is made up of the professional journalists who comprise the capital staffs of the two national wire services, Associated Press and United Press International.

Every segment of "the press," virtually all of the daily newspapers in all the 50 states, relies on either or both AP and UPI for complete on-the-scene news coverage. The Citizen, desiring to have the fullest possible national reporting, takes both AP and UPI services. The double cost is reflected in added value for Citizen readers.

Regretfully to say, both AP and UPI have seemed on occasion to forget their larger responsibility for full and fair coverage. I refer, as you might surmise, to Watergate news coverage.

One glaring error of omission on the part of both wire services has been explored thoroughly by us in recent weeks.

On June 14, Sen. Carl Curtis, R-Neb., in a speech in the Senate, made a strong indictment of Democratic majorities on Senate investigating committees. He was speaking from personal experience earlier as a member of the Senate Committee on Rules and Administration when it investigated the Bobby Baker scandal during the Johnson administration.

That committee was charged with probing the machinations of Bobby Baker's rise from fair-haired page boy to multimillionaire while operating under the Capitol dome (and under Johnson's patronage).

Sen. Curtis declared in his June speech that every effort to tear the lid off the Baker case had been blocked "by a straight (Democratic) party vote."

For anyone interested in honesty in politics and government, which is what the current Watergate committee investigation is supposed to be about, Sen. Curtis' speech was timely and pertinent.

The Citizen and hundreds of other newspapers did not carry a word about the Curtis speech—because they did not receive the stories they should have received from either of their responsible Washington news sources AP or UPI.

We learned about the speech much later and indirectly. Finally, the Citizen developed its own complete story and published it July 20.

Then we wrote stern letters to top executives in New York of both AP and UPI.

H. L. Stevenson, editor of UPI, responded with a renewed pledge of "dedication to the fairness doctrine."

Conrad Fink, assistant general manager of AP, gave us a two-page report and admitted: "Simply stated, we booted it." He added: "We have reviewed this (mishandling) with our staff to make certain there is no repetition."

The explanation of how AP "booted it" came more clearly into focus when we received a special article from our Newsday service on the subject of Watergate news reporting.

The Newsday article, which is published today on the Perspective page opposite this page, stands as a credit to "the press" in the full sense of that term. The article exposes clearly the way in which those who are "the press" in Washington have taken unto themselves a "proprietary interest" in Watergate.

In so conducting themselves, professional journalists have breached their trust as members of the separate and independent Fourth Estate. Newsday analyst Thomas Collins goes so far as to compose this indictment:

"Besides being a physical presence on the scene, the press is playing an active role in the proceedings and may shape the outcome in ways that have not yet been measured."

That kind of involvement, whether born of bloodlust for a hounded Nixon or spurred by individual dreams of journalistic glory, is not just unbecoming of those who represent newspapers and their readers all over the country. It is downright unacceptable conduct in the eyes of many of us who also claim a share of being "the press."

We in Tucson, together with many others in newspapers elsewhere, will hope that our wire service forces in Washington will return to the Watergate story, when the hearings resume, with a regained sense of balance, fairness and responsibility.

FAT AND WASTE SHOULD BE CUT FROM AN INFLATED DEFENSE BUDGET

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. EVINS of Tennessee. Mr. Speaker, the Tennessean of Nashville in a recent editorial made the point that there have been many indications of waste and inefficiency in the Department of Defense—and, therefore, Congress should carefully examine the budget requests for DOD with a view of making cuts and reductions wherever possible without endangering national security.

The attitude of this administration at times appears to be that the defense budget is sacred and that all domestic programs are expendable.

Certainly the editorial is correct—the defense budget should be cut and reduced, especially in view of the fact that Congress has terminated U.S. participation in hostilities in Cambodia.

Current defense budget requests reflects a $5½ billion increase over last year, and many are asking this question: Why cannot the inflated defense budget be cut?

Because of the interest of my colleagues and the American people in this most important subject, I place the editorial from the Tennessean in the RECORD:

CONGRESS WOULD BE WRONG TO IGNORE DEFENSE WASTE

This has been a year of "classic confrontation," between the President and Congress, but perhaps none will be more important than the one now shaping up over the issue of defense spending.

In his latest press conference, Mr. Nixon struck out at Congress for its domestic spending proposals that would "bust the budget to the tune of $6 billion." But he went on to warn that attempts to trim that much or more out of his $80-billion defense requests would be a "fatal mistake."

No sensible person could disagree with the President's assertion that the United States must maintain a strong national defense. But Mr. Nixon seems to be trying to leave the public with the impression that much domestic spending is wasteful while all defense spending is vital. The truth is that waste is rampant throughout the bureaucracy and with at least 30 cents of every tax dollar going to defense, Congress would be foolish to ignore that part of the budget in its efforts to restore some efficiency in government.

It is a well-documented fact that defense contracts are among the most wasteful and uncontrollable ways the government allocates public money. Entire books have been written and reams of testimony have confirmed that overruns, delays, silly contracting procedures and mistaken priorities have created spending nightmares. In fact, the recent record of defense contracting extravagance makes Mr. Nixon's fears of a $6-billion budget bust seem almost insignificant.

Last year the General Accounting Office released an audit of 77 weapons systems being developed. The report showed that overruns would amount to $28.7 billion, or 31% above the original cost estimates. These were not all the defense contracts by any means and the total has swelled significantly since the report, but the GAO figures demonstrate that defense spending offers a prime target for trimming government waste.

Two examples of how defense spending has bred inflation are the cases of Litton Industries and the Northrop Corp. When the government handed Litton two multimillion dollar ship building contracts for the Navy, the company had no experience in producing military vessels and plannned to construct the ships in a new shipyard using untested procedures. Litton mistakes will cost the taxpayers dearly and have already guaranteed that the ships will be produced much later than expected.

The Northrop Corp. contract is even more incredible. Last year the government paid Northrop $369.5 million to produce the F5E aircraft—a plane that is obsolete for use by this country and is given away to Asian allies.

And while the administration accuses the Democrats in Congress of wanting to slash defense spending irresponsibly, the most likely course is a sensible pruning of excessive programs. The Democratic Study Group reports that counter-budget proposals would slice between $4 and $10 billion from the 1973 fiscal budget. This hardly seems irresponsible when the costs of maintaining a combat force in Vietnam dropped from $21.5 billion in fiscal 1969 to about $2.9 billion in the current fiscal year. The Nixon budget would not reflect the savings of withdrawing from Vietnam, but rather would add $4.7 billion.

Since Pearl Harbor, every administration has been committed to more than just an adequate national defense. But to continue to insist that the country must overspend on defense to the extent that Mr. Nixon demands while cutting the heart out of vital domestic programs does not make sense.

WATERGATE HEARINGS

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. HARRINGTON. Mr. Speaker, among other things, the Senate Watergate hearings have revealed the high art to which former administration officials have brought the techniques of loss of memory and obfuscation. The former trait seems to contradict what we have been told about the "bright, alert minds" that had dwelled in the executive. The latter is an example of the standard

method used to deceive and mislead the American people.

Mr. Speaker, I would like to insert an amusing article, by Mr. Ted Trombla, on this subject that appeared in the North Shore Weeklies, August 1 issue. Mr. Trombla has captured the spirit of these times with great accuracy:

THE WATERGATE EFFECT

(By Ted Trombla)

Senator Sam Ervin's committee hearings on Watergate make the greatest summer replacement television has ever seen and if nothing more have at least mercifully blacked out a third of the idiotic game shows and soap operas that polluted the airwaves.

They have also proved that acute loss of memory is an occupational hazard among high government officials and have provided free lessons in the arts of deceit and evasion.

It seems to me there is great danger in the nation-wide public demonstrations of these arts and I already see evidence that the members of my own family have been corrupted by exposure to these practices.

Last week I bought six large raspberry and maple Danish pastries at a Baker in Lowell.

When I got home I didn't feel like eating any because I had had lunch in a Greek restaurant and the reason I still wasn't hungry eight hours later is that if you order lamb in a Greek restaurant you can expect to be served at least one half of the animal and so although I had eaten only one third of the order, I couldn't stand the thought of more food until the next day.

The following morning I still felt the Danish were a bit heavy for breakfast so I left them for lunch but at lunch time when I decided to have some I opened the box and discovered that it was empty. All the Danish were gone. Every one. Only a few crumbs left. Not even enough for the ants.

I thought, this is a fine thing. A man works hard all his life, obeys the laws, votes Republican and is kind to dogs and when he goes to get a Danish pastry he finds they have all been eaten. But by whom?

Only three people could have done this. My granddaughter, her husband, or their child.

Recalling Senator Ervin's skill in ferreting out the dark secrets of the Watergate conspirators, I thought to launch an inquiry in similar fashion.

I asked my granddaughter to take the stand.

Q. When did you first learn of the presence in this house of the raspberry Danish pastries?

A. I think it was sometime late Wednesday afternoon that I saw a brown pasteboard bakery box on the kitchen table, but I can't be sure.

Q. Did you open the box?

A. To the best of my recollection, yes.

Q. What was in the box?

A. I can't be sure, perhaps some sort of pastry.

Q. Did you then or at some later time take one or more of the pastries?

A. I think not but I may have done so. There were people in and out of the house and telephone calls and I am not quite clear on this point but I may have done so.

Q. In other words, you cannot be sure whether or not you did in fact eat one or more of the contents of that box on Wednesday last?

A. That is correct.

Thus it was established that this witness might or might not have eaten one or more Danish pastries. Her husband testified next.

Q. Were you aware of the Danish and do you recall a conversation with the previous witness regarding them?

A. I recall seeing a box on the kitchen table and asking whom they were for.

Q. Asking whom what were for?

A. I asked whom what was in the box were for.

Q. Did you know what was in the box?

A. I cannot tell precisely. I may have known but I cannot say for certain.

Q. Did the previous witness say whom what was in the box were for?

A. I think she said for anyone but I may be mistaken.

Q. And did you then or at some later time remove any of the contents of the box?

A. I cannot recall having done so, but it is possible. I remember that the gas man came to read the meter.

Q. So to the best of your recollection you may or may not have removed and eaten some Danish pastries?

A. That is true.

I thought now we are getting somewhere and with only one left to be questioned the incident will soon be explained.

The child was in her sand box making pies and I interviewed her there.

Q. Did you see the Danish pastries on the kitchen table?

A. Yes.

Q. How many were left in the box when you opened it?

A. Two.

Q. Then what did you do?

A. I ate them.

That child has a lot to learn.

LITTLE TAXPAYER LOSES HIS RIGHTS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 17, 1973

Mr. BIAGGI. Mr. Speaker, the Internal Revenue Service seems unable to take "no" for an answer, even if the speaker is the U.S. Tax Court.

Over and over again, the Tax Court has slapped down IRS's claim on a particular intepretation of congressional intent, only to find them harassing another taxpayer at a later date.

Some reins must be put on this broad authority that the IRS assumes in the exercise of its functions as the tax collector of the Nation. Americans as a whole are among the most honest taxpayers in the world. Everyone tries to pay his fair share. When a taxpayer does win a judgment in court against the IRS, they should be made to accept that ruling and not continue to harass other taxpayers on the same issue.

Enclosed is a column on one such case which appeared in the New York Daily News and other newspapers around the country on September 12, 1973. I hope my colleagues on the Ways and Means Committee will consider the unfairness of IRS's actions in this area:

LITTLE TAXPAYER LOSES HIS RIGHTS

(By Edward Stephens)

Q. Internal Revenue Service officials say they always interpret tax laws with fairness to taxpayers. Is this true?

No. IRS lawyers often pore over the Internal Revenue Code looking for opportunities to construe the law so that taxpayers will lose deductions, credits or other benefits that Congress has given them. This forces taxpayers into expensive court battles to maintain their rights. Those who can't afford to fight simply lose their rights.

A striking example is the IRS interpretation of code section 172(b). This law says that, if you have a "net operating loss" in any year instead of net income, you may deduct with loss (with some adjustments) in other years. It's a relief provision designed to help people who have suffered financial setbacks.

This relief is aimed at millions of taxpayers. You can have a net operating loss any year if you're in business for yourself. And you can have a net operating loss any year even though you're not running your own business, if you suffer a theft or casualty loss that exceeds your salary or other income. This can happen if somebody robs your home while you're on vacation, for example, or if your house burns down, or if any other casualty befalls you.

GROSSLY UNFAIR

IRS has construed section 172(b) in an amazing manner. The interpretation is so strained, so grossly unfair, that IRS has lost five straight court tilts over it, without a single win. Still, IRS sticks to its guns.

The Service's fifth defeat occurred Aug. 28, when Tax Court Judge C. Moxley Featherston spanked IRS and plumped for the taxpayer, Sidney Axelrod of Columbus, Ohio.

Axelrod had a 1967 net operating loss of $114,628. Following the code and prior court decisions, he "carried back" his $114,628 loss, used it to wipe out his $5,000 ordinary taxable income for 1964, and got a refund of the tax he had paid on his 1964 ordinary income. He then carried the remaining part of his loss, $109,628, and deducted part of it in years subsequent to 1964.

IRS officials balked. They said Axelrod had nothing to carry over from 1964. Reason: He had a "net long-term capital gain" of $2,075,066, in '64 in addition to his $5,000 ordinary income. IRS said this capital gain absorbed the remainder of Axelrod's 1967 loss, $109,628, even though he couldn't deduct one penny of the loss against the '64 capital gain!

Judge Featherston turned thumbs down. He said the Tax Court will stick with its 1969 decision, Chartier Real Estate Co., in which Judge Arnold Raum flatly rejected the IRS interpretation of code section 172(b). Raum's decision was affirmed in 1970 by the First Circuit U.S. Court of Appeals in Boston.

IRS was flying in the face of two other decisions rejecting its section 172(b) construction. On Aug. 8, Tax Court Judge William H. Quealy sided with the Mutual Assurance Society of Virginia Corporation. And last year, the U.S. District Court, at Seattle decided in favor of the Olympic Foundry Co. IRS appealed to the Ninth Circuit U.S. Court of Appeals in San Francisco, where this latter case now is pending.

IRS very likely will appeal the decisions of Judge Featherston and Judge Quealy. If so, Featherston's will go to the Sixth Circuit in Cincinnati, and Quealy's will go to the Fourth Circuit in Richmond.

IRS very likely will appeal victory in one of the circuits, thus creating a conflict with the adverse First Circuit decision in the Chartier case. Such a conflict probably would throw the issue into the U.S. Supreme Court.

Such legal battles are mighty rough on harried taxpayers who get caught in the IRS meat grinder. In flagrant cases like these, the government should be required to pay the taxpayer's expenses, including the usual big one, his attorney's fee. Unfortunately, Tax Court judges now have no power to make IRS pick up the tab.