stand the position of the distinguished Senator. It might well be possible for us to work out some modification of the agreement whereby there would be some additional time on the amendment in the nature of a substitute offered by the distinguished Senator from Kansas. The leadership on this side of the aisle will certainly make an effort to do that.

Mr. DOLE. I thank the Senator.

Mr. GRIFFIN. Mr. President, I thank the distinguished majority whip also.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW, AND ORDER FOR CONSIDERATION OF CONTINUING RESOLUTION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow, after the distinguished Senator from Oklahoma (Mr. BELLMON) has been recognized and has made his statement under the order previously entered, there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes each; after which the Senate, in accordance with the previous order, will proceed to the consideration of House Joint Resolution 727, the continuing resolution.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON THURSDAY NEXT AND FOR CONSIDERATION OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATION BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Thursday, after the two leaders or their designees have been recognized under the standing order, there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes each; and that at the conclusion of that period the Senate proceed, under the order entered today, to the consideration of the Labor, and Health, Education, and Welfare appropriation bill, H.R. 8877.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 o'clock a.m.

After the two leaders or their designees have been recognized under the standing order, the distinguished Senator from Oklahoma (Mr. BELLMON) will be recognized for not to exceed 15 minutes.

There will then be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes each.

At the conclusion of the period for the transaction of routine morning business tomorrow, the Senate will proceed to the consideration of the continuing resolution, House Joint Resolution 727. Yea-and-nay votes can be expected on amendments to the joint resolution and on the passage of the joint resolution itself.

If the continuing resolution is disposed of at a reasonably early hour tomorrow, the leadership will move to take up the amateur athletics bill, S. 2365, under a time agreement. It is hoped that the time agreement can be modified to accommodate the request of the distinguished Senator from Kansas (Mr. DOLE).

In any event, the Senate on Thursday will take up the appropriation bill for the Departments of Labor, and Health, Education, and Welfare, H.R. 8877, immediately following the transaction of routine morning business.

In summation, yea-and-nay votes will occur tomorrow. Of course, conference reports can always be called up and votes can occur thereon.

I should like to repeat a statement made earlier by the distinguished majority leader (Mr. MANSFIELD) that there will be sessions daily through Friday, with yea-and-nay votes occurring daily through Friday. There will not be a Saturday session.

The Senate will be in session on Monday, Columbus Day, as was the case last year, and will transact business. Votes will occur on Monday.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock a.m. tomorrow.

The motion was agreed to; and at 6:58 p.m. the Senate adjourned until tomorrow, Wednesday, October 3, 1973, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate October 2, 1973:

DEPARTMENT OF JUSTICE

Leonard F. Chapman, Jr., of Virginia, to be Commissioner of Immigration and Naturalization, vice Raymond F. Farrell, resigned.

Charles R. Work, of the District of Columbia, to be Deputy Administrator for Administration of the Law Enforcement Assistance Administration (new position).

IN THE AIR FORCE

Lt. Gen. Duward L. Crow, [redacted] FR, U.S. Air Force for appointment as Senior U.S. Air Force member of the Military Staff Committee of the United Nations, under the provisions of title 10, United States Code, section 711.

EXTENSIONS OF REMARKS

PHILIP B. HOFMANN "OUTSTANDING CITIZEN OF NEW JERSEY'" FOR 1972.

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. PATTEN. Mr. Speaker, the firm of Johnson & Johnson, whose headquarters are located in the congressional district I represent, is preeminent in the surgical dressings field. Recently, its former board chairman, Philip B. Hofmann, received the "Outstanding Citizen of New Jersey" award for 1972.

Mr. Hofmann was praised for his "contributions to a better life in New Jersey." When he accepted the award from the Advertising Club of New Jersey, Mr. Hofmann said:

I'd like to think that with this award, you're honoring the whole Johnson & Johnson group. We're all dedicated to public service.

Mr. Speaker, I am proud of Mr. Hofmann receiving that honor, and I am also proud of Johnson & Johnson—a truly outstanding firm that is not only renowned for its fine products, but also for its deep feeling for people and for greater social responsibility.

A new Johnson & Johnson brochure, "Twenty-Five Steps to Greater Social Responsibility," reports on current programs involving community and human needs receiving financial and manpower support from the Johnson & Johnson family of companies. As a recent J. & J. statement pointed out:

These projects reflect a long-standing commitment to such concerns as education, health, disaster relief, environmental protection, human rights, and minority economic development.

Mr. Speaker, under the leadership of Philip B. Hofmann and his successor, Richard B. Sellars, Johnson & Johnson not only talks and writes about "Greater Social Responsibility." It practices this philosophy, because it believes in it. If all firms were as responsible, progressive, and compassionate as Johnson & Johnson, America would be greater.

I hereby submit the article from the Home News covering the award:

EX-J. & J. CHIEF "OUTSTANDING CITIZEN"

(By Janet Bodnar)

NEWARK.—Recognizing his "contributions to a better life in New Jersey," the Advertising Club of New Jersey yesterday honored Philip B. Hofmann, former Johnson & Johnson board chairman, as its "Outstanding Citizen of New Jersey" for 1972.

In making the presentation, W. Jefferson Lyon, vice president of the Hospital Service Plan of New Jersey, said Hofmann was "a natural" to receive the award, which is presented for "distinguished public service."

"I'd like to think that with this award you're honoring the whole Johnson & Johnson group," Hofmann responded. "We're all dedicated to public service."

Raymond Brady, editor of Dun's Review and business commentator for radio station WCBS, was guest speaker at yesterday's luncheon, which was held at the Hotel Robert Treat here.

Coming to the defense of multi-national

companies, Brady told his audience of businessmen that "It's time for us to talk about what's right with multi-nationals."

In Brady's opinion, what's right with multi-nationals is their high price-earnings ratios, their reputation as safe havens for investments and their management—"My own magazine has taken a number of polls to find the best-managed companies in American industry and, invariably, nine out of the 10 firms chosen have been multi-nationals."

With the growth of trade and competition, Brady feels that becoming multi-national is "the only way you can successfully operate in the marketplace today."

"In the competitive world of today, you must have your plant located near your market, you've got to compete in as many markets as possible just to survive. And, above all, you must be right there if you want access to changing technology, to the new ways of doing things that Europeans and Asians seem quite as capable of inventing as ourselves."

He also stressed that Americans should not get all the "blame" for running multi-nationals, which are neither new nor particularly American.

"Many of our chocolate bars are sold to us by a Swiss multi-national—Nestle. Many of our recorders and television sets are sold to us by a Dutch multi-national—Phillips Lamp. Much of our gasoline is sold to us by a British multi-national—Shell."

Rather than exporting jobs, as many labor unions have charged, Brady feels multi-nationals actually have saved many jobs.

"As an example, a lot of jobs have been lost in the American shoe, textile and glass industries—none of which is multi-national—because these industries have lost their major market right here at home to competitors from abroad," he said.

What Brady called the "reverse flow"—the benefits our multi-nationals have brought to other countries and the friends they've made for us—have been "equally impressive", he said.

CHROME IMPORTS FROM RHODESIA

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 2, 1973

Mr. HARRY F. BYRD, JR. Mr. President, the issue of chrome imports from Rhodesia is being brought before the Senate once again.

Legislation which I sponsored in 1971, and which was approved permitted the importation of Rhodesian chrome, so long as this strategic metal also was being brought in from the Soviet Union.

My legislation constituted an exception to an overall embargo on Rhodesian trade imposed by former President Johnson, without consulting Congress, pursuant to a sanctions resolution adopted by the Security Council of the United Nations.

The ban on Rhodesian chrome had unfortunate economic effects in this country while it was in effect.

One such segment is the so-called specialty steel industry. The Pittsburgh area is a major hub of this industry, and Mr. William H. Wylie, business editor of the Pittsburgh Press, has investigated the potential impact of a renewal of the Rhodesian chrome embargo.

In a series of three informative articles, Mr. Wylie has set forth the problems which will be posed for the specialty steel industry if the Rhodesian chrome plan is again put into effect.

I ask unanimous consent that the text of the three articles by Mr. Wylie be printed in the RECORD.

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

MOVE TO BAN RHODESIAN CHROME PERILS JOBS HERE

(By William H. Wylie)

(Few Pittsburghers are aware of the "chromium crisis," yet the outcome could give the local economy a bad jolt.

(The issue centers around efforts of civil rights interests in Congress to cut off the flow of chromium from Rhodesia to the United States.

(If the move succeeds, the specialty steel industry would be wounded and thousands of district jobs might go down the drain. This is the first of three articles about the chromium crisis and Pittsburgh's stake in it.)

It's a small world—small enough that thousands of district steel jobs owe their existence to a vital import from the African nation of Rhodesia.

This rare commodity is chromium. Specialty steels—stainless, electrical and tool steels, etc.—cannot be made without it. Ironically, a move is under way in Congress to cut off the specialty steel industry from its Rhodesian chromium supply.

But this effort will be blunted if E. F. Andrews, an Allegheny Ludlum Industries vice president, and other leaders of the specialty steel industry have their way. Recently Andrews carried the fight to the Senate Foreign Relations Subcommittee on African Affairs.

His testimony focuses attention on the stainless steel industry's Achilles heel—the shortage of chromium in the U.S. In fact, no other commodity pinpoints the emerging role of the United States as a "have-not" nation more drastically than chromium. None of this precious ore has been mined in this country since 1961 and the national stockpile is dwindling, Andrews said.

In Rhodesia, it's a different story. That nation has 67 per cent of the world's supply of metallurgical grade chromite—the kind used in specialty steels. The rest is scattered among the Republic of South Africa, 22 per cent; the Soviet Union and other Communist countries, 6 per cent; Turkey, 2 per cent; the Philippines, .3 per cent, and other nations, about 2 per cent.

On the basis of these figures, one would expect chromium users to beat a path to Rhodesia's door. But there are some complications.

That nation has fallen into the bad graces of the international community because of its racial policies. The situation boiled over in 1967 when the United Nations slapped economic sanctions on Rhodesia, making it off limits to world traders.

The United States and practically all of the U.N. members signed the embargo. With a stroke of the pen, the State Department wiped out the stainless steel industry's best source of chromium.

There were some painful years from 1967 until 1972, Andrews said. Specialty steelmakers dipped into the national stockpile and made a trade deal with Russia.

But chrome and ferrachrome prices soared and foreign steelmakers captured big chunks of the domestic market because they were able to underprice American mills in specialty steel products.

Where did foreign steelmakers get metallurgical chromite?

From Rhodesia, of course. Andrews said the U.N. sanctions gave Americans a cynical lesson. Despite signing the sanctions pact, many nations carried on business as usual with Rhodesia.

As Andrews quaintly puts it, "I learned a long time ago as an Indiana country boy that when you're in a crap game behind the barn and everybody else is using loaded dice you find another game."

Last year the stainless steelmakers got their story across and Congress passed the Byrd amendment which exempts chromium and ferrachrome from the sanctions. But now there's a move led by Sen. Hubert Humphrey, D-Minn., to repeal the exemption.

If the effort succeeds, there would be serious repercussions for stainless steelmakers, Andrews said. The pinch would be much more binding than in the late '60s and early '70s, he added.

"The issue will probably be decided within the next 30 days," Andrews said. If the ball bounces the wrong way, Pittsburgh's economy will suffer, he warned.

UNITED STATES: A "HAVE-NOT" IN CHROME GAME

(By William H. Wylie)

"The irony will not be humorous to a black steelworker in Pittsburgh who loses his job if the sanctions are reimposed."

That statement was taken from the testimony of E. F. Andrews, an Allegheny Ludlum Industries vice president, earlier this month before the Senate Foreign Relations subcommittee on African Affairs.

Andrews was referring to efforts by Sen. Hubert Humphrey, D-Minn., and other senators to repeal the Byrd Amendment which permits the United States to buy chromium and processed chromium from Rhodesia.

That African nation was shackled with economic sanctions by the United Nations in 1967 as punishment for its racial policies. As a result, American specialty steelmakers were prohibited from importing chrome from Rhodesia from 1967 to 1972.

Since that country has 67 per cent of the world's supply of metallurgical chrome, and since chrome is essential for making specialty steels, U. S. Steel, Allegheny Ludlum, Crucible, Cyclops, Armco and other specialty steelmakers were in a bind.

In 1972 Congress passed the Byrd Amendment which exempted chrome from the sanctions because it is the No. 1 strategic material. Since then the chrome squeeze has eased. But now a new attempt to bar chrome imports is under way in the Senate and specialty steelmakers are waging an all-out fight to head it off.

Andrews used the word "irony" advisedly in his testimony. He poses the question: Is an American steelworker willing to give up his job to further the civil rights of a Rhodesian black? In the case of a black American steelworker, this would be ironic indeed.

The steel executive says repeal of the Byrd Amendment constitutes a real threat to Pittsburgh because this area is a center of specialty steelmaking. Cut off the chrome supply and district mills would have to lay off workers, she said.

The economic issue is simple. Specialty steel cannot be made without chrome. In fact, stainless steel must contain no less than 10 per cent chromium to be classified as stainless, Andrews said. Actually most stainless steel is comprised of at least 18 per cent chromium, he added.

Andrews points out that Rhodesia has 67 per cent of the world's metallurgical grade chromium and the United States has none.

During the chromium crunch of '67–'72 the U.S. managed to live off the national

stockpile and get ore from Russia, which controls about 6 per cent of the world's supply. But the price of chromium doubled during that period, Andrews said.

He cited a 14-cent-a-pound rise in prices and noted that each penny increase raises the price of finished stainless $8 a ton. A little simple arithmetic reveals that five years of sanctions tacked $112 onto the price of a ton of stainless steel.

During that period, foreign steelmakers, who continued to buy ore from Rhodesia even though they had signed the embargo too, grabbed sizable chunks of the American specialty market, Andrews said.

"We lost 60 per cent of the market for some of our products," he continued.

If the sanction on chromium imports were reimposed, Andrews believes prices would zoom at least 10 cents a pound. And the pinch would be much tighter this time, he said, predicting that the national stockpile would last less than a year.

Actually, the U.S. hasn't recovered fully from the '67–'72 cutoff, Andrews said. Chromium must be processed into ferrochrome before it can be used by steel mills.

Before 1967, chromium was imported and refined by American companies. But during the "famine," a lot of domestic ferrochrome plants closed, eliminating more than a thousand jobs. Few of these plants have reopened.

Rhodesia took advantage of the U.S. boycott to establish its own refining plants which have since won a place in the world market. Now American businessmen believe Rhodesia would take the next logical step and set up its own specialty steel industry if sanctions were revived.

And that would be bad news in Butler, Vandergrift, Brackenridge, Midland and other district milltowns.

Chrome Key to Air, Water Cleanup

(By William H. Wylie)

Not all battles for survival are fought in the main arenas of the world.

This is true of a rather quiet but determined effort to ban chromium imports from Rhodesia. The stainless steel industry, which would be the victim of such a ban, is fighting for its life to keep these valuable imports flowing to the United States.

The struggle is being waged in the back halls of the Senate where civil rights interests led by Sen. Hubert Humphrey, D-Minn., want to punish the African nation for its harsh racial policies.

This appraisal of the Capitol Hill conflict comes from E. F. Andrews, an Allegheny Ludlum Industries vice president and spokesman for the Tool and Stainless Steel Industry Committee.

Since production of specialty steel creates employment for 50,000 to 60,000 workers, Americans have a vital stake in the industry's future. This is especially true in several Pittsburgh-area communities where mill jobs keep meat and potatoes on the table.

The Senate battle centers around a movement to repeal the Byrd Amendment which was passed to let us buy Rhodesian chromium. It exempts chromium, a strategic material, from economic sanctions imposed on Rhodesia in 1967. As a signer of the embargo, the U.S. agreed not to trade with the African nation.

Andrews said the stainless steel industry isn't fighting the repealer on moral grounds. "We certainly deplore the racial situation in Rhodesia," he said.

The industry's fight is being waged on economic grounds. Steel men are saying the U.S. can't afford to turn its back on Rhodesian chromium which represents 67 per cent of the world's supply. South Africa has the next largest source—about 22 per cent. The U.S., which has none, turned to Russia, which has about 6 per cent, during the 1967–72 Rhodesian chrome blackout.

Andrews argues that it's inconsistent to put Rhodesia off limits while permitting trade with South Africa whose racial policies are equally distasteful to Americans.

He also noted that most industrial nations have continued trading with Rhodesian anyway. "Since imposition of the sanctions, over a hundred cases of evasion have been reported to the United Nations by Great Britain," he said.

"These represent only the tip of the iceberg; sanction-busting continues to occur on a monumental scale," he added. Steel men make these points:

South Africa and Portugal ignored the embargo from the beginning. They were followed by Eastern European nations and parts of the Middle East. Finally, Western Europe and Japan entered the Rhodesian market, doing a big business every year since 1968.

Why all the excitement over chromium? Can't steel men use a substitute?

The answer is "no." Chromium, or ferrochrome as the processed ore is called, represents about 18 per cent of a ton of stainless steel. Nothing else will do.

In their struggle to preserve a supply of chromium, steel men can't understand why they are fighting virtually alone. They look for support of environmentalists, power generation people, transportation interests, food processors, chemical and petroleum firms. Products and equipment for all these industries use some specialty steels.

Equipping new cars with catalytic converters will require an additional 50,000 tons of ferrochrome annually, Andrews said. Almost all equipment for cleaning air and water of industrial pollutants contains some specialty steels.

One steel executive said, "We're scared about that 350,000 tons of additional ferrochrome that will be needed in the immediate years ahead. We don't know where it will come from."

Andrews believes the issue over the Byrd Amendment repeal will be decided within 30 days. Nobody has a bigger stake in the outcome than western Pennsylvania.

USW Fights Steel on Chrome Ban

(By William H. Wylie)

(The following article is a postscript to a three-part series about a move in Congress to ban chrome imports from Rhodesia.)

As often happens, union and management are on opposite sides in the battle over banning chromium imports from Rhodesia.

To the casual observer, this may seem surprising in view of the specialty steel industry's argument that cutting off the rare ore from the African nation would jeopardize thousands of American jobs.

But to those who have followed the Rhodesian issue, testimony earlier this month by John J. Sheehan, legislative director of the United Steel Workers (USW) of America, before a Senate Foreign Relations subcommittee contained few, if any, surprises.

Two years ago the union opposed passage of the Byrd Amendment which ended the Rhodesian chrome blackout. And the USW's position hasn't changed, Sheehan said.

The issue erupted in 1967 when the United Nations imposed economic sanctions on Rhodesia. The United States signed the agreement aimed at forcing the Ian Smith government to reform its racial policies.

In 1971, mainly at the insistence of specialty steel companies, Congress exempted chromium from the sanctions.

At that time USW President I. W. Abel was critical. He told Sen. Gale McGee, D-Wyo., another opponent of the exemption, that "the price of human dignity should not be measured in terms of the cost of chromite in the United States market."

As Abel suggests, the USW opposes trade with Rhodesia on moral grounds. The union's position also is braced with economic arguments.

In fact, the moral and economic arguments are intertwined in the union's charge that Rhodesia permits "slave labor." The USW alleged that Union Carbide in 1970 paid black workers in the chromium industry $46 to $130 a month compared to $122 to $750 for whites.

The USW appears to make two points. First, Rhodesian pay scales are unfairly keyed to a "double standard". And, second, cheap foreign labor is eliminating American jobs.

Some background on chromium and how it is used is needed to clarify the second point. Steel mills don't buy chromium ore. Instead, they purchase ferrochrome, a crude alloy of chromium and iron.

Over the years, most of the domestically used ferrochrome was produced by American companies and sold to specialty steel makers. But, for various reasons, the ferrochrome industry has fallen on hard times and a lot of ferrochrome is imported from Rhodesia.

"The impact already is very real for some of our members," Sheehan testified.

"Ohio Ferroalloys in Brilliant, Ohio, has already shut down its ferrochromium process, switching instead to silicon process exclusively.

"Foote Mineral is planning on completely closing its Steubenville, Ohio, plant by the end of this year," he said, noting an expected loss of 313 jobs.

Obviously the USW feels that reviving the ban on Rhodesian chrome would give this country's ailing ferrochrome industry a badly needed lift.

The union shrugs off the companies' charge that cutting off Rhodesian chrome would give foreign competitors an advantage and threaten domestic jobs, saying the industry is protected by the voluntary import quotas agreement.

The union denies that while the embargo was in force from 1967–72 it cost some USW members jobs.

Sheehan also contends—although Rhodesia has 67 percent of the world's chromium—the U.S. can find other sources. He cited Russia, which exports chromium to this country, and the national stockpile.

The USW spokesman concedes sanctions may cost industry and consumers more, but he said, "It is a price we should be willing to pay in order to uphold the integrity of our ideals and the ideals of the United Nations."

WATERGATE REFORM NO. 1

HON. EDWARD G. BIESTER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. BIESTER. Mr. Speaker, public support for the concept of Federal financing of all Federal elections is intensifying. As reported in the results of a Gallup Poll released this past weekend, 65 percent of the American people believe public financing is a good idea. This support has increased 8 percent since last June.

Roscoe Drummond, in the Christian Science Monitor of September 28, effec-

tively summarizes many of these reasons why public financing is a timely response to the critical situation in which the American political system finds itself today. It is priority No. 1.

Mr. Speaker, at this point I would like to submit Mr. Drummond's observations in the RECORD:

WATERGATE REFORM No. 1

(By Roscoe Drummond)

WASHINGTON.—There is some good news on the Watergate front:

Support is solidifying behind the most needed reform in the political system—federal financing of federal elections.

Approval is already enough in the Senate to virtually assure passage. 31 Senators, including both the Republican and Democratic leaders, have already endorsed public financing of presidential and congressional campaigns and the momentum is clearly on the side of favorable action.

There are three reasons why federal financing of federal elections is a crucial reform and why it is the only reform which can prevent some of the worst abuses which took place in the 1972 campaigns. It isn't just a little new gimmick thought up under the pressure of Watergate. Its origin goes back to 1907 when it was first advocated by President Theodore Roosevelt. Its foremost merits are these:

1. It is an "equal opportunity" measure. It will enable the candidates—presidential and congressional—to have equal financial resources with which to present themselves to their constituents. Lack of wealthy donors will no longer play a major role in election results. Public financing will enhance the democratic process by making campaigns more fairy competitive in resources.

The need for this corrective was more evident in 1972 than ever before. Corporations and other big-money contributors, enabled the Republicans to put nearly twice as much into the presidential campaign. In the congressional contests the money advantage was twice as great for incumbent candidates of both parties as for nonincumbents. Such disparity of financing serves to perpetuate in office the congressmen and senators who are already there and this is the byproduct of private financing elections.

2. Federal financing of federal elections will take purposeful money—special-interest donations often designed to buy a piece of the government—out of the electoral process. For many years wealthy donors—individuals or businesses—have sought to buy favors, including ambassadorships, by big contributions. But last year it was evident that there were instances of Republican fund raisers seeking to pressure companies which were in some way dependent upon favorable government action and in the end seven blue-chip corporations admitted they contributed illegally out of corporate funds.

"The image of the businessman," remarks Herbert Alexander, director of the Citizens Research Foundation of Princeton, N.J., and a leading expert on political financing, "is no longer the corrupter of politicians. The businessman is now seen as the victim of extortion."

Federal financing of federal elections would take dirty money, whether volunteered or coerced, out of campaigns.

3. It would do something else. It would open elective office equally to candidates regardless of their financial resources. When Averell Harriman and Nelson Rokefeller were running against each other for governor of New York, one writer described the race as between "two millionaires looking for a job." Able political candidates are in short supply and sky-rocketing campaign costs have tended to bar candidates who do not themselves have large fortunes or political friends of large means.

It shouldn't be overlooked that there will be partisan resistance to this reform. In the Senate only five Republicans joined the 26 Democrats advocating public financing of campaigns. Some Republicans may dream along in the comfortable view that they will continue to have a big advantage if private financing of campaigns is continued. It is doubtful. Business Week finds that big business is stepping back from loading the coffers of the politicians and even if federal financing is not forthcoming—as I believe it will be—new laws will cut donations to $25,000 or less.

In the House the incumbents will have a built-in resistance to giving up their 2-to-1 advantage in raising money and it will take voter pressure to give "equal opportunity" to challengers.

There will be related reforms needed to require fuller reporting of campaign spending and stronger enforcement, but the place to begin is with federal financing of federal elections. This is Watergate reform No. 1.

AMERICAN FORCES IN EUROPE

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 2, 1973

Mr. THURMOND. Mr. President, last week, the Senate engaged in a very unusual debate of vital importance to the free world concerning our national security in relation to American forces committed to the North Atlantic Treaty Organization—NATO. This debate generated exceptional world-wide attention of friend and adversary alike, as well as extensive coverage by the press throughout the world.

In my judgment, the Senate performed its function well in highlighting the significant factors of this critical issue. It is important now to reflect on this discussion and the resulting votes on the amendments to the military authorization bill. It is essential now that my distinguished colleagues assess the pros and cons of this debate very carefully before further discussions of the issue are held by the joint Senate-House conference of whether or not to impose the unilateral cut of 110,000 troops from the U.S. forces stationed overseas.

In reflecting on this great debate and this critical issue, I would like to bring to the attention of my colleagues a very succinct assessment of this amendment contained in an editorial which was published recently by a Washington newspaper.

Mr. President, I ask unanimous consent for the Washington Star-News editorial, entitled "U.S. Troop Cuts," published on Monday, October 1, 1973, to be printed in the Extensions of Remarks of the CONGRESSIONAL RECORD at the conclusion of my remarks.

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

U.S. TROOP CUTS

Senate endorsement of a one-sided cut in American forces overseas comes at the worst possible time. The House should certainly back President Nixon's lobbying effort against this onslaught on his diplomacy. The first real talks with the Soviet Union on mutual troop withdrawals from the heart of Europe are to open October 30. For Congress now to dictate an overall 110,000-man cut by the end of 1975, which would be bound to touch the 300,000 troops in West Europe, scarcely gives the Kremlin incentive seriously to offer cuts of its own.

This is not to say there is anything sacred about the current level of American forces in Europe or elsewhere around the world. Our European allies have become far too accustomed to relying on these forces as a substitute for their own defense efforts. At a time of American economic travail, when West Europe is fully recovered—and more—from the disasters of World War II, no reason exists for European dilly-dallying over paying a large share of the foreign exchange costs of these U.S. forces. Worried West Europeans would do well to take the Senate voting as potent evidence for the need to work out that much-talked about "defense burden-sharing" scheme with the administration. Furthermore, good arguments can probably be made for slimming American forces in Europe to increase efficiency and update tactics within the alliance structure.

But it is not the duty of Congress now to dictate when and how these reductions should take place, if at all. The focus of argument should not be whether Senator Mike Mansfield's 40 percent cut is less desirable than Senator Hubert Humphrey's 23 percent, or whether the President can make the enforced cuts entirely from U.S. forces in the Pacific, as Humphrey suggests. Rather, the argument should be whether Congress is right in using troop cuts as a backdoor device for altering postwar foreign policy. There should be no mistake. Were unilateral cuts by Congress to prevail the future role of the United States in the Western alliance would be called in question. European allies, no less than the Russians, would be bound to reassess their whole policy toward this side of the Atlantic.

Certainly the coming troop reduction talks with the Russians should not be used simply as a disguise for perpetuating the status quo. They cannot drag on indefinitely. But before getting into a radical shift in Atlantic policy, and the great debate which should accompany it, Congress must wait to see what emerges in these troop bargaining talks in Vienna.

BLUNT MEANY BLUNTS KISSINGER PLOY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. DERWINSKI. Mr. Speaker, few men in this era have received as much publicity, notoriety and PR buildup as our new Secretary of State, Dr. Henry Kissinger. In fact a Kissinger cult has developed in many segments of the communications media, and the good doctor receives far better coverage and personal treatment than many of the most glamorous Hollywood personalities.

However, I believe a column by Bill Anderson in the Chicago Tribune of September 21, 1973, discussing differences of opinion between Dr. Kissinger and George Meany, is a very accurate description of the differences between the two on the subject of relations with Communist countries.

The article follows:

BLUNT MEANY BLUNTS KISSINGER PLOY

(By Bill Anderson)

WASHINGTON.—America's No. 1 highly touted diplomat, Henry Kissinger, has lost round one with the top representative of the working man, George Meany.

Superslick Kissinger, who has had his moments in eyeball-to-eyeball sessions with heads of Communist states, blinked after a private meeting with plain-talking Meany—and then as a result failed to make an appearance before the House Ways and Means Committee.

As reported in this space Monday, Kissinger had been scheduled to appear before the 25-member committee in private session on Tuesday as the centerpiece of an administration all-out effort to sell its most favored nations trade bill—a bill that would give Russia easy credit and would permit free-wheeling trading.

Kissinger's timing was flawed because of in-fighting over a rider to the bill calling for Russia to end its discrimination against the emigration of Jews and other minorities before we grant trade concessions. His suave image was almost wrecked in the administration's all-out effort to water down this amendment and save the bill now pending before the committee. Here's the picture:

Last Friday, Kissinger slipped out of the White House and walked the two blocks to the AFL–CIO headquarters to pay a call on Meany. Prior to leaving, the White House intelligence had it that an administration compromise on the emigration question had picked up support on the committee—and had a fair chance of passage this week.

The purpose of Kissinger's private meeting with Meany was, it was hoped, to soften the labor opposition to the favored nation trade bill and therefore take some of the pressure off harassed committee members. Fierce infighting has been going on within the committee for more than a week.

What Kissinger did not know at the time was that a counteroffensive was already under way to save the initial amendment. Jewish leaders from around the nation were working as hard as the administration to bring the wavering congressmen back to their initial position. The amendment, first sponsored in the Senate by Henry Jackson [D., Wash.], has a majority sponsorship in the entire House of 285. There are 77 supporters in the Senate.

Kissinger's love of secrecy then became part of the problem. The administration push within the executive sessions of the committee was to maneuver for the turncoat vote—without it being registered. This would take the individual members off the hook if later questioned on why the emigration question failed in committee.

But the secrecy could not be maintained. Meany knew about the entire plot even as Kissinger tried to sell him on the idea the administration's flexibility would be severely damaged if the Ways and Means Committee passed the Jackson [etc.] amendment. Those privy to the conversation between Kissinger and Meany said that the labor leader did not give an inch.

And by this Monday, Meany pulled the cork on Kissinger. Meany dispatched a telegram to all 25 members of the committee. It blistered the Kissinger concept in every-day language. The lengthy missive said such trade legislation with Communist-bloc nations was contrary to the "best interests of the United States."

The proposal, Meany continued, "will insure massive increases in imports from countries which repress their populations and thwart the formation of free trade unions and stifle legitimate dissent . . . will legitimatize commercial arrangements by countries which use trade for political and military objectives . . . to expand and modernize Soviet industry . . . to further the U.S.S.R.'s ambition on power in the world and only coincidentally to improve its people's lives. . . ."

The acid test of the confrontation was that Kissinger withdrew as the telegram hit home with the committee members. Whether Kissinger will take on heavy slugger Meany again in a direct way remains to be seen. Administration forces fighting for the compromise contend that the door of private hearing room could again be opened to Kissinger next Tuesday or Wednesday.

If Kissinger walks thru it, however, the chances of his being slugged again by Meany are excellent. Meany considers such a proposed visit as a reopening of public hearings on the trade measure. If that door opens, Meany most likely will ask for equal time. This specific fight is a long way from a conclusion, but one thing is certain: The hard-hat clobbered the high flying ex-professor of diplomacy. Kissinger has been forced to go public and the vote inside the committee will be recorded.

SOUTH VIETNAM DESERVES OUR CONTINUED SUPPORT

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. O'NEILL. Mr. Speaker, as relieved as all Americans are at the cessation of our country's role in the hostilities of Indochina, we cannot turn our backs on the problems of that area. South Vietnam especially deserves our continued attention and concern. Thus it is most distressing to see reports that the Thieu government for which we have sacrificed so much is not abiding by the accords of the peace agreement.

Recently the Board of Aldermen of the city of Somerville, Mass., met and adopted a resolution supporting the International Day of Concern for the Prisoners in South Vietnam. In addition, because of their concern for the treatment of "political" prisoners, they urged that all material and technical aid to President Thieu be terminated.

The United States has an obligation to insure that it does not become an unwitting accomplice in the acts which have been attributed to the Thieu regime.

I insert the following resolution in the RECORD at this point:

RESOLUTION

Whereas, the Agreement on Ending the War and Restoring the Peace in Viet Nam is an accurate expression of the deep aspirations of both the Vietnamese and the American Peoples; and

Whereas, the signing of the Agreement was internationally hailed as the beginning of a just and honorable peace; and

Whereas, Article Eleven (11) of the Agreement prohibits all acts of reprisal and ensures the democratic liberties of the people: Personal Freedom, Freedom of Speech, Freedom of the Press, Freedom of Meeting, Freedom of Ordanization, Freedom of Political Activities, Freedom of Belief, Freedom of Movement, Freedom of Residence, Freedom of Work, Right to Property Ownership, and Right to Free Enterprises; and

Whereas, Article 8(c) of the Agreement asks that the question of Vietnamese civilian personnel captured and detained in south Vietnam be resolved within ninety days after the ceasefire comes into effect; and

Whereas, ninety days have passed and President Thieu's government shows no sign of releasing more than a token few of the over 100,000 political prisoners he holds; and

Whereas, reliable reports have appeared stating that President Thieu has ordered changes in the status of thousands of prisoners from political to common prisoners so as to appear to comply with the Agreement; and

Whereas, very many authoritative reports, including testimony before members of Congress, and photographic evidence in the daily and weekly press, have appeared, testifying to mass and widespread torture and execution in President Thieu's prisons; and

Whereas, the actions for which these prisoners have been arrested are, in the main, an exercising of the democratic liberties guaranteed by the Agreement, and as such, perfectly legal; and

Whereas, the very prisons, commonly known as "Tiger Cages," are by and of themselves objects of shame and scandal; and

Whereas, Article 9(c) of the Agreement states that: "Foreign countries shall not impose any political tendency or personality on the south Vietnamese People:" and

Whereas, the United States government has provided and is providing billions of dollars in material and technical help for the construction of the prisons and their operations; and

Whereas, the International Day of Concern for the Prisoners in Souh Vietnam, which has the support of many religious and civic bodies, has been set for September 23, 1973:

Whereas, the International Day of Concern for the Prisoners in South Vietnam, which has the support of many religious and civic bodies, has been set for September 23, 1973:

Therefore, be it resolved, that we, the Board of Aldermen by our endorsement and support of the International Day of Concern for the Prisoners in South Vietnam, urge the United States Congress and President to cease providing material and technical aid to President Thieu and his prison system.

"TOUGHING IT OUT" FOR 3 MORE YEARS

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. RIEGLE. Mr. Speaker, today's Washington Post carried two outstanding analytical columns; one by Joseph Kraft and the other by Marquis Childs. I commend both articles to my colleagues, and am inserting them at this point in the RECORD:

"TOUGHING IT OUT" FOR 3 MORE YEARS

(By Marquis Childs)

Remember that slogan of only 10 months ago, "Four More Years"? Now, in a nightmare reversal of what happened last November, we are to have three more years of dissension and blurred uncertainty over who governs and how.

Those close to the muddled legal process believe Vice President Spiro Agnew will be in office as his term expires in 1976. If this is proved out, it means that a man subject to indictable offenses of bribery, conspiracy and tax evasion will be one heartbeat away from the presidency of the United States.

The conjecture on Agnew's staying power, following his refusal to resign his office, is

based on the following probabilities. Having wrapped himself in the Constitution by calling on the House of Representatives to investigate the charges against him, he, in effect, is challenging that body to impeach him.

Granting the request, which Speaker Carl Albert summarily rejected, the House would take months to carry out a thorough investigation. It would require a special staff as in the Watergate investigation on the Senate side of the Capitol. Merely assembling the relevant material after a committee and a staff have been named would require weeks. Then the fierce glare of the hearings under the television lights could go on for many more weeks.

All this would be preliminary to consideration by the House of a bill of impeachment. Think of the debate with the prospect that each of the 435 members would have something to say. That marathon of labored oratory could be interminable.

In the opinion of this observer the House is unequal to such a challenge. The leadership is fumbling and unsure. While the Democrats have a majority of 150 seats, this includes Southerners who have been repeatedly rallied to the Republic side. The emotional response to the plight of a man caught in a web of campaign money and public favors will cut across party lines, since too many of the members themselves know what that kind of tangle means.

So with the avenue of impeachment closed, assuming these probabilities, prosecution in the courts goes forward. Attorney General Elliot L. Richardson has pledged that the allegations against Agnew will be taken before the grand jury in Baltimore. But the Vice President's attorney has raised the shield of the Constitution and that may be protection, if not in the lower court against the threat of a conviction, certainly on the way to the Supreme Court.

This raises the fantastic outlook of the President—on the issue of the tapes—and the Vice President both refusing the jurisdiction of the courts. Such a defiance of the orderly processes of a government of divided powers can hardly mean less than a breakdown of the system itself.

Sympathy for Agnew has been undoubtedly generated by what has appeared to be a concerted effort through leaks and insinuations of wrongdoing to force him out of office. The widely held belief is that the President wanted to be rid of him so he could name John Connally in his place. Despite repeated denials from the White House and the Justice Department this belief has persisted.

While sympathy for his plight is understandable, the Vice President has done little during the first fours years to enlist support from other than the stalwarts of his own paty. He spent much of the initial two years in a selective attack on the media—an attack believed to have been inspired by the President. In the kind of assignments abroad that have become routine for the No. 2 man he has handled himself capably enough.

After a press conference when the charges against him first surfaced, Agnew went out to stay with his friend Frank Sinatra in Sinatra's luxury empire in Palm Springs, Calif. In light of Sinatra's dubious reputation on several scores this seems a curious retreat. One of his old friends offered this explanation:

"You have to understand that when Nixon tapped him in 1968 in Miami Beach Spiro had never known the big time and the big money. The little money, yes, but not the big. That explains Sinatra and a lot of other things."

It is the bankruptcy not of an administration nor of a man, but of the system itself. The voice of moral leadership to point a way out of the morass is still to be heard.

AGNEW'S PLIGHT

(By Joseph Kraft)

There is reason to feel sorry for Spiro Agnew in his present plight. Not that the Vice President has been unfairly done in by the Justice Department, as he and his supporters seem pleased to believe. The true sadness lies in the circumstances which finds the Vice President of the United States totally unfitted by experience to meet the troubles which beset him.

Two incidents demonstrate the Vice President's incapacity for dealing effectively with his present affairs. One is the bold claim that he will not resign even if indicted by the grand jury in Baltimore. Nobody aware of the realities of life in Washington could advance that claim.

If Mr. Agnew is indicted, the President could be obliged by solemn public commitments to force him out. At a minimum, Mr. Nixon would cut off all the Vice President's delegated functions. There would be no missions abroad, no service on various boards and commissions, no office in the White House complex—not even a telephone in the executive banch.

The Vice President could, of course, go up to Capitol Hill to fulfill his constitutional duty of presiding over the Senate. But Mr. Agnew has few friends in the Senate. He gave up presiding regularly over that body years ago when he was stung by a rash comment made during the debate over the Anti-Ballistics Missile, or ABM.

The hardball players in the Senate are already rubbing their hands over the fun they would have at Mr. Agnew's expense if he came back. Day after day, they would be sarcastically congratulating Mr. Agnew on the floor for having learned his constitutional duties from a grand jury.

It would be the kind of punishment nobody could withstand—least of all a man as personally sensitive as the Vice President. Once that is taken into account, Mr. Agnew's claim that he would stay in office even if indicted is shown up as the merest bravado.

A second revealing incident was the Vice President's request last week that the House of Representatives move in to consider his case before it went to the grand jury. The request was made in extreme haste, without any preparation of Speaker Carl Albert or other Democratic leaders.

But anybody who knows anything about Washington knows one thing. It is that getting congressional approval for a controversial matter requires the most laborious preparation of key figures behind the scene.

Without such careful laying of the ground, the Congress merely follows its natural instinct. The natural instinct is to duck hard cases. If nothing else, Speaker Albert and his men are world champions in rolling down the hill whatever is rolled up to them. Which is precisely what they did, and in a matter of hours, with the Vice President's request.

The reason why the Vice President is so ill-equipped for his present difficulties is clear. Most men in American politics move up gradually from office to office. They acquire knowledge and experience. They come to know instinctively what is possible and not possible in a given circumstance.

But the rise of the Vice President has been by mere fiuke. He was handpicked by Mr. Nixon to be Vice President. Before that he had served only two years as governor of the small state of Maryland. He was elected largely thanks to a crazy Democratic primary.

Before becoming governor, Mr. Agnew was for four years chief executive of Baltimore County. But he owed that post also to a freak division in the Democratic Party. Thus the Vice President did not face the crises and problems usual to American politicians. He did not come to political responsibility with even the nominal equipment of the self-made man.

President Nixon could have changed that. He could have trained the Vice President up. He could have given him important diplomatic assignments. He could have given him true domestic responsibilities.

But the President chose to use his Vice President purely as a stump-speaker and fund-raiser. Mr. Agnew has transacted no piece of serious foreign business. He knew and knows nothing of the negotiations with Russia or China.

Nor did he have any serious part in domestic affairs. The making of the budget is a mystery to him. He is blind to the intricacies of legislation, and deaf to the moods of the Congress.

He now finds himself totally unprepared to meet the crisis of his life. He is making wild, demonstrably inaccurate charges about the Department of Justice. He is appealing to a Congress that has almost no sympathy for his case. He is posturing before the press and the public in a way that is going to make him look ridiculous.

It is a sad spectacle. Perhaps the saddest aspect of it is that Mr. Agnew is not alone. Like John Mitchell and John Ehrlichman and Bob Haldeman he is a man not much better or worse than most. Like them, he is in a way over his head, thanks chiefly to Richard Nixon.

BUY AMERICAN BILL

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. WALDIE. Mr. Speaker, I would like to bring attention to a matter which I feel is of the utmost importance. At the present time in America close to 6 percent of our Nation's work force, or almost 6 million workers, are unemployed. Factories in the United States are operating at 70-percent capacity. In the last 2 years our Nation has had a trade deficit of almost $2 billion. Clearly the current remedies which are available and which we recognize within the Government are not adequate. Because of the present state of affairs, Mr. Speaker, I am introducing the "Buy American" bill.

Essentially this Buy American bill sets the cost differential between domestic and foreign bids on all Federal contracts at 50 percent. Under this bill all Federal agencies would be required to purchase American-made products rather than foreign-made products, unless the cost of the American-made product was more than 50 percent higher than the comparable foreign-made product. The present law sets the cost differential governing the purchases of all governmental departments, with the exception of the Defense Department, at only 6 percent.

The Buy American bill will strengthen the preference given to American goods by requiring Federal agencies and departments to "take into consideration the hidden costs of buying goods which are made outside the United States; for example," first, the increase in employment which may result; second, the loss by the United States of corporate and income tax revenue which may result; and third, the increased cost of unemployment compensation or welfare pay-

ments to American workers which may result.

Mr. Speaker, for too long America has tolerated policies that favor foreign companies and foreign workers over American companies and American workers. The time has come to start putting the interests of American workers and industry first. The full text of the bill follows:

H.R. —

A bill to amend title III of the Act of March 3, 1933, commonly referred to as the "Buy American Act", with respect to determining when the cost of certain articles, materials, or supplies is unreasonable; to define when articles, materials, and supplies have been mined, produced, or manufactured in the United States; to make clear the right of any State to give preference to domestically produced goods in purchasing for public use; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of title III of the Act of March 3, 1933 (41 U.S.C. 10a), commonly referred to as the "Buy American Act", is amended by inserting "(a)" immediately after "SEC. 2." and by adding at the end thereof the following new subsections:

"(b) The head of the department or independent establishment concerned shall not deem unreasonable any bid or offer to furnish manufactured or unmanufactured articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States if such bid or offer does not exceed an amount equal to the sum of the lowest bid or offer to furnish such articles, materials, or supplies not mined, produced, or manufactured, as the case may be, in the United States, plus 50 per centum thereof.

"(c) The head of the department or independent establishment concerned shall deem an article, material, or supply to have been mined, produced, or manufactured, as the case may be, in the United States only when the cost of the components mined, produced, or manufactured in the United States exceeds 75 per centum of the cost of all components incorporated into the article, material, or supply."

SEC. 2. That section 4 of title III of the Act of March 3, 1933 (41 U.S.C. 10d), is amended by inserting "(a)" immediately after "SEC. 4." and by adding at the end thereof the following new subsections:

"(b) Any law, regulation, or ordinance enacted by any State, or political subdivision thereof, either before, on, or after the effective date of this section, which provides that preference be given to the acquisition of articles, materials, and supplies of United States manufacture for public use by that State, or any political subdivision thereof, shall constitute a valid exercise of the State's, or political subdivision's, police power and shall not constitute an encroachment or infringement upon the power of the United States to regulate foreign commerce or to conduct foreign affairs. Nothing in this or any other Act shall be deemed to affect, in any manner whatsoever, the right of any State, or political subdivisions thereof, to enact or implement any such law, or regulation, or ordinance. Nothing in this or any other Act shall be deemed to conflict with any executive agreement that exempts from its provisions: laws, regulations, or requirements governing the procurement by governmental agencies of products purchased for governmental purposes and not with a view to commercial resale or with a view to use in the production of goods for commercial resale.

"(c) The provisions of sections 1–3 of this title shall apply to, and be made a part of, any contract for work financed in whole or in part by loans or grants from, or loans insured or guaranteed by, the United States or any agency or instrumentality thereof."

ALEXANDER BICKEL ON THE VICE PRESIDENT'S REQUEST FOR THE HOUSE TO ACT

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. STEIGER of Wisconsin. Mr. Speaker, one of the most respected constitutional experts is Prof. Alexander Bickel, of Yale University. In this week's New Republic, Professor Bickel has written an incisive and thoughtful analysis of the Vice President's situation. I urge my colleagues to carefully consider the persuasive arguments of this distinguished professor of law:

THE CONSTITUTIONAL TANGLE

A bit of tension in the Agnew case was released last Wednesday, the 26th, but the path along which a resolution can be reached is far from clear as yet. Attorney General Richardson has authorized grand jury proceedings. But this means only that the evidence accumulated by the United States attorney in Baltimore and the witnesses he has interviewed will now be rehearsed and presented before the grand jury. The grand jury, under the guidance of the United States attorney and of Attorney General Richardson, may then dismiss the charges or vote an indictment. The attorney general, however, has not indicated what his course of action would be should an indictment be voted. He must authorize signature of it by the U.S. attorney if the matter is to proceed to trial. Else it cannot and the indictment is a nullity.

Normally, of course, signature of the indictment is authorized, and trial does follow unless there is a plea of guilty. But in this case a major decision lies between indictment and signature. The question for decision is whether a sitting Vice President is subject to criminal indictment or must first be removed by impeachment before he can be indicted and tried. The Vice President takes the position that he is not indictable.

The question is an open one. It has never been authoritatively decided and there are no historical materials that shed any particular light upon it. The text of the constitutional provisions is inconclusive. It is said in Article I, Section 3 that the judgment in case of impeachment shall extend only to removal from office and future disqualification for office, and shall not foreclose subsequent criminal indictment and punishment. This language tends to suggest an assumption on the part of the draftsman that impeachment will normally precede criminal indictment. Yet no more than the suggestion of an assumption can be drawn from the language. It does not remotely say that impeachment must precede criminal indictment. A second provision, in Article II, Section 4, merely lays it down that the President, the Vice President and all civil officers of the United States are removable by impeachment.

Since not all men are angels and the framers of the Constitution had this earthy insight firmly in mind, if it were true that impeachment must in all cases precede criminal indictment, then the conclusion would have to follow that the framers intended Congress to be pretty busy with impeachments. For the impeachment clause applies to thousands of federal officers. It is very unlikely that the framers would have wished Congress to devote a substantial portion of its time regularly to the impeachment process; and it is unlikely that they thought the federal government would long remain small enough so that the impeachment business would constitute only an occasional and minor burden. The more reasonable supposition, therefore, is that in the ordinary case of criminal misconduct by federal officials, impeachment was not viewed as a necessary first step, and indictment prior to impeachment was not foreclosed. Practice has long conformed to this reasonable supposition. Federal officials, including judges, are indicted prior to resignation if necessary and impeachment has been a rarely used procedure.

The case of the President, however, is unique, and it is strongly arguable that the Vice President partakes of the uniqueness of the President. In the presidency is embodied the continuity and indestructibility of the state. It is not possible for the government to function without a President, and the Constitution contemplates and provides for uninterrupted continuity in that office. Obviously the presidency cannot be conducted from jail, nor can it be effectively carried on while an incumbent is defending himself in a criminal trial. And the incumbent cannot be replaced or suspended or deprived of his function as President while he is alive and not declared physically disabled, as he now may be under the 25th Amendment. (That the 25th Amendment applies only to physical disability is clear from its legislative history; the amendment would be a dangerous instrument indeed if it were otherwise.) Hence a sitting President must be impeached before he can be indicted.

The necessary continuity of the presidency depends also on the availability of the Vice President, because upon the death or physical disability of the President the Vice President—if there is one—automatically succeeds. Thus the continuity is never broken; discharge of the function is never interrupted. While the Vice President is alive and still in office, even if he be in jail or in the midst of a criminal trial, there is no way under the Constitution to provide for any other succession to the presidency than the Vice President's. Other successions can be provided, and have been by statute, to take care of the case of there being no Vice President at a time that a vacancy opens in the presidency. But no succession other than the constitutional one by the Vice President can be provided for if a Vice President is in office, which he is so long as he is alive. If the continuity of function in the presidency therefore requires that the President must first be removed through impeachment before he can be indicted, then it follows—or at least it can be strongly argued to follow—that the Vice President must equally first be impeached before indictment. It is not that there is equally a need for continuity in the office of Vice President as in the presidency. It is rather that while he is alive the Vice President cannot be bypassed in arranging the succession to the presidency, and if he is indictable before impeachment, it may turn out that a Vice President who is in the midst of a criminal trial or has been convicted or is serving a sentence, suddenly and unavoidably becomes President. This is not a consummation to be regarded with equanimity.

Since he is taking both the position that he is not subject to indictment and the position that he is innocent, will remain in office and seeks authoritative vindiction, the Vice President has naturally made a request to the speaker of the House that the House, whose function it is to commence impeachment proceedings, if any, begin an investigation

of the charges against the Vice President. The speaker has replied he would take no action for the time being. That is highly regrettable. The national interest dictates that the House act, by appointing a select committee to take evidence after the fashion of a grand jury, in private. It will necessarily be a while before the legal question of the Vice President's indictability can be resolved. It may be and it probably ought to be resolved in favor of the Vice President. Should that be the outcome, the House will be required to act. Since in the meantime it is a fact of life that the Vice President could suddenly succeed to the presidency at any moment, an act of commission or omission that tends to prolong the period of uncertainty about the charges against him is inexcusable if at all avoidable. The simple reason, therefore, why it is in the highest national interest that a select committee of the House begin its inquiry immediately is that to do so may in the end save time.

EDWARDS INTRODUCES LEGISLATION TO AMEND FEDERAL EMPLOYEES' COMPENSATION ACT

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. EDWARDS of California. Mr. Speaker, today I am introducing in the House of Representatives a bill to amend title 5, U.S.C., relating to compensation for Government employee work injuries through the establishment of medical review boards to review occupational disease and illness claims.

This measure also provides for review of the decisions of the medical review boards in the appropriate district courts of the United States in open hearing by the court, with appearances of members of the board and the cross examination thereof by the persons requesting the review through their legal counsel.

I am aware of many cases where Government employees felt they did not receive a fair decision on a claim for work-related injury or occupational disease, and have expressed the need for a professionally competent board of physicians to review such cases, giving attention to the medical questions involved.

In addition, as stated by Herbert A. Doyle, Jr., Director of the Office of Federal Employees' Compensation, in a letter of December 1, 1972:

The Federal Employees' Compensation Act, Title 5, U.S.C. 8101, et seq. is the exclusive remedy for Federal employees for injury or disease sustained in the performance of duty. An employee aggrieved by an adverse decision of the Office of Federal Employees' Compensation is entitled to a hearing by an OFEC representative who did not participate in the decision; reconsideration on the basis of new evidence by such a representative or review by the Employees' Compensation Appeals Board, an independent and impartial Board within the Department of Labor. The Board is a three-member quasi-judicial body which was established by Congress in 1946. A decision of the Board is final and not subject to court review.

This legislation would allow these employees access to the courts and an open forum in which to obtain reviews of decisions that are now the exclusive purview of the Department of Labor.

ASTRONAUTS' RETURN

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. TEAGUE of Texas. Mr. Speaker, the New York Times' editorial of Wednesday, September 26, 1973, on the return of the Skylab II astronauts is a most fitting reminder that man and our Nation's first space station has achieved more than our fondest hopes for a productive mission. As this editorial so aptly points out, Skylab has demonstrated the potential, not only for the use of space stations for scientific and technological projects, but also that men of all nations can live and work effectively for long periods of time in such space stations. This editorial clearly points out the significance of Skylab and the continued importance of our national space program to our Nation and the world.

The editorial follows:

ASTRONAUTS' RETURN

That was a triumphant return of the Skylab 2 astronauts yesterday. The word "triumphant" is entirely appropriate because even at this early point it is evident that their 59-day stay in orbit was not only the longest manned space flight in history but also the most productive.

In every major field of work assigned to the Skylab 2 crew—medical study of human and other organisms' reaction to prolonged weightlessness, telescopic observation of the sun and other objects in space, surveillance of earth for meteorological, geological and other scientific purposes—the experts are exhausting their supply of superlatives in an effort to pay adequate tribute to the achievements of these past two months.

Taken together, the results of Skylab 1 and 2 have made two conclusions incontrovertible:

First, man can live and work effectively for long periods in space, a point particularly emphasized by the astronauts' pleas in the last days of their journey to be allowed to remain longer in orbit.

Second, stations in space are potentially as productive of scientific and technological benefits as the most optimistic predictions had suggested. There is every reason now to suppose that these benefits will range from the discovery of new mineral deposits on earth and early warnings about the formation and movement of storms to new and more effective methods of predicting the turbulence on the sun that interferes seriously with electronic communication on earth.

With the feasibility and benefits of manned stations in space now so convincingly demonstrated, it can be taken for granted that such orbiting laboratories will become permanent fixtures in the heavens before too many years have passed. The main problem now is more political than technological. Space stations may be launched in the future by rival nations or groups of nations and provide foci for competition and even, conceivably, hostile military action in space.

In contrast, space stations could be sent into orbit with multinational crews working for all humanity under the United Nations flag. If Secretary of State Kissinger is looking for an early opportunity to carry out the philosophy he outlined in his United Nations speech the other day, he need look no further than Skylab to place the United States in the vanguard of international cooperation in space.

TESTIMONY OF MAYOR TOM BRADLEY ON THE CLEAN AIR ACT

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mrs. BURKE of California. Mr. Speaker, the Los Angeles area has been plagued for too long with an unacceptable quality of air and an inadequate mass transportation system. These two issues, of course, are interrelated, and we have been discussing the problems and possible solutions for many years. It appears that we are finally beginning to act in a constructive way and are now attempting to alleviate these serious problems before they reach the crisis stage.

A major reason for this current action is that it is the direct result of Mayor Tom Bradley's initiative and determination to take positive steps toward the planning, funding, and construction of a much needed mass transportation system for the greater Los Angeles area, an issue the mayor considers of highest priority. Closely related to this effort was the establishment of an interagency task force in Los Angeles whose objective was to comment on the EPA's proposed regulations for the South Coast Air Quality Region. Mayor Bradley has met these two vital issues head-on and emphasizes that transportation control, land use control, and air quality control are procedurally interrelated. In fact, the spirit of interagency cooperation has been the tone set by Mayor Bradley in all his testimony relating to transportation and air quality control plans in Los Angeles.

Due to the considerable importance of these issues, especially as we begin debate on the Urban Mass Transit Assistance Act this week, I would like to take this opportunity to insert into the CONGRESSIONAL RECORD the testimony of Mayor Tom Bradley, submitted by letter to the chairman of the House Subcommittee on Public Health and Environment during the public hearings on the Clean Air Act:

CITY OF LOS ANGELES,

OFFICE OF THE MAYOR,

Los Angeles, Calif., September 19, 1973.

The Honorable PAUL G. ROGERS,

Chairman, Subcommittee on Public Health and Environment, Committee on Interstate and Foreign Commerce, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN ROGERS: Because of a conflict in my schedule, I am unable to testify in person, on this important issue being discussed by the Committee, the Clean Air Act. But, I felt it important that the Committee receive the enclosed material to supplement your hearing record.

As you are aware, the Environmental Protection Agency (E.P.A.) promulgated a revised Transportation Control Plan for the South Coast Air Quality Region. In response to the proposed transportation control plan for the S.C.A.Q.R., an Inter-Agency Task Force was established. The principal objective of the task force was to develop comments on the E.P.A. plan. As a result, the inter-agency task force filed a comment document with the Agency, signed by the Chairman, the Los Angeles County Board of Supervisors, President, the Southern California Association of Governments, the California Highway Patrol, California Department of

Transportation, League of California Cities and myself. I believe this comment document represented a positive effort in inter-agency cooperation to meet the E.P.A.'s requirements It is mandatory that the E.P.A. and the Department of Transportation, at the Federal level, duplicate our inter-agency cooperation demonstrated here at the local level.

At the August 9, 1973 hearing conducted by the E.P.A., I provided a detailed statement commenting on the Agency's transportation control plan for the S.C.A.Q.R. This statement along with other supporting material is hereby submitted for the record.

There are a number of issues I believe the Committee should consider when reviewing the Clean Air Act. Above all, it is mandatory that the Congress and the Administration continue to require the auto and oil industries to live up to their environmental responsibilities. We know that automobiles can be manufactured domestically to meet the Clean Air Act requirements. I would submit that if the auto industry does not respond with needed changes to modify their engine design, that the Congress mandate it. I believe the public health of the nation will be better served by imposing stronger controls on the auto industry to the same vigorous standard of review by which control plans for cities have been imposed. It is clear that despite the threat to the public health, the auto industry has benefited from a double standard, and is not subject to the same controls as have been imposed on cities.

Before the Committee questions the existing air quality health standards, I recommend you review the E.P.A.'s health research budget priorities. Recently it was shown that even though the Agency's health research budget is limited, the Agency has continued to provide millions of dollars to the auto industry and oil companies—both regulated by E.P.A.—for health studies upon which E.P.A., in part, bases regulations of those industries.

It is clear that the intent of the proposed transportation control plan will be an immediate reduction in the use of the automobile, accompanied by a marked improvement in the air quality. If this is to be accomplished, the Congress and the Administration dare not fail to recognize that these achievements will require far greater infusion of dollar than at present. For example, to comply with the E.P.A. strategy it is estimated that the Southern California Rapid Transit District would need: an additional 1,400 buses at a capital cost of $104 million, with an annual operating deficit of $31 million. Thus, to make the strategies work, it will necessitate massive federal support for urban mass transit. Clearly the Congress and the Administration currently have the opportunity to meet this need, by supporting legislation now pending on the floor of the House, which would provide mass transit operating resources.

Lastly, it is imperative that the Congress develop a procedure for interrelating transportation control strategies with complex source regulations. The current regulations implemented concurrently, create a situation that encourages increased suburbanization, as workers find central city commuting more difficult by car, with few transit improvements to take up the increased demand—impacting plans for revitalizing the central core. It is important that the issues of transportation control, land use control, and air quality control are procedurally interrelated. Consideration should be given to the procedure contained in land use legislation now pending in the House Interior Committee, which in part, regulates "development of regional impact." Of particular importance is the need for quantitative standards of clear air tolerancy, which can be translated by local jurisdictions in terms of urban growth, in a context of both a permissible rate and location within an air basin.

The task of your Committee, albeit the Congress, is an important one. One which *must balance the environmental, social and economic needs.* I feel strongly that it is imperative that the integrity of the Clean Air Act be maintained. Thus, any changes or modifications must be carefully considered and kept to a minimum. Considerable efforts must be made to strengthen the Act, not weaken it.

I stand ready to assist you in this task.

Sincerely,

TOM BRADLEY,
Mayor.

HUMAN RIGHTS IN CHILE

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. ROSENTHAL. Mr. Speaker, one of the few remaining constitutionally elected, free governments of South America died a violent death in Chile late last month when the military overthrew President Salvador Allende and dissolved the Congress.

In place of democratic government, the junta instituted a military dictatorship, complete with middle-of-the-night raids on homes, wholesale arrests, mass executions, firing squads, heavy censorship, book burning, the outlawing of political parties and labor unions, and restrictive curfews.

There is widespread international concern over the possible danger to human lives and human rights in Chile in the wake of the coup. Thousands of persons are being held in custody, including former Cabinet-level officials, freely elected members of the Congress, university students and their professors, and non-Chilean nationals who are political refugees from their native countries. This concern is heightened in the wake of the junta's announcement that it intends to apply military justice to these detainees.

The Allende government had attempted to introduce democratic social reforms and redistribute the resources of the nation more equitably among the people. It ran into the bitter opposition not just of the rightwing military but also the giant multinational corporations.

We have seen how at least one of these massive conglomerates, ITT, was willing to put up at least $1 million to prevent the Allende government from taking office 3 years ago despite its fairly won victory at the polls. One cannot help but wonder what the role of these industrial giants was in finally having that freely elected government violently removed.

In view of the widespread abuse of human rights by the military dictatorship in Chile, I am today introducing a concurrent resolution calling on the President of the United States to use his influence with the new Government to see that those rights are protected for all persons, Chilean and foreign, as provided in the Universal Declaration of Human Rights and other relevant international legal instruments guaranteeing the granting of asylum, safe conduct, and humane treatment. The resolution also seeks early publication of the names of those being detained by the junta and the charges against them.

The text of my concurrent resolution follows:

CONCURRENT RESOLUTION

Whereas in the aftermath of the change of government in Chile there is widespread concern over the possible danger to human lives and human rights in that country;

Whereas thousands of people are being held in custody including former cabinet-level officials, members of both Houses of Congress, students and professors of universities and non-Chilean nationals who are political refugees from their home countries;

Whereas the Government of Chile has stated an intention to apply military justice to those being held in custody: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President should request the Government of Chile to undertake the following:

(a) to insure protection of human rights of all individuals, Chilean and foreign, as provided in the Universal Declaration of Human Rights, and other relevant international legal instruments guaranteeing the granting of asylum, safe conduct, and humane treatment of prisoners as provided in article 3 of the Geneva conventions, article 14 of the Universal Declaration of Human Rights, the United Nations Standard Minimum Rules for the Treatment of Prisoners the Declaration on Territorial Asylum, and the Convention and Protocol Relating to the Status of Refugees; and

(b) to publish as soon as possible the names of those being held in custody and the charges against them.

THE SEVERE EFFECT OF THE INCREASED POSTAL RATES

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mrs. HOLT. Mr. Speaker, increases in mailing rates initiated by the new Postal Service are having a severe effect on the publications of nonprofit organizations. These organizations, including veterans, religious, and fraternal groups, have traditionally been allowed by Congress to have a low cost means of disseminating information to their membership. They are now being subjected to the second highest rate increase for all classes of mail by the Postal Rate Commission.

I am sure that we all share the hope that the Postal Service will be successful in achieving its objective of becoming a break-even operation; however, I maintain that we must exert caution that this objective is not attained at the expense of nonprofit organizations. Their publications perform a valuable public service and I feel that it is incumbent upon Congress to take steps to insure the availability of reasonable mailing rates.

It is for these reasons that I have introduced legislation to mitigate the effects of recent postal increases. This bill would eliminate the per piece surcharge

which can be as high as 1.5 cents and it would allow organizations to mail 250,000 copies of their publications at the old second-class rates.

This measure is not intended to subvert the new Rate Commission but rather to maintain the historic mailing privileges for nonprofit organizations. I strongly urge my colleagues to support rate relief for these organizations.

AUTO BUZZER, INTERLOCK OPTIONAL, NOT MANDATORY

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 1973

Mr. COLLINS of Texas. Mr. Speaker, when the 1974 new model automobiles hit the road, there is going to be more and more talk about the interlock buzzer system. I ask all of my colleagues for the support of my bill, H.R. 9600, which instructs the Secretary of Transportation to eliminate his requirement that automobiles must have the interlock buzzer system with shoulder harness and seat belts.

This mandatory requirement has already stirred up comments that are very logical and demand attention. Let me quote a businessman from Irving:

Through the years, I have personally talked with hundreds of professional drivers particularly in the Petroleum industry who refuse to wear safety belts because they've seen their own peers burned to death because they couldn't escape after an accident.

As to buzzer equipment one of our major national clients lost their sales manager who was attempting as he drove, to shut off the buzzer system while driving. He, in attempting to shut the buzzer off, became distracted and ran off the road, hitting a concrete bridge.

Let me give you another example from a man in New Lisbon, Wis.:

An amendment of the law is vitally necessary to protect the right of the people. A former employee of ours, a truck driver, has only one leg as a result of being pinned in by a seat belt when a tire exploded on his Semi. Seat belts will not stop accidents, a lower speed limit and a severe crackdown on drunks will.

While unpacking my car at a motel in Florida last winter I heard a screech and looked up to see a car coming at me at about fifty miles an hour. I ducked and the car swerved off and hit a fence. What happened? The poor old man that was in the car said he tried to reach down and pull back the gas pedal that was stuck but he couldn't reach it on account of his damn seat belt, as he put it. He could have been killed and I know I came close.

Let me give you one from a man in Dallas, Tex., who wrote in to the Dallas News. Here is part of his comment:

A personal experience further convinced me of the potential danger of such devices. Through no fault of mine, a speed demon hit my car broadside. Fortunately, my seat belt was not fastened. Had it been, I would have been pinned to the seat. Under the circumstances, the violence of the impact literally threw me out of my shoes and into the back seat. My forehead was cut and the impact caused other damage but a fastened seat belt, much less a harness, would have meant irreparable disfigurement or instant death.

Here is a letter from a fine young lady, 20 years old, in Fort Worth:

I wholeheartedly support your stand concerning the "big brother" attitude the government has taken. I was in a rather serious automobile wreck a year and a half ago. Had I been wearing my seat belt at the time, I probably would be severely crippled today or even dead. The seat of my 1965 Volkswagen was jammed within 3 inches of the steering wheel. Fortunately, I was flung into the other seat. I realize that this law will apply to American made cars, but I feel that should I buy a car in the future that has this feature, I should have the right to determine whether or not to wear the seat belt.

Last week when I was back in my district I had a long visit with a fine lady from Farmers Branch. She wanted to know what medical research had been done on this shoulder strap harness to determine if it would cause cancer in women. She is convinced that the intermitent pressure from the shoulder strap across a woman's breast will lead to cancer after a period of 5 years or so. She said that this harness pressure pushing in and pushing out on the softer tissues would gradually cause irritation and lead to cancer of the breast. My answer to her was that I know of no cancer research made by the Transportation Department before they issued the mandatory decree.

Safety equipment should be available in all automobiles, but it should be on an optional basis. There is an old proverb that one man's meat is another man's poison. Sometimes the seatbelt will help you, but there will be occasions when it could mean your death.

This buzzer interlock shoulder harness system for automobiles is the greatest straitjacket thrust the bureaucrats in Washington have used to regiment the lives of America.

MARAZITI WELCOMES CARDINAL MINDSZENTY

HON. JOSEPH J. MARAZITI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. MARAZITI. Mr. Speaker, I would like to take this opportunity to welcome to our country and to my State a living symbol of the Hungarian people's unrelenting battle against tyranny.

Josef Cardinal Mindszenty, the 81-year-old Primate of Hungary and Archbishop of Esztergon has been an ardent foe of communism and a champion of freedom in his homeland. He has spent 23 years of his life either in prison or as a refugee, but remained steadfast and unbending.

Further introduction is unnecessary for his name is legend to his own people and to all people everywhere who regard freedom and justice as an individual right.

Cardinal Mindszenty, I salute you. It is with warm admiration and sincerity that I welcome you to the United States and our fair State of New Jersey.

ACT DOOMS LOCAL AUTHORITY

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. CHAMBERLAIN. Mr. Speaker, an editorial in the Ingham County News, Ingham County, Mich., of September 26, 1973, regarding Federal land-use legislation, has come to my attention, and I would ask that it be inserted into the RECORD so that others may know of concerns being expressed at the local level that such legislation might preempt local decisionmaking processes. Certainly any effective development of long-range planning in the field of land-use regulations must encompass input from all levels of government, with emphasis on State and local units, and I would hope that this point would be carefully weighed as we consider land-use proposals.

The editorial follows:

ACT DOOMS LOCAL AUTHORITY

Local governments in the United States of America began assuming planning and zoning powers late in the 19th Century. In the interests of seeing their towns and cities develop in an orderly way, property owners by and large have accepted this intrusion into their traditional rights to use a piece of land for whatever purpose they chose. We are reaching a point, however, where land use controls are spinning a web around property rights in a way that surely would have appalled our grandfathers.

City and county governments are yielding to pressure to surrender their planning and zoning powers to regional bodies. Many states, California among them, have placed the control of development of at least part of their land in the hands of state agencies. Predictably, the federal government is next. Legislation is moving through the 93rd Congress that will make the question of what happens to the vacant lot at the end of our block an issue of national policy.

The proposed Land Use Policy and Planning Assistance Act, which has bipartisan support, has the innocent outlines of a progressive piece of environmental legislation, with the customary price tag of federal funds. It would distribute $100 million a year to state governments to encourage them to adopt statewide land use policies and see that they are enforced. With that kind of impetus for distant, centralized planning and zoning authority, the historic local responsibility in the field appears doomed, not to mention what might remain of the rights of the individual property owner.

This might be the time for citizens to draw back and consider how far they want to go in creating government agencies to hold sway over the use of land. What exactly is the deed to a piece of property going to mean when there is an environmental policeman on every corner, possibly in a federal uniform? The quesiton is as much a philosophic one as a political one.

The environmentalists argue that land can no longer be considered as only a commodity to be bought, sold and used freely within the framework of a community plan. It must be "managed" in the public interest, the way we manage our water and mineral resources to conserve them and assure they will serve the public good. Granted that pellmell growth and development can be ruinous, are the American people and their local governments really so irresponsible that they must conjure up a presumably wiser Big Brother to decide how they will use their land?

Our towns and cities are already bowing to the dictates of the state and federal governments to clean up their air and water. Those environmental problems are considered too big and too serious—too "regional"—to be left to local action. At the rate we're going, the day will come when we have to apply to Congress for building permits.

A FREE AMERICA IS DEPENDENT UPON A FREE PRESS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. BROWN of California. Mr. Speaker, you may recall some remarks which I made on this floor several months ago, on May 10, regarding one of the many recent incidents in which gun-waving narcotics agents suddenly and without warning broke into the homes of law-abiding citizens by mistake.

The Ontario-Upland Daily Report recently published an editorial concerning this same incident and drew a few conclusions that I believe deserve the attention of every Member of Congress. The editorial, entitled "Just like Nazis," was printed on Sunday, September 23. It reads as follows:

JUST LIKE NAZIS

It's hard enough to believe that in America, narcotics agents, looking and behaving like common hoodlums, can break into decent people's homes without a search warrant and terrorize them at gunpoint.

What is even harder to believe is that when the mistake is publicly acknowledged—and the mistake has been made a distressing number of times around the country—the neighbors of the victims harass them as if they, not the perpetrators of the crime, were the guilty ones.

This at any rate is what happened to Mr. and Mrs. Herbert Giglotto of Collinsville, Ill. After they complained about an illegal drug raid on their home last April they began receiving anonymous late-night telephone calls. Their cars were damaged while parked. Their close relatives also became targets of harassment.

The Giglottos were finally forced to move and to take up new lives in another state.

The people who did the things that were done to them are the same kind of people who threw rocks through Jewish store windows in Germany back in the 1930s after the Nazis gave the go-ahead.

And lest anyone argue that "it can't happen here," we need only remind ourselves that the Watergate burglars acted in the belief that they had the blessing of high authority.

Nevertheless, there have been other stories in the news that restore one's faith and indicate that it will take a lot more than criminals-with-badges or "overzealous" public servants to make it "happen here."

Though the Giglottos and others in their situation may doubt it, and they have all the reason in the world to doubt it, there is still a strong and fundamental residue of belief in fair play in America.

One of the latest proofs of this was a Florida jury's dismissal, almost with disgust, of the government's case against the so-called "Gainesville Eight," a group of anti-war Vietnam veterans charged with plotting to disrupt by violent means the Republican National Convention in Miami in 1972.

The Gainesville acquittal made it eight straight times the government has fallen on its face in trying to win convictions against antiwar activists.

The list includes Dr. Spock, Daniel Ellsberg of the Pentagon Papers and the famed "Chicago Seven."

Now the juries in Gainesville and in the other trials may not have particularly liked the looks, beliefs or life styles of the accused. But they liked even less the spectacle of the United States government, with all its enormous power, building these cases on the testimony of paid informers, undercover infiltrators or an agent provocateur who, in at least one of the eight trials, planned and directed the very crime the defendants were accused of.

No, 'it can't happen here"—not as long as true Americans can still express their will through the jury system and the ballot box.

And that, to use the words of President Nixon in his recent press conference, is really what "the urgent business of America" is all about.

I wish to express my appreciation to John Jopes, edtior, and the other people at the Daily Report for bringing this situation to the attention of their readers on the editorial page. I firmly believe, Mr. Speaker, that one of the major reasons "it can't happen here," as they say, is because we have a free and outspoken press which will not let it happen here. And the day that the press fails us, or the day that we fail the press by allowing a paranoid administration in Washington to mute the press, will be the day that it does happen here.

THOUGHTS ON UNIONS AND INFLATION

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. DICKINSON. Mr. Speaker, a number of very important labor contracts expire in the coming months, and the Nation will watch serious labor-management bargaining with considerable interest. Unquestionably, there will be demands for increased wages and/or benefits by labor and counteroffers by management before a common ground for agreement can be found.

A newspaper in my congressional district, the Union Springs Herald in Union Springs, Ala., had a recent editorial on this subject which is thought provoking, and I would like to share it with other Members of the House. The editorial follows:

THOUGHTS ON UNIONS AND INFLATION

The United Auto Workers Union is striking the Chrysler plant, although it may be settled before press time. We are not against unions per se. But it seems to us that the public needs to distinguish between the rank and file union member who (like the little taxpayer pays the freight) and the fat union bosses.

We wonder what would happen if the little union member said to the big union boss: "Look, we have already priced ourselves out of world markets and one-third of the domestic market. We get a raise and inflation eats it up before our contract runs out. Something is wrong. So, instead of asking for a raise this year, let's hold the line and ask the manufacturer to reduce his prices 10 per cent, and if he does not do it, let's strike!"

Of course this will never happen.

But if steel unions, instead of asking for a raise followed this formula, and auto unions and right on down the line agreed to work for the same wage, provided manufacturers reduced all prices at least 10 per cent, the worker would be a lot better off financially at the end of the year. He would make the same wages, but every item he buys would be selling for less, and his take home pay would purchase more.

If that worked, then maybe he could try the same formula on the politicians, tell them he would vote for them provided they would agree to reduce spending and reduce his taxes, and if this worked the average working man and woman would eventually be able to live on what they are making. The way things are going now, the working man may make $1,000 a day—but it may not buy a pound of steak and a loaf of bread!

PROTEST TO AIR FORCE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. ASPIN. Mr. Speaker, several months ago I initiated a protest to the Air Force regarding their intentions to purchase 200 debarked beagle puppies for use in testing poisonous gases. I have now found out that the Army is purchasing 400 beagles for similar experiments. I have written to the Army to protest these actions and I would like to submit their response to my inquiry for the RECORD:

DEPARTMENT OF THE ARMY,
OFFICE OF THE SECRETARY OF THE ARMY,
Washington, D.C., September 13, 1973.

Honorable LES ASPIN
House of Representatives.

DEAR MR. ASPIN: In reply to your inquiry concerning the beagle contract at Edgewood Arsenal, Maryland, these animals are being procured on an open end contract. Only those animals actually called for during the year will be supplied. The 400 mentioned in the invitation to bid will be supplied on an on-call basis and will be paid for at the rate of $80.00/animal as they are delivered.

The planned uses of these animals are in a variety of research and testing programs from detecting of toxicity in products of demilitarized chemical munitions (110 animals); detecting toxicity in normal munitions that were damaged by fire (80 animals); testing for toxicity of compound EA-4923, a riot control agent (48 animals); and the toxicology of binary compounds to be used in developing vaccines to chemical agents (110 animals). The remaining animals were originally scheduled for use in a study sponsored by the National Institute of Mental Health, National Institute of Health, but this work was cancelled and the dogs will either not be procured or will be used in an, as of now, undetermined manner.

The beagle dog is a standard laboratory animal. The physiology of this animal is well known and therefore makes base line data, necessary for any biological testing or research, available to the researcher without the necessity of establishing this data himself.

Sincerely,

CHARLES R. SMITH,
Colonel, GS Chief, Plans and Operations Division.

SUPPLEMENTARY HEALTH INSURANCE PROGRAM TO MEDICARE FOR FEDERAL RETIREES

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. WALDIE. Mr. Speaker, as chairman of the House subcommittee with jurisdiction over the Federal employees health benefits program, I was most interested last year in section 210 of H.R. 1 which, in effect, mandated that employees of the Federal employee program be provided with coverage supplementary to parts A and B of the medicare program.

At present, Federal retirees eligible for medicare do not have such an option, but must buy either the high- or low-option package that is available to all other Federal employees—who do not have eligibility for medicare.

To implement the intent of H.R. 1, amendments to the Federal Employee Health Benefits Act are necessary. The legislation which I am introducing would effect the necessary changes.

I hope and expect that this legislation will then elicit discussion and debate as to what form of supplementary program can best meet the needs of these retired Federal employees.

Mr. Speaker, the full text of the bill follows:

H.R. —

A bill to provide certain enrollees of Federal health benefit plans coverage supplementary to parts A and B of the Medicare program with appropriate Government contribution thereto

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (f) of section 8902 of title 5, United States Code, is amended by inserting a comma in lieu of the period at the end thereof and adding the words "except that eligibility to enroll in a plan which provides health benefits supplementary to the benefits provided under part A or B of title XVIII of the Social Security Act (or both parts A and B of such title) shall be restricted to employees and annuitants eligible to participate in the program under such part (or parts)."

SEC. 2. Paragraphs (1) and (2) of section 8903 of title 5, United States Code, are amended to read as follows:

"(1) Service benefit plan.—One Government-wide plan, offering two levels of benefits, and in addition, offering to eligible employees and annuitants a choice of benefits supplementary to the protection afforded such employees and annuitants under part A or B, or both parts A and B, of title XVIII of the Social Security Act under which payment is made by a carrier under contracts with physicians, hospitals, or other providers of health services for benefits of the types described by section 8904(1) of this title given to employees or annuitants, or members of their families, or, under certain conditions, payment is made by a carrier to the employee or annuitant or member of his family.

"(2) Indemnity benefit plan.—One Government-wide plan, offering two levels of benefits, and in addition, offering to eligible employees and annuitants a choice of benefits supplementary to the protection afforded such employees and annuitants under part A or B, or both parts A and B, of title XVIII of the Social Security Act under which a carrier agrees to pay certain sums of money, not in excess of the actual expenses incurred, for benefits of the types described by section 8904(2) of this title."

SEC. 3. Paragraphs (1) and (2) of section 8904 of title 5, United States Code, are amended by adding to each such paragraph a new subparagraph (G) as follows:

"(G) Optional benefits supplementary to those benefits offered under part A or B, or both parts A and B, of title XVIII of the Social Security Act, including, but not limited to, any of the types of benefits described in (A) through (F) above."

SEC. 4. Subsection (a) of section 8906 of title 5, United States Code, is amended to read as follows:

"(a) Except as provided by subsections (b) and (c) of this section, the biweekly Government contribution for health benefits for employees or annuitants enrolled in health benefits plans under this chapter shall be adjusted, beginning on the first day of the first pay period of each year, to an amount equal to 40 percent of the average of the subscription charges in effect on the beginning date of the adjustment, with respect to self alone or self and family enrollments, as applicable, for the highest level of benefits offered by—

"(1) the service benefit plan;

"(2) the indemnity benefit plan;

"(3) the two employee organization plans with the largest number of enrollments, as determined by the Commission; and

"(4) the two comprehensive medical plans with the largest number of enrollments, as determined by the Commission."

SEC. 5. Section 8906 of title 5, United States Code, is amended by redesignating subsections (c), (d), (e), (f), (g), and (h) as subsections (d), (e), (f), (g), (h), and (i), respectively, and adding a new subsection (c) as follows:

"(c) The Government contribution for an employee or annuitant who has elected the optional benefits described in section 8904 (1) (G) and 8904(2) (G) of this title shall be in an amount at least equal to the contribution which the Government makes toward the health insurance of any employee or annuitant enrolled for high option coverage under the Government-wide plans authorized under this chapter. Such contribution shall be made in the form of (1) a contribution toward the protection supplementary to part A or B, or parts A and B, of title XVIII of the Social Security Act, (2) a payment to or on behalf of such employee or annuitant to offset the cost to him of his coverage under title XVIII of the Social Security Act, or (3) a combination of such contribution and such payment."

SEC. 6. Subsection (g) (redesignated as subsection (h) by section 5 of this Act) of section 8906 of title 5, United States Code, is amended to read as follows:

"(h) The Government contributions authorized by subsections (a) and (c) of this section for health benefits for an annuitant shall be paid from annual appropriations which are authorized to be made for that purpose."

THE CHILD ABUSERS: THE STORY OF ONE FAMILY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. FRASER. Mr. Speaker, child abuse no longer is a problem known only to professionals dealing with its aftermath. There have been many articles about this tragic problem. One of the better pieces appeared in the October 10, 1972, edition of World magazine. In it, Miriam Muravchik writes poignantly of one family enmeshed in the personal and family problems that often lead to the abuse of children.

We cannot underemphasize the importance of a healthy family environment to the growth and development of physically and emotionally sound children. And we will not alleviate the problem of abusive parents if we simply punish parents for abusing their children and ignore both the causes behind the abuse and the rehabilitation of the family as a unit.

The article follows:

THE CHILD ABUSERS: THE STORY OF ONE FAMILY

(By Miriam Muravchik)

(Child abuse—for most people an unimaginable horror—is one of the dark currents of human nature that can be dealt with.)

I remember Lilly when she first came to our storefront law office. She had been named a neglected child on a petition taken out against her mother. Lilly was then ten years old—a pale, green-eyed child, painfully shy, one in a family of six children, all alleged to have been neglected.

I learned that Lilly's mother had come to New York after the birth of her first child, with neither friends nor family, poor and illiterate. She had been a ready victim for landlords, creditors, and men who had little to give her—predators of her slum community. Years later when the Society for the Prevention of Cruelty to Children investigated, they found she was living in badly deteriorated housing, with an older alcoholic man who regularly drank up part of her welfare check and was indifferent to her children. Lilly's mother refused to execute an Order of Protection given her by the court ordering this man out of her home. The court found her to be neglectful. She had come for legal services too late; Lilly and two of her brothers were remanded to temporary city shelters, and then sent on to longer-term residential schools. Our case was closed.

Seven years later Lilly came back to our office. She had given birth to two children. This time she came with a petition alleging child abuse.

As I grew to know her, I learned the story of those intervening years. Lilly had experienced the court-ordered separation from her family and institutional placement and overwhelming rejection by her mother. "My mother put me away." She had returned home when she was twelve—no longer a child. She had felt estranged from her brothers and sisters and from the people in her neighborhood, and although she had clung childishly to her mother, small conflicts upset her and betrayed her rage. At school she had felt that the teachers and the other youngsters looked down on her. She had rarely made it to school, but preferred instead to sit alone on the stoop of her building. She learned that she did have something of value; Men wanted her—especially a young man named Carlos.

Lilly was fourteen when she left home to live with Carlos. He had lived on the block and had known Lilly since she had been a child. Now he held a steady, well-paying job. Nothing is known of the early years of Carlos's life in Santo Domingo. The family who raised him told him that they had taken him as a young child when his parents had died. Had he in fact been neglected, abused, malnourished during his crucial first years? A psychiatrist reported many years later that there was a clue that "removal

from his biologic mother signified betrayal and abandonment."

Carlos's foster family immigrated to New York and began the difficult task of acculturation to the new environment. Both parents worked. The child remained home all day—alone—with adequate food and playthings, but frightened and lonely. He described spending the day at the window, experiencing terror in winter as it grew dark. Having lost his first parents, he was afraid to confide his fears to his foster parents. His bed wetting persisted for many years.

His loneliness continued. In school he was described as "too quiet." In high school, however, he acquired a reputation for being "steady, persistent, hardworking." But he was afraid of girls, afraid of sex, afraid to let go of his tightly controlled feelings. He sensed Lilly's need and vulnerability, and so with her he felt less afraid.

Lilly and Carlos set up house together. Carlos's foster parents, ambitious for him, objected to the union, and Lilly quickly became embittered toward them. Carlos in turn resented Lilly's childish dependence on her own mother. After a short period of strife, Lilly and Carlos became effectively isolated from both their families, from the help and support their families might have been able to give them. Their life together became difficult. Lilly did not know how to cook. They had been cheated by a credit company. They had little money for recreation, and they had no friends.

Carlos tried to exercise control by dominating Lilly. He was jealous and would not allow her to go out of the house without him. Lilly accepted this, content to spend most of her days idly in bed, but often when Carlos came home she would tease and provoke him until he struck her.

Carlos dreamed of a career that would liberate him. He enrolled in night classes in a school of engineering. Lilly, with characteristic childishness, resented the cost and the time spent away from her. Carlos begar to falter both in attendance and his studies. The birth of their first child, a son, was for Carlos an affirmation of his masculinity. But by the same token the event stirred up old fears and anxieties. He began to doubt whether the child was really his. Lilly, unable to resist hurting him, responded by smiling and mocking him.

The child cried a lot, and often spat up his food, and came to provide a useful foil for the conflict of his parents. The baby would scream uncontrollably, and Carlos would lash out at him. Gradually, Lilly learned how to deflect Carlo's anger at her onto the baby. Later, Lilly shamefacedly described an occasion on which she had prepared a bottle which was too hot and knowingly handed it to Carlos, who in turn knowingly gave it to the baby. In short, their family life was becoming what one expert has described as a "pressure cooker"—isolated, tense, with no escape hatch. The child had become their scapegoat.

A year later a second child was born, a girl. This child did not scream like her brother Carlitos, but rather cooed and smiled at her parents reassuringly. Carlos did not reexperience the anxiety he had felt at the birth of his first child, and Lilly was able to identify more with the child's small pleasures. However, Lilly felt increasingly anxious about her own feelings and behavior toward Carlitos. She brought the child to the emergency clinic and complained that he "cried a lot, and had a diaper rash." She brought him to her mother, hoping she would keep him in her home and care for him. Neither the resident at the hospital nor her mother recognized the terror behind Lilly's approaches to them, and neither acted to give her and the baby the protection she was asking for.

Lilly felt that she had no one to turn to and used this feeling to justify her behaving more and more irresponsibly. She spent the rent money on clothes and curtains, which brought down on them a dispossess notice from the landlord. Carlos' boss refused to advance him pay for the rent reminding Carlos that he had already taken an advance on his vacation pay for his college tuition. Carlos lost his temper and almost lost his job.

Two days later Lilly and Carlos brought the child to the hospital. The diagnosis was "bematoma of the right side of the skull, ecchymosis of the right side of the face, multiple contusions, "fracture of two ribs." Lilly explained to the doctor that she had lifted the baby from the bath and he had slipped from her arms back into the tub. The doctor observed that Carlos, was left-handed. He told them he thought it unlikely that these injuries had occurred in the manner described by Lilly and that he was required by law to hospitalize the child and file a child abuse report. He advised them to speak with the social worker at the hospital.

The social worker asked them the questions which they would hear over and over again for the next year—"date of birth, marital status, date of birth of children, source of income, family history"—and finally, "how had the injuries to the child occurred?" Their answers, were predictable. But then came a question for which they were not prepared. "Would you be willing to see a psychiatrist?" They understood the hospital staff regarded them as criminals, but to imply in this way that they were crazy! They fled.

A day or so later a young caseworker arrived from the Bureau of Child Welfare, Protective Services, an arm of the welfare department. She had recently graduated from college, majoring in literature, and had landed the hazardous and thankless job of visiting families who allegedly perpetrated crimes against their own small children, many of whom lived, as did Lilly and Carlos, in foul-smelling slum tenements in the ghettos. She hoped, she said, that she could "help" the family. Lilly brought out the disposses notice and asked where they might borrow the money for the rent. The caseworker explained she could not help them with such problems. Her function was to protect the children. She observed the baby girl sleeping peacefully in her crib. She asked the usual questions, but this time the joker was different. She asked Lilly to sign for voluntary placement of *both* children.

Carlos did not go to work the following day. He had several questions he wanted to ask the lady from the Bureau of Child Welfare. He wanted to know where the Bureau of Child Welfare would place his children. "Possibly in a foster home if one is available; if not, in an institution." He asked whether the two children would be placed together. "The Bureau of Child Welfare will try to place the children together, but often siblings are separated and placed with other children of their same age and sex." Lilly asked whether she would be able to see the children. Again the caseworker couldn't be sure: "Usually visiting is permitted for at least one hour on alternate Sundays, sometimes more often; in time some children are permitted to go home for holidays and vacations." The caseworker did not add that visits in the institutions are often conducted in the company of other children, parents, foster parents, and social workers. Carlos wanted to know how long this placement might last. The caseworker had determined to be honest, "Possibly a few months, possibly a year, possibly longer—the children will probably be returned when you are 'ready'."

The Bureau of Child Welfare worker knew that these children would probably go on for years in institutions and successive foster homes. Perhaps they would run away and return to their natural parents in adolescence, but then it would be too late. These early years of shifting and indifferent care would cost the city $4,000–$12,000 per child per year, perhaps $96,000–$300,000 for these two children over the next twelve years. She wished she could help Lilly and Carlos, but she had an unrealistically large caseload and did not know how. Finally, she said the usual, "I would like to help you, but my supervisor is insisting. . . ." When Carlos harshly announced his refusal to sign, the Bureau of Child Welfare worker knew that her agency would give her no alternative. She would be instructed to take out a petition against the parents in Family Court alleging "child abuse and failure to cooperate with the Bureau of Child Welfare."

Several days later a warrant officer arrived with a summons for Lilly and Carlos to appear in Family Court with the baby. They were called before a judge who advised them of their right to counsel, set a date for a hearing, and ordered Carlitos to remain in the hospital and the baby to be placed temporarily pending the outcome of the hearing. The baby was escorted out of the building by the Bureau of Child Welfare worker and into a taxi before the parents were released from the courtroom.

It was then that Lilly and Carlos came to our poverty-law office. For the next fourteen months, while the case dragged on in court, I saw them at least once a week, sometimes daily. It was an experience which led me to seek out the best thinking in the field of child abuse. Dr. Ray Helfer, coauthor with Dr. C. Henry Kempe of the book *The Battered Child* and codirector of the most extensive clinical study and research in the field at the University of Colorado Medical School, consulted with me, answered my questions, and pointed the way for working with the family. He taught me the concept of "surrogate parent therapy": acting as a parent to the parents, using my own feelings of warmth and empathy and concern to build for these parents, as it were, some of the emotional experiences they had missed in childhood. His study concluded that children were generally safe from battering when such a relationship had been established with the parents and the pattern of family isolation had thereby been reversed.

On another level, Dr. Helfer helped me to see clearly the pattern of family interaction. Lilly acting as the passive partner had provoked and then covered for Carlos. Carlos had used Lilly to justify and then to deny his own violent behavior. Dr. Helfer stressed the importance of working with both parents to help each one become more aware of his own feelings and to untangle their ways of relating within the family constellation.

Dr. Viola Bernard, who was at the time director of the Division of Community and Social Psychiatry at Columbia University, listened to the story and referred me to a psychiatrist who was especially knowledgeable in the field of child abuse. This psychiatrist met several times with Lilly and Carlos, examined the Bureau of Child Welfare records, consulted with me and provided the court with a full psychiatric evaluation.

I found that my first task was not with the family, but with myself. I had to face my own feelings of revulsion at the alleged abuse to the child, and then see Lilly and Carlos as two very troubled young people who were trying to tell me their story. I tried to respond to their feelings as they came to be revealed. As I listened to them, I came to feel strongly that I, too, wanted

them to have their children back, and I wanted them to be the good parents they wished they could be. It would be a long hard fight. I spent long hours helping them in simple concrete ways: finding a credit union where they could borrow the rent money; asking their attorney to represent them on the dispossess action in Landlord-Tenant Court; accompanying Lilly to the hospital when she visited Carlitos because these visits were painful for her; getting information from the Bureau of Child Welfare about the baby girl; accompanying Lilly to the clinic for treatment for her anemia.

I listened to them tell about their quarrels with their families. I listened to them retrace the sequences of events which had led to their latest quarrels with each other. Often Carlos would see how he had withdrawn from expressing his anger until his feelings had become explosive. He was learning to assert himself sooner and to express his anger rather than swallow it. It was harder for Lilly to face herself. She had many diversions. Only rarely could she trust me enough to express her real feelings. At such times, she usually cried.

The judge at Family Court made a finding of child abuse based on their admission that the condition of the child described in the hospital report was true. The case was assigned to the probation department for "investigation and report" and scheduled to come back to Family Court for a dispositional hearing. Carlos and Lilly came back to court eleven times over a period of fourteen months for a determination on the placement of their children. For ten court hearings the judges had let the case drag on rather than make a decision.

Why was the court unwilling or unable to act? Why did it permit very young children to languish for so long a period of time in placements designed only for temporary use?

The judges knew very well the lesson the young Bureau of Child Welfare worker had learned from observing the families in her own caseload—that children who have been separated from their families for long periods of time usually have severe difficulties in adult life. The judges knew about the major research in child abuse which had been done at Brandeis and at the University of Colorado. Each judge also knew that although he bore the responsibility for the decision as to which course was in the best interest of the family, in reality he would be held accountable by the court and possibly publicly in the press and on the air only if a child were injured subsequent to being returned to the natural parents. If, on the other hand, a judge were to place a child and that child were punished by being kept for long periods of time in solitary, or starved emotionally, or depersonalized and dehumanized by the child-caring agency, as is sometimes the case, the judge who ordered that child's placement would not be held responsible. Furthermore the judge knew that if he ordered placement for the children he would have little control as to which placement agency the children would ultimately be sent. Such determination would be made largely on the basis of religion, sex, age, and, most important, the momentary availability of a place.

At the dispositional hearings I testified as to my work with Lilly and Carlos using the surrogate-mother method of treatment developed at the University of Colorado by Drs. Helfer and Kempe. I had seen Lilly and Carlos weekly, sometimes daily for many months. They had begun to allow me to become emotionally close. They were learning how to talk about some of their feelings and release some of their anger and pain. The family dynamics had changed. They no longer suffered tension and isolation as in a pressure cooker. In addition they had solved some of their practical problems and were working on others. They had matured somewhat.

Their attorney introduced into evidence the evaluations of two independent psychiatrists. Based on these reports he argued that the baby girl, whose presence in the family had never been problematic, be permitted to return to the home. He suggested that as a safeguard a visiting nurse come twice a week to supervise the care of the baby. He further argued that the parents be permitted to take Carlitos out of the foster home for a few hours on Sundays so that the process of family reintegration could begin, and the parents could test their feelings toward this child within the family context. After the visits the parents could talk with me about their feelings and relationship to this child. I would continue my close involvement with the family. After a trial period the family would return to court for a re-evaluation.

Our plan was opposed by the probation officer. She recommended long-term placement for both children. Now the probation officer was not a trained social worker, nor had she been given special training in the field of child abuse. She had taken the job believing that she could perform some useful service for people. In time the demands of the court and her caseload of ninety defeated her. One-third of all probation officers in this court resign each year.

The probation officer had summoned Lilly and Carlos to her office in the court building for several appointments. They had come at her bidding feeling resentful and uncommunicative. She had visited their home only once and had been afraid for her own safety in their slum ghetto. She had learned from experience that the judge would favor placement unless he were given substantial, if not overwhelming, justification for returning the children to their home. Her supervisor would also prefer placement. Our arguments and our reports recommending steps for the return of the children only made her defensive.

The judge heard the various arguments and wavered. The Bureau of Child Welfare attorney who was prosecuting the case recognized the judge's indecision and made his own perfectly familiar move. He argued that the children continue in temporary placement, and that Lilly and Carlos undertake long-term individual psychiatric therapy. He recommended further that the children be continued in placement until such time as the psychiatrist who was treating the parents recommended their return to the court. This plan appeared to be eminently reasonable, and it took the judge off the hook. The problem was that it shifted responsibility from the court to an unnamed and perhaps unwilling or even unobtainable psychiatrist. The family was too poor to pay for psychiatric services, but not poor enough to qualify for Medicaid. Most psychiatric clinics do not provide evening hours, and Carlos could not jeopardize his job by taking time off for therapy sessions.

The case dragged on in court for almost a year, and still the judge failed to make a decision. Both children remained in temporary placements. Lilly became pregnant again and faced the possibility that the unborn child might be taken from her at birth. She had an abortion. She became increasingly depressed. One satisfaction was still readily available to her, made her feel she was a woman and desirable—the looks and remarks of men on the street. She continued to use this against Carlos.

After a year of defeat in court, she no longer believed that I could help her get her baby daughter. Why should she suffer the painful process of revealing her deep hurt to me—when I could do nothing to bring back the child for whom she longed? In her mind I had become one of "them."

I received reports that little Carlitos was considered a fragile child and had not adjusted well in temporary foster care. He had been placed in three successive homes and had presented difficulties. The baby girl had spent most of her first year of life in an institution dormitory, with no single parental figure to whom she could relate. She had also suffered the usual physical diseases to which institutionalized children are likely to be exposed—hepatitis and ringworm, among others.

I explained to the court my fear that the family situation was deteriorating and the ties were eroding with the long passage of time. I begged for some small reversal, for the girl to come home for short visits—on weekends. This was denied. For a day? Denied. For both children to come home for a few hours on Christmas Day? The court agreed to the Christmas Day parole, but the placement agencies refused to comply because this did not coincide with their procedures and the needs of their staffs.

From that time on the situation disintegrated rapidly. Lilly spent more time on the streets—sometimes coming home late at night, sometimes not at all. Carlos clung desperately to her and tried to absorb the humiliation she was causing him. But it almost destroyed him. He lost his job. He made wild plans to return to Santo Domingo, to leave for Miami, for California. He would come alone to see me. Lilly rarely came. And then one day they did not appear at court for a hearing. The fight was over. The judge ordered long-term placement for the children. Lilly and Carlos had gone their separate ways. The family I had known so intimately for fourteen months no longer existed.

Carlos came back from time to time to tell me what had been happening. He was working. He was back in college. He was living with another woman and her children. Lilly did not return. I heard that she was out in the streets—and that she was living with a junkie. Later—that she had gone on drugs herself; and then a year later, the event that could have been predicted. The child of Lilly's junkie boyfriend had been reported "battered." The child's mother was in jail at that time, and the child had been living with the father. Criminal charges had been pressed against the father. Lilly had disappeared. I could see her in my mind's eye—pale, mocking, and deadly.

Had Lilly and Carlos lived in Denver and been treated by the special team at the University of Colorado Medical Center, the likelihood is that within a relatively short period of time the children might have been returned to their parents and remained safe in the home. Lilly and Carlos would have been helped to resolve some of their own problems and reintegrate their own lives and family relationships in such a way that they could have lived together with their children without resorting to abuse. The cycle of child abuse would have been broken the only way that the cycle can be effectively broken, not by separating people from each other or from society, nor by driving the problem deeper underground through punishment, but by treating it where it occurs. University of Colorado studies showed that staff teams could work with more than 80 per cent of the families with a history of abuse to make the homes safe for the children's return. Lilly and Carlos presented no more difficulty than many of these families who had responded favorably.

Lilly's and Carlos' experiences with the Bureau of Child Welfare and Family Court in New York were typical. Popular indignation about the problem of child abuse has resulted in the legislators' taking action in the areas of detection and apprehension of abusive parents. The success of this action is borne

out by the statistics. The incidence of reporting in New York City has increased almost twenty times within the past five years, from 316 cases in 1966 to more than 5,000 cases in 1971. The resources for treating these families effectively and on a long-term basis, however, have hardly begun to be developed.

Child abuse is a phenomenon which can be treated. It occurs within a family constellation. If not treated, it reoccurs from generation to generation. Children who have themselves experienced severe neglect or abuse are most likely to be abusive to their own children. Lilly is nineteen. She will, in all likelihood, bear more children. Little Carlitos and the baby have become nobody's children. The seeds of further abuse have been firmly planted.

MONEY DOWN THE DRAIN

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. GROSS. Mr. Speaker, one of the longest gravy trains operated by the Federal bureaucrats takes the form of so-called "research" grants to individual scientists.

Reporter George Anthan, of the Washington Bureau of the Des Moines, Iowa Register, has written a revealing account of abuses that have come to be commonplace in these grant programs.

Interestingly, he quotes a Washington-based newsletter as defending the abuses on the grounds that "researchers" who have virtually appropriated expensive Government-owned scentific equipment are simply using "foresight" rather than a subtle form of larceny. It is this sort of mentality that can blandly justify wanton waste of the taxpayers' money as almost a right of these professors and scientists.

Because of the widespread extent of these grants, I commend Mr. Anthan's article to every Member of Congress and I include it for insertion in the RECORD at this point:

GAO REPORTS MILLIONS IN MISSPENT AID—CITE DUPLICATIONS IN EQUIPMENT

(By George Anthan)

WASHINGTON, D.C.—Millions of dollars from federal health research grants are being spent annually by scientists for unneeded equipment used in some cases to boost the professional prestige of both the individuals and the universities involved.

The U.S. General Accounting Office (GAO) has reported to Congress that in many cases equipment sits idle while other scentists, sometimes at the same school, apply for and receive more federal money to buy identical items.

Federal officials have acknowledged that some scientists used their stocks of government-financed and highly sophisticated scientific hardware virtually as "personal" property, hoarding it in their laboratories.

This is despite instructions by the Department of Health, Education and Welfare (HEW), which administers the grants, that equipment bought with federal funds must be shared to avoid duplication and to save money.

There also are reliable reports, confirmed privately by government sources, that some scientists actually have taken full possession of equipment purchased with federal money.

According to these reports, some have used such equipment to enhance their prospects of finding a better job at another university or research institution by pledging that they will bring to their new position the equipment involved.

The GAO study is part of a lengthy probe by the congressional investigating agency into over-all management of the government's grants programs.

The GAO said the government's monitoring of its research grants has resulted in considerable waste.

But a respected Washington newsletter, "Science and Government reports," stated, "what the GAO fails to recognize is that foresight rather than wastefulness was at work here, for in today's tight job market, a well-equipped applicant is likely to fare better than a bare-handed competitor."

Health research grants to universities, colleges, medical schools and other institutions are administered directly by the National Institutes of Health (NIH).

An NIH official said there are reports of some cases where individual researchers have taken federally-purchased equipment with them to new jobs, but emphasized, "there's no way for us sitting here to be absolutely sure what entered into a negotiation between a man and an institution."

But the NIH spokeswoman added, "I don't think this plays any role of importance." She said equipment purchased with federal funds in most cases is owned officially by the university or institution involved, and not by an individual researcher.

"The researcher would have to get permission from his employer to take the equipment with him," she said, "and a lot of them now have stiffened their backbones and are insisting they keep the equipment."

NIH provides about $700 million a year for health research grants. It is not known how much of this money has gone for equipment purchases but in 1965, the last year for which figures were compiled, 13 per cent of the total funds were spent on hardware. A total of $60 million was spent for equipment that year. Since then NIH grants have increased substantially.

Also, NIH officials acknowledge they have not complied with federal law by reporting to Congress annually the number and amount of research grants and the names of the institutions and individuals who receive the funds.

The law also requires that Congress be told how much equipment is purchased, and who owns it.

The GAO revealed that HEW, which has jurisdiction over the health institutes, issued a directive in June, insisting that such reports to Congress were not required.

NIH officials said Friday that the policy now has been changed and the reports to Congress on how grant money is spent will be compiled.

The GAO reviewed the use of federally purchased equipment at NIH headquarters in Washington and at six institutions that had received research grants.

Following are some examples of waste listed by the investigative agency:

One recipient of a federal grant purchased a new $10,000 ultracentrifuge even though an identical unit was conveniently located nearby. This researcher told the GAO he wasn't interested in identical equipment located in other departments.

Ten months later this same individual bought another $10,000 ultracentrifuge with NIH money even though the two units on hand were being used only 12 to 14 hours a week. Eventually, the researcher was hired by another institution and he took with him the third ultracentrifuge.

At another institution, a researcher used NIH money to buy a new $5,000 spectrophotometer even though there was a comparable unit on hand that hadn't been used for three years.

This researcher told GAO he didn't know the institution already had the equipment and said it was the responsibility of the purchasing department to inform him.

The purchasing department told GAO auditors it was the responsibility of the researcher to make sure the equipment wasn't already on hand.

Another institution bought five ultracentrifuges costing $7,300 each even though it already had one that was virtually unused for two years. The researcher in charge of the unused machine told the GAO that he agreed it should have been put to use instead of buying the new equipment, but he did not want to relinquish it.

In 1971, another institution purchased three ultramicrotomes at an average cost of $5,300. This institution already had at least 30 ultramicrotomes on hand, 10 of which had low use. In fact, two of these machines were used one hour per week or less, and another had not been used in almost five years.

The scientist who had charge of the ultramicrotome which had not been used for five years told the GAO that he hadn't informed anyone of the availability of the equipment because "the machine was purchased on my own grant for my own use."

The GAO found that universities and other institutions that receive NIH grant funds seldom kept up-to-date records on research equipment and there were virtually no efforts to share or pool the items.

The GAO found that NIH itself had issued no guidelines to carry out its parent agency's instructions that equipment purchased with federal funds should be made available for sharing.

The congressional agency noted that some scientists interviewed agreed that pooling of equipment should be pushed as a way to cut costs and streamline their research programs, and at one medical school doctors on their own had set up an equipment-sharing program.

The GAO auditors say that not only do wasteful practices in administering the federal grants hurt taxpayers, but that scientists themselves lose because money used to buy unneeded equipment isn't available for grants.

TRAGIC REPORT

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. RAILSBACK. Mr. Speaker, the most recent issue of U.S. News & World Report predicts a new record for the number of policemen who are slain in the performance of duty will be set this year. The previous high was in 1971 during which year 126 local, county, and State lawmen were murdered. By September 17 of this year, 96 such individuals have already died—compared to 90 during the same period back in 1971. This is a tragic report, and we must all strive to do what we can to prevent such needless deaths, and, when they do occur, provide for the survivors.

POLL SHOWS PUBLIC OPINION AHEAD OF CONGRESS

HON. JOHN B. CONLAN

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. CONLAN. Mr. Speaker, results of a poll on national issues that I recently conducted in my district show unmistakably that public opinion of Arizona citizens is well ahead of the Congress.

Despite efforts in this body to spend and spend money of hardworking Americans, to increase the scope and size of the Federal Government, to lavishly dole out U.S. dollars and credits to foreign nations, and to make Uncle Sam an all-powerful Big Brother and overseer in our everyday lives, people in my district give a flat "no" to all this paternalism from Washington when given a chance to do so in a district-wide survey of their opinions on key issues.

They declare themselves almost 5-to-1 in favor of lower taxes even if it means less government services.

They declare themselves almost 8-to-1 for elimination of Federal farm controls and supports within 5 years.

They favor applying the same anti-trust laws to labor unions that are applied to businesses by a margin of more than 10-to-1.

While voters indicated by a small margin their feeling that the Environmental Protection Agency is "too tough" in its attempts to fight pollution, they nonetheless express an almost 2½-to-1 willingness to pay more for products and services if their manufacture and use could be made substantially pollution free.

And they oppose almost 3 to 1 Federal legislation restructuring American health care by replacing individual medical practice with large, federally subsidized clinics.

Voters in my district also favor restoration of the death penalty for heinous crimes by more than 10 to 1. They oppose amnesty for draft-dodgers and deserters more than 7 to 1. They oppose busing for school integration almost 7 to 1.

And they overwhelmingly oppose any kind of U.S. aid to North Vietnam, continuing the present level of U.S. support of the United Nations, and "most-favored-nation" trade status for the Soviet Union and Red China.

Certainly not least, people in my district generally support President Nixon and believe he is doing a good job. They even more strongly believe that network television is unfair in its presentation of both sides of issues.

Inflation control, crime control, welfare reform, moral reawakening, tax reduction, defense improvement, pollution control, and education—in that order—are listed by them as priorities they would set for the Nation.

Mr. Speaker, these views are held by people in a geographically large and culturally diverse district comprising 36,000 square miles of urban and rural communities from central Arizona all the way north to the Utah border.

It is composed almost equally of Republicans and Democrats.

The district includes northern Phoenix and Scottsdale, 7 central and northeastern Arizona counties including more than 25 small cities and towns, and 6 Indian reservations including almost 70,000 Indians from varied tribes.

Clearly the views expressed in this opinion poll are not those of a provincial group with a narrow cross-section of experience and interests.

The dominant message I get from voters in this survey—one which the Congress would do well to heed—is "Take care of America first."

People are saying "no" to high-minded social schemes and giveaways at public expense. They want to correct domestic problems first and to improve America's economic strength and our overall quality of life. Certainly we could ask for no clearer message from the people.

Mr. Speaker, the results of this opinion poll sent to 182,000 households in my district will obviously be a strong guide for me as I represent Arizona in the Congress. I hope it will be of assistance to other Members of Congress as they also go about their daily business of running our National Government.

Almost 15,000 people took the time to complete and return this August survey, Mr. Speaker. When you consider that this response is many times the size of the average sampling used by professional pollsters, the results take on an added significance that should be seriously weighed by all my colleagues.

I include a complete breakdown of answers to the questions, which were tabulated by computer to insure accuracy:

(Answers in percent)

1. Taxes—Do you favor lower taxes, even if it means reducing government services? Yes: 72.8; No: 15.8; Not Sure: 11.4.

2. Hanoi Aid—Do you favor giving U.S. financial aid to North Vietnam? Yes: 3.9; No: 92.2; Not Sure: 3.9.

3. Death Penalty—Do you favor restoring capital punishment for premeditated murder, kidnapping, skyjacking, and other heinous crimes? Yes: 87.6; No: 8.4; Not Sure: 4.0.

4. Pollution Control—Would you be willing to pay more for products and services if their manufacture and use could be made substantially pollution free? Yes: 58.9; No: 23.1; Not Sure: 18.0.

5. Farm Supports—Federal farm controls and supports should be: a) Phased out within five years (79.0); b) Continued substantially as is (8.2); c) Increased (2.1); Not Sure: (10.7).

6. Amnesty—Do you favor granting amnesty for deserters and draft-dodgers? Yes: 11.5; No: 83.0; Not Sure: 5.4.

7. Environment—Do you believe the Environmental Protection Agency is becoming "too tough"? Yes: 44.3; No: 41.9; Not Sure: 13.8.

8. United Nations—Do you think the U.S. financial contribution to the U.N. should be reduced? Yes: 81.9; No: 11.0; Not Sure 7.1.

9. Busing—Would you favor passage of a Constitutional amendment to prohibit busing to achieve racial balance in public schools? Yes: 81.6; No: 12.5; Not Sure: 5.9.

10. Health Care—Many programs have been introduced to restructure the American health care system by replacing individual medical practice with large, federally-subsidized clinics. Cost estimates range from $12 billion to $77 billion. Do you favor enactment of such legislation? Yes: 22.3; No: 62.1; Not Sure: 15.5.

11. President Nixon—Do you believe Mr. Nixon is doing a good job as President? Yes: 53.4; No: 30.6; Not Sure: 16.0.

12. T.V. Fairness—Do you believe network television fairly presents both sides of the issues? Yes: 27.0; No: 60.1; Not Sure: 13.0.

13. Labor Laws—Do you think anti-trust laws should be applied to labor unions the same as they are to businesses? Yes: 85.5; No: 6.5; Not Sure: 8.0.

14. U.S. Trade—Do you favor the U.S. granting "most-favored-nation" status (trade economics) to the Soviet Union and Communist China? Yes: 15.3; No: 70.2; Not Sure: 14.5.

15. National Priorities—Please number, in order of importance, priorities you would set for our nation: Welfare reform (3); Crime control (2); Inflation control (1); Moral reawakening (4); Foreign aid (9); Tax reduction (5); Pollution control (7); Defense improvement (6); Education (8).

EXECUTIVE PRIVILEGES DEBUNKED

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, the issue of executive privilege, long dormant as a matter of congressional debate, is finally being confronted by the Congress and the courts. The spurious doctrine which has been used with increasing frequency by the Chief Executives for the past 20 years is, as we are beginning to learn, unsound in law and reason.

One individual who has been most forceful and eloquent in his support of the legislative prerogative is not a Member of this body, but a distinguished legal scholar. I refer to Raoul Berger of Harvard Law School who has been a frequent witness before congressional committees exploring this matter.

Professor Berger has recently published an excellent condensation of the argument debunkig the myth of "executive privilege." I strongly recommend this article, published in the October issue of Harper's magazine, to all Members of Congress.

The article follows:

THE GRAND INQUEST OF THE NATION

(The President can no more create a constitutional power to withhold information than he can pull himself up by his own bootstraps)

(By Raoul Berger)

"Although remarks made by others in conversations with the President may arguably be part of a criminal plan on their part, the President's participation in these conversations was in accordance with his constitutional duty to see that the laws are faithfully executed: It is the President, not those who may be subject to indictments by this grand jury, who is claiming executive privilege. He is doing so, not to protect those others, but to protect the right of himself and his successors to preserve the confidentiality of discussions in which they participate in the course of their constitutional duties, and thus ultimately to protect the right of the American people to informed

and vigorous leadership from their President of a sort for which confidentiality is an essential prerequisite. . . .

"The President has concluded that it would be detrimental to the public interest to make available to the special prosecutor and the grand jury the recordings sought as Item 1 of the subpoena. That decision by the President is in itself sufficient cause for this court to proceed no further to seek to compel production of those records."—from a brief filed August 7, 1973 by attorneys for President Nixon on support of the President's refusal to obey a subpoena from Watergate special prosecutor Archibald Cox.

Executive privilege is the shorthand for the Presidential claim of constitutional authority to withhold information from Congress. Richard Nixon's deployment of this claim to protect his documents and aides against inquiry by Congress and the courts poses an issue that transcends a jurisdictional squabble among the branches of government—it goes to the heart of our democratic system. He who controls the flow of information controls our destinies.

The fact is that executive privilege—root and branch—is a myth, without constitutional basis, and the best evidence that can be mustered for it is a series of self-serving Presidential assertions of a power to withhold information. On this issue, in fact, we have the testimony of Mr. Nixon himself. When Congressman Nixon was riding to glory on the trial of "fellow travelers," the FBI, on instructions from President Truman, refused to deliver an FBI report to a Congressional investigating committee. On the House floor, Mr. Nixon rejected the proposition that "the Congress has no right to question the judgment of the President. I say that the proposition cannot stand from a constitutional standpoint, or on the basis of the merits." History demonstrates that Congressman Nixon was right and President Nixon is wrong.

Since the Supreme Court has traditionally looked to English history for the meaning of common-law terms and practices embodied in the Constitution, in particular for the inquisitorial function as an "inherent attribute" of the "legislative power" given to Congress, it is quite relevant to note that the power of parliamentary inquiry begins as an auxiliary not to the power to legislate, but to the power to impeach—on the common sense ground that one does not first indict and then inquire whether there was just cause. In a random sampling of parliamentary debates at different periods, stretching from 1621 to 1742, I found that legislative oversight of administration had been exercised across the board: inquiries into corruption, the basis for legislation, the conduct of war, execution of the laws, disbursement of appropriations—in short, into every aspect of executive conduct. Foreign Affairs, about which American presidents have traditionally drawn a curtain of secrecy, were not excepted.

It is striking that no member of the Nixon and Eisenhower administrations, when executive privilege reached its most extravagant proportions, has advanced a single pre-1787 precedent in English history for executive refusal to turn over information to the legislature. I found none. Thus, whereas Congress's power of inquiry is solidly based on the precedents of Parliament, there is no pre-Convention historical basis for the claim that the power to withhold information from the legislature was an attribute of the Executive. All inferences are to the contrary.

That the Founding Fathers were aware of this inquisitorial attribute of "legislative power" is demonstrated by four or five references in the Constitutional Convention and the several ratifying conventions to the function of the House as the "grand inquest of the nation." There is not the slightest intimation that the Founding Fathers intended to curb the functions of the grand inquest in any way. We need to recall that Madison stated: "In a republican government the legislative necessarily predominates." This minimally carries overtones of the traditional parliamentary oversight about about which James Wilson, second only to Madison as an architect of the Constitution, rejoiced in 1774: "The proudest ministers of the proudest monarchs have **trembled at their [the legislators'] censure;** and have appeared at the bar of the house to give an account of their conduct and ask pardon for their faults."

Taking no notice of this history, the thirty-seventh President of the United States has chosen to build his right to withhold information from Congress on the doctrine of separation of powers. But resort to the separation of powers assumes that the Executive was given a withholding power upon which legislative inquiry encroaches. The separation of powers does not grant power; it merely protects power elsewhere conferred. And since the Convention did not confer on the Executive the power to refuse information to the legislature, a Congressional requirement of information from the Executive does not encroach on powers confided to the Executive; it does not violate the separation of powers.

The Act of 1789 confirms that the separation of powers was not designed to reduce the grand inquest function. The made it:

"the duty of the Secretary of the Treasury . . . to make report, and give information to either branch of the legislature in person or in writing (as he may be required), respecting all matters referred to him by the Senate or the House of Representatives, or which shall appertain to his office."

The Act contains no provision for executive discretion to withhold information, and there is no reference whatsoever to such discretion in the legislative history of the Act. It was drafted by Alexander Hamilton, who, as a member of the Convention and co-author of *The Federalist*, knew well enough whether an unqualified duty could be imposed on the executive branch to furnish information to Congress. Adopted by the First Congress, in which sat some twenty Framers and Ratifiers of the Constitution, and signed by President Washington, who had presided over the Convention, this Act can hardly be deemed in violation of the separation of powers. It constitutes a vitally important legislative-executive recognition that, under the Constitution, the separation of powers had no application to Congressional inquiry.

Let me now return to the right and duty of Congressional inquiry as a prelude to impeachment, bearing in mind that the Constitution makes express provision for impeachment of "The President, Vice President and all civil officers." The President, we should remember, was not looked at with awe in 1787 but with apprehension. As if cognizant of parliamentary history, Congressman Lyman stated in the House in 1796 that the "power of impeachment . . . certainly implied the right to inspect every paper and transaction in any department, otherwise the power of impeachment could never be exercised with any effect." And in 1843, a committee of the House stated:

"The President himself, in the discharge of his most independent functions, is subject to the exercise of this power—a power which implies the right of inquiry on the part of the House to the fullest and most unlimited extent."

Given that, historically, inquiry could precede impeachment, and that the Constitution expressly provides for impeachment of the President, this statement seems to be incontrovertible. It was confirmed by President Polk in 1846:

"If the House of Representatives, as the grand inquest of the nation, should at any time have reason to believe that there has been malversation in office by an improper use of application of public money by a public officer, and should think it proper to institute an inquiry into the matter, *all the archives and papers* of the Executive Department, public or private, would be subject to inspection and control of a committee of their body and *every facility* in the power of the Executive be *afforded* to enable them to prosecute the investigation" [my emphasis].

This corresponded to parliamentary history and the incorporation of that history by the Founding Fathers. Clearly, the claim of an implied power to withhold information cannot be allowed to defeat the express power to impeach, or to take such measures as will make impeachment effective.

Consequently, President Nixon errs in asserting that "the manner in which the President exercises his assigned executive powers is not subject to questioning by another branch of the Government." Mr. Nixon needs to be reminded that Chief Justice Marshall rejected the notion that the President was immune from subpoena in the trial of Aaron Burr and held that President Jefferson could be required to deliver to Burr a letter written to Jefferson by Gen. James Wilkinson, who was implicated in the Burr conspiracy. In consequence, there is no Presidential immunity that can be shared with the Nixon aides. Furthermore, since "all civil officers" are impeachable by the terms of the Constitution, they are subject to inquiry without the leave of the President. Impeachment, said Elias Boudinot in the First Congress, enables the House "to pull down an improper officer, although he should be supported by all the power of the Executive." The point was made again and again by, among others, Abraham Baldwin, who had been a member of the Convention.

My search of the several Convention records, let me repeat, turned up not a shred of evidence that the President was empowered to withhold *any* information from Congress. Nor was such a power secreted in the interstices of the "Executive power," which the Framers conceived largely as a power to execute the laws. The lawmaking body, as Parliament showed and Montesquieu recognized, has a legitimate interest in examining how its laws are being executed. Since the Framers were at pains *expressly* to authorize the President to "require the opinions in writing of the principal officers in each of the executive Departments," they were hardly likely *sub silentio* to give him carte blanche to cripple the recognized functions of the grand inquest.

The commander-in-chief power, described by Hamilton merely as that of a "first General," at best authorizes severely limited withholding from Congress; for example, the time and place of an attack on, say, Normandy Beach. And it was on Congress, we must recall, that the vast bulk of the power to initiate and wage war was conferred. In the treaty-making provision, the President was joined to the Senate; and discussion of this provision in the several Conventions shows that the Senate was meant to participate in the *making* of treaties at every stage. Withholding of information in these areas attests arrogant usurpation rather than constitutional authorization.

On this score, finally, there is a notable constitutional provision, the force of which has not been sufficiently appreciated—the Framers authorized secrecy in only one case, and then by Congress, not the President. Article I, Section 5(3) requires Congress to keep and publish journals except "such part

as may in their judgment require secrecy." This provision encountered rough going, being harshly criticized by Wilson, George Mason, Elbridge Gerry, Patrick Henry, and also by Jefferson. To allay the fear of this secrecy provision, its proponents explained that it had very restricted scope. John Marshall stated in the Virginia Convention that the debates "on the propriety of declaring war" and the like could not be conducted "in the open fields," and said, "In this plan, secrecy is *only to be used* when it would be fatal and pernicious to publish the schemes of government."

In light of the denial to Congress of a limitless power to conceal, how can one derive an *implied* grant of such a power to the Executive? On the contrary, as the Supreme Court held in analogous circumstances, the *express* authorization for limited discretionary secrecy by Congress and the omission of a similar provision for the President indicates an intention to withhold such authority from him. What might momentarily be concealed from the *public* by Congress had to be divulged by the President *to Congress* if the senior partner in government was to participate in making those momentous decisions which were temporarily to be kept secret

In sum, parliamentary practice (which the Supreme Court has held lies at the root of the legislative power of inquiry) and the intention of the Framers establish a comprehensive power of inquiry, an anti-secrecy tradition, which leaves no room for an "uncontrolled" Presidential discretion to withhold information from Congress.

President Nixon tells us that "executive privilege" was first invoked by Washington. There were two incidents which can be briefly recounted. First, there was the 1792 House inquiry into the disastrous St. Clair expedition against the Indians. Washington turned over all the documents; "not even the ugliest line," stated his biographer Douglas Freeman, "on the flight of the beaten troops was eliminated."

Mr. Nixon's reliance on St. Clair is based, *not on refusal of the documents,* but on Jefferson's notes of a Cabinet meeting at which it was agreed that the "House was a grand inquest, therefore might institute inquiries," but that the President had discretion to refuse papers "the disclosure of which would injure the public." These notes, however, are hardly reconcilable with the 1789 Act that Washington had signed earlier, and that permitted unqualified inquiry. What little value as precedent may attach to the notes vanishes when it is considered that only four years later Washington himself did not think to invoke the St. Clair "precedent" in the Jay Treaty episode—the precedent upon which Mr. Nixon next relies—and instead stated his readiness to supply information to which either House had a "right," such as the Senate had to treaty documents.

Jefferson's notes did not find their way into the government files, and there is no evidence that the meditations of the Cabinet were ever disclosed to Congress. The notes were found among Jefferson's papers after his death and published many years later, among his *ana,* which he described as "loose scraps" and "unofficial notes." There this "precedent" slumbered until it was exhumed by Deputy Attorney General William P. Rogers in 1957! It is a dispiriting testimonial to the effectiveness of executive propaganda that *Time* magazine could say of this incident, "Washington released the documents but he warned that never again would he turn over papers that might reveal secrets or otherwise would be 'injurious' to the public."

The first authentic assertion of power to withhold information from Congress was made by Andrew Jackson in 1835. Jackson refused a request by the Senate, which wanted to investigate frauds in the sale of public lands, that he turn over the charges that had led to his removal of Gordon Pitz, his Surveyor General. He acted on the ground that the inquiry "would be applied in secret session" and therefore deprive a citizen of a "basic right," that of a "public investigation. "Measured against historical precedents, Jackson was plainly wrong. The Supreme Court has held in *Watkins* v. *United States* (1957) that the "inherent power of Congress to conduct investigations [comprehends] probes into the departments of the Federal Government to expose corruption, inefficiency or waste." It would be insufferable if the President were able to shield documents revealing the corruption by removing the official.

Jackson's strictures failed to sway his successors. Buchanan and Polk, for both expressly recognized the plenary power of Congress to investigate suspected executive misconduct. Polk's unqualified recognition of a Congressional power that could "penetrate into the most secret recesses of the Executive Departments" is a far cry from President Nixon's "sanctity" of the FBI files, and from his attempt to immunize members of his staff from an investigation into their knowledge of a criminal conspiracy. It would be stale and unprofitable to rehearse subsequent Presidential assertions of a right to withhold information from Congress, for the last assertion stands no better than the first—repetition does not legitimate usurpation. In the words of the Supreme Court in the 1952 "Steel Seizure Case": "That an unconstitutional action has been taken before surely does not render that same action any less unconstitutional at a later date."

Let us focus, rather, on that branch of executive privilege which, according to President Nixon, was "designed to protect communications within the executive branch" and is allegedly "rooted in the Constitution." What the President conceives to be "rooted in the Constitution" was in fact first born in 1954, when President Eisenhower sought to fend off Senator McCarthy's savage assaults on Army personnel by a directive that communications between employees of the Executive Branch must be withheld from Congress so that they may "be completely candid in advising with each other." Overnight, this "doctrine" was expanded to shelter mismanagement, conflicts of interest such as led the Supreme Court to set aside the Dixon-Yates contract, the inexplicable selection of high bidders, and so forth.

It is novel doctrine that the acknowledged power to probe "corruption, inefficiency or waste" does not extend to "candid communications" which are often at the core of such misconduct. Had that doctrine prevailed many an investigation of corruption and maladministration—Teapot Dome, for example—would have been stopped in its tracks. Indeed, this was precisely the objection made by Congressman Nixon in criticizing President Truman's withholding of an FBI report: "That would mean that the President could have arbitrarily issued an executive order in the . . . Teapot Dome case . . . denying the Congress . . . information it needed to conduct an investigation of the executive department." Congress, declared the Supreme Court in *McGrain* v. *Daugherty* (1927), may investigate "the administration of the Department of Justice . . . and particularly whether the Attorney General and his assistants were performing or neglecting their duties . . ." To shield communications between suspected malefactors would go far to abort investigation.

Eisenhower's claim that "candid interchange" among subordinates is an indispensable precondition of good government is an unproven assumption. Indeed, it is disproved by the fact that government functioned well enough from 1789 to 1954 without the benefit of this doctrine, and by the further fact that Eisenhower's withholding (under the umbrella of "candid interchange") of information respecting alleged maladministration of foreign aid in Peru was immediately countermanded by President Kennedy, with the salutary result that exposure lead to correction, not to the toppling of administration. In England, "candid interchange" was laughed out of court by the House of Lords in *Conway* v. *Rimmer* (1968). Against the debatable assumption that fear of disclosure may inhibit "candid interchange," there is the proven fact that such interchanges have time and again served as a vehicle of corruption and malversation—the latest example being the "interchanges" about Watergate wihin the White House—so that, to borrow from Lord Morris, "a greater measure of prejudice to the public interest would result from their non-production."

Even if there were an "established" doctrine of executive privilege, it is hard to imagine a sorrier occasion for its invocation than as a shield for White House aides, files, and recorded tapes of White House conversations from inquiry into the Watergate affair. Here is a criminal conspiracy to corrupt the election process that has already resulted in the conviction of two former White House aides, G. Gordon Liddy and E. Howard Hunt, and has ever-widening ramifications. Following the break-in was a massive cover-up designed to obstruct justice—in which former White House counsel John Dean confessedly participated and by his testimony implicated his superiors. These charges have been denied, and justice requires that the conflicting testimony be resolved by resort to documentary evidence contained in the White House files or in recorded conversations with the President. The invocation of executive privilege to shield these records thwarts justice and feeds suspicion that the President himself is implicated.

Were executive privilege, even though without constitutional roots, deemed a necessity of government, it should at most shield official action, not unofficial acts of a candidate campaigning for reelection, and certainly not criminal acts. It is a perversion of the separation of powers to convert it into a shield for crimes that would subvert the Constitution. George Washington, upon whose precedent Mr. Nixon heavily relies, took a quite different view. Upon hearing rumors of an inquiry into the conduct of Alexander Hamilton, his Secretary of the Treasury, Washington said, "No one . . . wishes more devoutly than I do that [the allocations] may be probed to the bottom, be the result what it will." He would have welcomed, not blocked, public exposure of "executive" tapes and papers.

"Executive privilege won't kill you," reassuringly states Roger Cramton, recently Assistant Attorney General. Those who insist that Congress needs more information, he says, labor under a "staggering misconception. The practical fact is that Congress gets most of the information that it wants from the executive branch. Except," says Cramton, "possibly in the foreign and military areas, Congress is not hindered in making legislative judgments by the failure of the Executive to provide relevant information." That is a tremendous "except." The supply of information about imports of nuts and bolts does not compensate for the suppression of the Pentagon Papers, or the deliberate falsification of bombing raids over a neutral Cambodia. It does not make up for ten years of agonized escalation in Vietnam while Congress and the people were kept in the dark as to dismal expert evaluations and our shifting goals; for secret executive agreements with the foreign powers for bases, troops commitments, and projected military aid running into the hundreds of millions. Nor does the supply of innocuous information in bulk balance the shrouding of evidence respecting White House participation in an unparalleled conspiracy. At the heart of "exec-

utive privilege" and the "candor" theory of immunity is the view that Congress and the people are the enemy, whereas the truth is that every officer is, or should be, more truly a servant of the people than of the President. Overriding loyalty to the President, as Watergate shows, produces its own chamber of horrors.

"Executive privilege" is not therefore "rooted in the Constitution," but owes its being to the reluctance of Congress to assert its right and duty, in no small part because the President, through patronage, withholding of fat defense contracts, and other means of retaliation exercises great leverage on Congress. Even though executive refusals of information have often met with stinging protests by Congress, more often, that body has shrunk from confrontation. Nevertheless, if Congress was given a plenary power of inquiry—and it was—it cannot abdicate that power; it cannot divest itself of powers conferred upon it by the Constitution. If powers, said Justice Jackson, are granted, they are not lost by being allowed to lie dormant." Congressional tolerance of Presidential infringement does not transform it into a constitutional right.

HOW THE ADMINISTRATION IS IMPEDING ENERGY RESEARCH

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. RONCALIO of Wyoming. Mr. Speaker, Congress has been receiving some undeserved blows from the President for failing to meet what he considers top priority needs. Of these needs, surely energy research must occupy a paramount position, yet in this area it is the administration, not Congress, which is dragging its feet.

In a letter dated September 19, the Office of Management and Budget informed the Atomic Energy Commission that operating funds totaling $16.9 million were not apportioned and are being impounded.

Those impounded funds include: $2 million for molten salt; $4.7 million for geothermal; $600,000 for solar; $800,000 for hydro fracturing; $4.5 for controlled thermonuclear research—fusion, and $4.3 million in goods and services on order.

At a time when the administration purports to be gearing up for a major energy research and development program, it is failing to utilize even these modest sums. Nowhere is the misguided sense of priorities more evident than in holding up money on two most promising areas: Geothermal research and research on nuclear fusion.

If energy research, too, must endure some reductions in interests of fiscal responsibility, I suggest the administration look to the $3.8 million for the Atomic Energy Commission's plowshare program to use nuclear stimulation to free natural gas trapped in tight rock formations.

With all of the serious questions surrounding this program, including economics, environmental impact and energy tradeoffs, plowshare continues, while the infinitely more promising areas of fusion and geothermal research go begging.

The most optimistic estimate ever given for the gas recoverable through nuclear stimulation is 300 trillion cubic feet.

Nine times that amount is believed to be recoverable on the gulf coast, dissolved in geopressured gulf coast geothermal waters. This estimate of 2,700 trillion cubic feet was made by Dr. Robert W. Rex, president of Republic Geothermal, Inc., of California, during recent testimony before the House Science and Astronautics Subcommittee on Energy.

This gives added force to the argument that the plowshare money should be withheld and the search for a means to develop geothermal waters should be begun.

The energy needs of the Nation cannot continue to endure the indifference toward research work in geothermal, hydro fracturing, and fusion which the administration is thus far evidencing.

THE AMAZING METS OF 1973

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. BINGHAM. Mr. Speaker, sport, both participatory and spectator, has become an inseparable part of the American scene today. The antics and exploits of the New York Mets caught the attention of the sport's world when they captured a berth in the divisional playoffs of the National League. As the headlines in today's New York Times aptly state, the "Mets Are Again the Darlings of Gotham." I congratulate the Mets on their fine achievement and wish them luck in the playoff games ahead. The reputation of the Mets and their special endearment to the people of New York City comes not solely from the knowledge of their athletic prowess but from the spirit that guides them.

The fans of New York respond not only to the spectacular catches of Cleon Jones or the superb pitching of Tom Seaver, but to the esprit de corps that the Mets exhibited in winning the division title and that will hopefully carry them to another world championship. Jon Matlack of the Mets put it this way—"You gotta believe means you gotta believe in yourself." The example of the Mets, regardless of the outcome of the National League playoffs and the World Series, is surely one which New Yorkers can be proud to follow.

An article by Leonard Koppett in today's New York Times reflects the feelings inspired by the feats of the Mets and the faith inherent in their success. The article follows:

"I NEVER GAVE UP, AND NEITHER DID THE PLAYERS," SAYS BERRA ABOUT HOW THE METS WON THE EASTERN TITLE

(By Leonard Koppett)

CHICAGO, Oct. 1.—The tortoise had done it again, to a whole bunch of hares this time, and the fact that they had come from last place to first in the final month of the season was the central satisfaction expressed by the New York Mets as they celebrated winning the National League's Eastern Division race.

First the Chicago Cubs had raced to a big lead, then the St. Louis Cardinals spread-eagled the field, and in early September the Pittsburgh Pirates and Montreal Expos seemed to be closing with a rush.

But the Mets, plodding along at a .500 pace after an epidemic of losses had dropped them to last place by July, found themselves in position to move toward the ever-sinking top when all their regulars were finally healthy in September.

"The butterflies are gone now, I'm glad it's over," said Yogi Berra, the manager so widely written off two months ago. "But I never gave up, and neither did the players. We had to go over five clubs to get here, and that makes you proud."

HAPPY AFTER GAME IS CALLED

When the Mets first reached their clubhouse after their 6–4 victory, they were cheering and shaking hands with one another, but conscious that another game was scheduled to be played—meaningless but inescapable. Five minutes later, word came that the second game was called off—and the shouts that greeted that news were much louder than the shouts that were reactions to the victory.

Only then did real celebration start, with the usual crush of photographers adding to the mess created by those players who would rather spill champagne than drink it. The most boisterous were Tom Seaver and Tug McGraw, the two men who had pitched today, and McGraw, the noisiest, led a series of cheers that went:

"One, two, three—you've got to bee-lieve."

The direct reference was to a sign recently produced at Shea Stadium by two nuns, who had become friends of McGraw and his family when he first reached the major leagues eight years ago.

In theme, however, the slogan related to a clubhouse talk given in July by Donald Grant, the chairman of the board. He had told the players then that management had faith in them and that they must continue to have faith in themselves.

Faith was a subject quite pertinent to Berra, who won a pennant in 1964 in his only year as manager of the Yankees, and was dismissed after losing the World Series. Did he feel vindicated by finishing first in his second year as manager of the Mets?

"I just like baseball, I'm happy how it turned out," he said, smiling. "Yes, I guess I do—I haven't thought about it much. I just do my best. I know the fans got on me, but they gotta pick on someone and it's always the manager, that's just the way baseball is. It's up to the owners, and when things go wrong, a manager goes—and I don't blame them. But I'm proud of the way we came back. For instance, when we lost that first game in Pittsburgh and seemed to be out of it, and then won the next four from them—that makes you feel good."

He confessed that at one point he almost felt beaten.

"Maybe in July when we were 12 behind with all those injuries," he said. "You just didn't know when the injuries would end. But when we came back from that Western trip in August and were still only 6½ out, and there was a story about us loafing in San Diego, I told all the fellows that it looked like nobody else wanted to take it and that we were still in it and should keep trying."

That was when the rainout was announced.

"Hey, the game's off—get the champagne out," shouted the manager, and serious celebrating began.

Bud Harrelson, whose absence from shortstop was one of the persistent Met problems during the summer, elaborated on the "don't give up" theme.

"In 1969," he said, making the inevitable

comparison, "it was just some sort of miracle that happened to us. We started out just hoping to do better than the year before, and we weren't expected to win, and we didn't know that much about anything. This year though, we were so frustrated we knew—knew [tapping his heart] that we should win. We had the talent, and when everybody got down on us, we knew they were wrong to come back and win, once we were all able to play—I think of it as a much more mature victory, a more mature feeling."

"Nothing will ever be like 1969," said Seaver. "We were all so young then. Anyhow, we've only taken one step of the three. We still have to win a playoff and World Series to match 1969. But in a way this was more earned."

"Suddenly," said Wayne Garrett, one of the hottest bats in the stretch drive, "you looked around during a game and saw all the faces that you were supposed to see out there playing. Harrelson, Jerry Grote, Cleon Jones, Rusty Staub—the regulars. It made a tremendous difference. We knew we had a good team if only we could get it out on the field."

"It was just like 1969 in that it was a team thing," said Grote. In July his broken wrist healed. "All the pitchers, Harrelson, Cleon, Garrett—everybody did something. But it was wilder then, and we expected more of ourselves ever since 1969."

Ed Kranepool, who played 100 games but was used mostly to pinch hit in recent weeks, was chortling over his record.

"I hit .239 and we finished the season in Chicago," he said. "In 1969 I hit .239 and we finished in Chicago, too. Next year I'm going to hit .239 again. In between I've hit .270 or .260 and we haven't won. I can make us all more money hitting .239."

And there was Bob Miller—the same Robert Lane Miller who was an original Met and who scored his one and only victory of the 1962 season (after 12 defeats) here in Wrigley Field. He had pitched for Los Angeles, Minnesota, San Diego, Chicago and Pittsburgh since, and he returned to the Mets only a couple of weeks ago as an emergency reliever. He worked a total of one inning.

"I've been on seven pennant or division winners since I left here," he said, "and I've only been here 10 days, but I found myself rooting harder in the dugout today than I ever had in my life. I can't really explain it."

DEAR COLLEAGUE: A COURTESY VISIT TO YOUR ARMY RECRUITER MAY BE MUCH APPRECIATED

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. STEIGER of Wisconsin. Mr. Speaker, this past weekend the Washington Post carried an unusually perceptive column about the Army's alleged problem of attaining sufficient volunteers.

George F. Will, the Post's contributor, displays an insight few writers possess on the subject of military manpower. Briefly, he explains that the feasibility of the volunteer Army is no longer a question. The volunteer force is well within our ability to manage. Moreover, Mr. Will suggests a few simple steps to insure its successful management.

I would like to add a further suggestion. As one who has paid a visit to an Army recruiting station in recent months, I want to suggest that such a courtesy visit is one easy step Members of Congress can take to help insure the success of the volunteer Army.

In discussing my field visit with the Deputy Commander of the Army's Recruiting Command, Gen. Robert Montague, I have learned that our colleague—the Honorable RICHARD P. ICHORD—has made a similar field visit to his recruiting station in Missouri's 8th Congressional District. General Montague reports that Mr. ICHORD's visit has served as an important morale booster to his recruiters.

Given this positive contribution we can make—in 15 or 20 minutes of our time—it seems to me the men and women who serve in Congress should do what we can to help our local recruiting effort.

I commend your attention to the column by Mr. Will. The only observation I would add is that, in my experience, Secretary Howard Calloway is fully supportive of the volunteer Army program, and I simply want to note his active help for the RECORD.

[From the Washington Post, Sept. 28, 1973]

THE ARMY'S "PROBLEM"

(By George F. Will)

Some people in our "action Army"—the one that "wants to join you"—have swung into action to discredit the idea of an all-volunteer force. Spokesmen are saying the Army is having trouble attaining sufficient volunteers even though it has lowered standards.

Actually, the Army, in spite of itself, is getting almost as many new male recruits as it says it needs.

It does not need as many new male recruits as it says it needs.

And it has not lowered standards.

Many months ago the Army said it needed 181,000 new male recruits this year. Last year it got 167,000, including 140,000 "true volunteers" who were not draft-induced. It is reasonable to assume that 140,000 is a yearly attainable minimum. Moreover, the Army can reduce the number of 181,000 recruits it needs while also enlarging the number of eligible recruits. Thus the "problem" 41,000 evaporates.

The Senate Armed Services Committee has mandated a 156,000 cut of total Defense Department manpower. This probably will be compromised to a 70,000 cut, and probably will mean a *minimum* of 15,000 fewer Army recruits needed.

Women are 2 per cent of the Army and are supposed to be 4 per cent by 1978. The Army plans to recruit 12,000 women this year. Of course not all Army jobs can be filled by women, but 89 per cent of the kinds of Army jobs can. (Only 30 percent of Army jobs are combat jobs.) It would be duck soup to increase women recruits 50 per cent, or 6,000.

Between 80,000 and 100,000 military jobs could be filled by civilians. *At least* 10,000 of those jobs are in the Army.

The Army is turning away men with prior service who want back in. The Air Force will meet 9 per cent of its new manpower needs this year from such men. The Army says it will take around 5 per cent of its manpower needs this year from such men. By matching the Air Force percentages, the Army could reduce its needs for new male recruits by a *minimum* of 2,000.

Every month since January the Army has failed to use its authorized number of recruiters. It is authorized to have 4,725 "production" recruiters—those who actually talk to potential recruits. It was short 54 in February and 870 by July. In July, a good recruiting month, recruiters averaged 3.4 enlistments. Extrapolating from that, it is reasonable to infer that recruiters authorized, but not on station, cost the Army 2,958 enlistments in July alone.

In August the Army acted to get all authorized recruiters on station, but it will take until February for all of them to be found, trained, moved, settled and acquainted with the high school counselors and others essential to a good recruiting program. Lackadaisical recruiting probably cost the Army 5,000 recruits in the six month February–July period. If it recruits vigorously for the remainder of fiscal 1974, it should get a *minimum* of 8,000 unanticipated recruits.

If you are counting, we have just eliminated the so called "problem" of 41,000 recruits. But there is more to be done.

Army standards regarding aptitude and motivation are arbitrary and unnecessarily impede recruiting.

The Army has five aptitude categories. Categories one and two are "college material," three is average, five is well below average and unacceptable. Category four—"below average" but trainable—is what the Army does not want to be too large.

But what is "too large"? The Army doesn't know how many "category fours" it can absorb because it has not graded the performance demands of its various jobs. Only 19 per cent of Army enlistments this year will be "category fours," up slightly from 16.3 per cent last year, but down from the 20–25 per cent during the last five years of conscription. The Army is not taking as many "category fours" as it could get, and there is no conclusive evidence that it is taking as many as it could use.

In addition, the Army overemphasizes the importance of a high school diploma. The fact is that 19 of 20 high school graduates make good soldiers, 16 of 20 non-graduates do, too. Because of this small differential the Army, in February, imposed an arbitrary limit of 30 per cent on non-graduate enlistments. The Army wisely abandoned this limit in July. Unfortunately, abandonment was accomplished by a lot of misleading Army talk (by Army Secretary Howard Calloway, among others) about how the Army was lowering standards.

The Army was doing no such thing.

Rather, it was adopting a more sensible way of enforcing standards. As a result, it is now a function of trainers to screen out unsuitable recruits for honorable discharges. In addition, to help keep standards high, recruiters are warned they will not get credit against their quotas for recruits who do not make it through training. Thus trainers and recruiters are required to be discriminating without being dogmatic about diplomas.

So the facts reveal that enlistment numbers need not be a problem. But one more thing must be said.

The Constitution will not permit the racial "mix" of recruits to be treated as a "problem." The percentage of black recruits in August (29.7), as in other months, was higher than the percentage of blacks in the population. But so what? Anyway, the Fourteenth Amendment forbids "doing something" about that putative "problem." And civil rights organizations should be watchful lest the Army try an end run around the Constitution by (say) imposing regional quotas on the South or overspending for recruiting in white areas.

There have been too many Army words and deeds this year designed to complicate, sabotage or misrepresent the transition to an all-volunteer force. Current Army talk about recruits being "too few" or "inferior" or "too black" is devious and corrupt nonsense designed either to get conscription reinstated or to justify a massive budget shift among the services, in favor of the Army, to help the Army cope with its "plight" in an all-volunteer environment.

But not even the Army can be dumb enough to think Congress will resurrect conscription, and Congress certainly is not dumb enough to reward the Army for its sloppy—and in some cases, cynical—nonperformance of its duty to make volunteerism a success.

THE HORSE SLAUGHTER INCREASES

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. HOWARD. Mr. Speaker, as some of my colleagues may recall, last spring I introduced legislation to prohibit the sale or purchase of pregnant mares or mares with foals, for the purpose of slaughter for human consumption. This was done in the face of an enormous drain on the equine stock in this country.

Now, we find that the number of horses being purchased for slaughter has continued to rise—from some 20,000 per month in the early spring up to about 27,000 per month currently. Estimates at this time indicate that as many as 80 percent of the horses being sold at auction are purchased by slaughter house representatives.

Mr. Wendall Rawles, of the Philadelphia Inquirer, has written a very interesting and perceptive article on this subject, which I would like to commend to my colleagues at this point in the RECORD:

[From the Philadelphia Inquirer, Aug. 26, 1973]

THE HORSE SLAUGHTER INCREASES

AUCTION PRICES, EXPORTS GO UP WITH DEMAND

(By Wendell Rawls, Jr.)

The Amish of central Pennsylvania don't bid for horses any more. They can't afford them.

By next summer, a good number of children's camps probably won't have horses for the kids to ride. The camps won't be able to afford them.

The reason: The price of horses has gone up more than 38 percent in the past four months as the worldwide demand for red meat grows.

Horse meat packing houses in the United States, Canada and Europe are prepared to pay more per pound—25 cents now, compared to 18 cents in April—than anyone else. They are driving the price beyond the means of most users of horses for conventional needs.

The number of horses being slaughtered has soared from more than 20,000 a month, as disclosed in an Inquirer series in April, to at least 27,000 a month now.

And that business is so lively that the number of horse packing plants in the United States has climbed from six to 12 in the past four months. A 13th, with plans to kill 3,000 horses a week, is planned.

Finally, there is one more strain on the horse population. More than 3,000 horses since April have been exported alive from Richmond, Va., to Europe, where most of them are believed to have been slaughtered for human food.

"There are getting to be too many slaughterhouses," said David Harman, a Christiansburg, Va., horse dealer who supplied the largest single shipment (760 horses) ever to sail from Richmond.

"I can see that if things keep going like they are, there could get to be a crisis—not in the next few months, but in a couple of years."

Bob (Wishbone) Roche, a horse dealer in Colchester, Conn., put it a bit stronger:

"You just wait until the camps in this country start trying to buy horses next year. There won't be any for them to buy. The horse they paid $80 for last summer will cost them at least $400 next summer."

Harman said the horse market is the "highest priced" in history, while horses being offered at auctions are of "less and less quality."

At the long-standing auction at New Holland, Pa., the higher prices and the lower quality discourage Amish farmers from even attending the sales, much less bidding.

At one time, solemn, boarded, black-hatted Amish farmers crowded the bleachers on either side of the almost-square arena where horses were led or ridden before the machine-gun voice of an auctioneer.

In recent sessions, with the Amish missing, the auction has become known unofficially as the "New Holland Meat Market."

The Amish have for centuries relied on horses as part of their religious beliefs for both transportation and farm work.

"If this (slaughter) keeps up, maybe the Amish will start using tractors like they should have been doing anyway," says Effingham Embree Jr., an international trade specialist with the Virginia Department of Agriculture, which has supported and encouraged the export of horses from Richmond's Deepwater Port.

The horses being bought for slaughter generally come from auctions like the ones in New Holland and Iselin, N.J.; Rushville, Ind., Johnson City, Tenn., Morris, Ala. and Front Royal, Va.

At some of the auctions, as many as six "killer" buyers are competing for the horses. Frequently, other potential buyers do not realize they are bidding against a "killer," who almost imperceptably lifts an eyebrow or flicks a finger to indicate a new bidding.

The "killers" purchase horses as agents for slaughterhouses. They seek in fleshy horses, weighing 1,000 pounds or more—horses that will provide ample meat.

The "killer" bids on the basis of the probable weight of a horse. In other words, if he knows he will get 18 cents a pound for a 1,000-pound horse, $180 is the break-even point. At 25 cents a pound, he can bid up to $250.

In April, dealers claimed that as many as 60 percent of the horses at auctions went to "killers." In recent weeks, the estimates have climbed to as high as 80 percent.

"The better riding horses are now commanding higher prices," Harman said. "The lower grade horses are being eliminated. This naturally causes a decrease in horse numbers, but it uprades the breeds."

Harmon said he often notices a horse herded to slaughter that "looks too good" for that.

"I put it in a separate pasture and, when I get a chance, I give it a ride," he said. "If it rides good, I keep it for resale. If it doesn't ride good, I give it a free trip to Italy."

Embree calls the slaughter a "culling process."

"The horses that need to go are leaving," he said in an interview. "The price of horses should increase and people who cannot afford to pay at least $1,000 for a horse should not have one. They can't afford to take care of a horse properly."

The "culling process" is beginning to cause problems for more than the Amish and the owners of summer camps.

"It is getting harder to find horses for the slaughterhouses," said Dennis Crowley, a horse trader from Agawam, Mass., who supplied many of the 750-odd horses in the most recent shipment from Richmond to Livorno, Italy.

"A plant in Milwaukee (Smith-Wilson Meat Products, Inc.) called recently and said they were desperate for horses and wanted me to find 200 of them. I had a helluva time rounding them up.

"There just ain't enough horses left for all these slaughterhouses."

Horses are shipped live from Richmond because the port is the only one on the Atlantic seaboard with a live stock-handling facility.

The most recent shipment was purchased by the Nabocarni Company in Italy. The officially listed shipper was Jean Guy Trudeau, who also operates slaughterhouses in Yamachiche and Charlemaign in Quebec, but other shippers shared space on the boat. Trudeau plans another shipment in September, as does Harman.

While the horses are inspected, the ship, most recently one of Monrovian (Liberia) registry, is fumigated and loaded with hay and 260 tons of water for the 12-day trip across the Atlantic.

The horses are placed in any of the 191 iron pipe holding pens aboard the ship. En route, they are fed and watered twice daily. The air inside the ship's hold is changed every two minutes by a blower system.

But horses are surprisingly fragile, and even with proper care some invariably die before reaching Italy.

Dr. Richard Harden, a young Richmond veterinarian who helped inspect horses last week, maintained that for some horses, slaughtered for human food may be "more humane" than the treatment they received beforehand.

He insisted there are more horses in America today than ever before.

"That shows just how out-of-touch veterinarians are with the saddle horse industry," said Dennis Crowley, the Massachusetts trader.

"If I thought the horse population would hold out, I would start a slaughter plant myself," he said. "I have enough connections to find whatever horses are available and the Europeans will send over men to train butchers if you will agree to sell them the meat. But we are going to run out of horses in the average man's price range, the kind of horse we are now killing."

The USDA estimates there were between 6 million and 8 million horses, mules and ponies in the nation at the start of the year. Many of the horses are registered as show animals. Mules cannot be killed for human food.

"There will always be plenty of registered horses and thoroughbreds," said Bob (Wishbone) Roche, the Colchester, Conn., dealer, "but nobody is actively breeding the average kid's horse and soon there will not be any for them to ride."

Dr. Calvin Pals, of the USDA in Washington, perhaps best summed up the fate of the pet riding horse.

"It will become the same as buying a car," he said.

But Embree put it differently:

"The slaughter of horses is like picking up a handful of sand from a pailful. When you pull out a handful, the sand just fills in behind it.

"If one horse slaughter operation went out of business, 10 would step in. It is just a matter of economics."

PENSION PLANS TO GET STABILITY

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. CHAMBERLAIN. Mr. Speaker, I would like to call to the attention of my colleagues in the House of Representatives an editorial with respect to pension plans that appeared September 18, 1973, in the Jackson Citizen Patriot, Jackson, Mich. This editorial reflects the deep interest in pension reform which prevails throughout the Nation and cogently points up the need for prompt action by the Congress. For these reasons I feel that it is well that the House will soon be considering pension reform legislation

and I commend this pertinent commentary on the subject.

The editorial follows:

PENSION PLANS TO GET STABILITY

Pension plans are much in the news these days, from Jackson and similar cities to debate in the United States Congress.

In Jackson, it is the continuing lack of full funding of the city's pension plan for firemen and policemen that is the point of focus.

The bright spot for those city employes, however, is the fact their plan, while lacking the proper bank balance is nevertheless quite secure. For practical purposes, it is guaranteed by the faith and credit of city's taxpayers.

Not so secure are a whole lot of private pension plans, and it is toward these that both houses of Congress are now showing interest.

Hearings are underway in both the federal House and Senate on several versions of legislation that would guarantee the solvency of private pension plans, and members of both bodies are optimistic legislation will be adopted this fall and sent to the President.

The lawmakers haven't jumped into the matter headlong. Pressure has been building for a decade or more as firms failed or were merged into others with a resultant loss of pension benefits to employes or retirees.

When Studebaker failed in 1964, about 4,000 workers realized 15 cents on the dollar of accrued pension benefits, a fact still being discussed in Congress.

Sen. Robert P. Griffin cited figures from the Department of Labor and the Treasury Monday showing that in 1972 a total of 1,227 pension plans were terminated, resulting in losses of pension benefits covering 19,000 workers.

Support for federal legislation requiring minimum performance standards for pension plans has come from all sectors of the nation, as an estimated 40 million Americans are now offered some form of pension plan.

The final result will undoubtedly come out of a House-Senate conference committee charged with ironing out the differences between the two versions—which vary little or a lot, depending on which ones win final passage in the two houses of Congress.

Most pension plans are designed to work hand-in-glove with Social Security to provide a minimum income for retirees.

Another plan being talked about would increase Social Security benefits so that, combined with other forms of income—such as pensions, savings, investments—a retiree would be guaranteed 50 per cent of his pre-retirement income.

That one's off in the future, and while it may sound good at first blush, it would be funded in the usual Social Security tax manner—via payroll deductions.

There's an increase in payments for Social Security due again next Jan. 1, not a higher rate of taxation, just figured over the first $12,600 earned instead of this year's $10,800. That will bring the Social Security tax to or near a year-round thing for a major part of the working population.

Whatever happens to Social Security in the future it seems certain there will be some kind of basic legislation on the books by year-end governing private pension plans.

While it's another bond for free enterprise, it is obviously required because of the failure of so many plans to perform when retirement day rolls around.

Having studied the idea for so many years, Congress should be in a position to do a proper, bang-up job the first time around, so that there'll be no need to amend their efforts at every drop of the hat.

If pension plans have to be regulated, as they unquestionably do, nothing could be worse than enacting a slap-dash law to start with.

NORTH CAROLINA'S THINK TRIANGLE

HON. IKE F. ANDREWS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. ANDREWS of North Carolina. Mr. Speaker, I am especially proud that North Carolina's Fourth Congressional District, which I am privileged to represent, embodies the unique Research Triangle Park.

Nestled snugly but resolutely in North Carolina's wooded heartland contiguous to the pacemaking Piedmont towns of Raleigh, Durham, and Chapel Hill, the Research Triangle Park encompasses the most comprehensive combination of talent, brainpower, and technical skill ever to be found in 5,400 acres.

I would like to share with my colleagues an article from the August issue of Delta Air Lines' Sky magazine in which the author, Jean Sedillos, captures the spirit, purpose, and success of the Research Triangle Park:

NORTH CAROLINA'S THINK TRIANGLE

(By Jean Sedillos)

In the Piedmont region of North Carolina, among piney woods and rolling meadows, civilization is alive and well.

Raleigh, seat of state government for 200 years, houses an $8 million art collection including works of Rembrandt, Raphael, Rubens, Gainsborough and Gilbert Stuart. The city offers theater, a concert series, chamber music, ballet, children's theater, opera and symphony. And there are no fewer than six colleges, among them North Carolina State University.

Fifteen miles west in Chapel Hill, a state of peaceful coexistence exists between blue-jeaned Berkeley types, retired capitalists and everyone in between. Morehead Planetarium serves as celestial navigation training ground for U.S. astronauts, and the University of North Carolina adds its concerts, museums, lectures and libraries to the cultural offerings of the city. In addition, a 500-bed teaching and research hospital, the Carolina Playmakers and the North Carolina Botanical Garden add to the variety of scientific and cultural stimulus.

Seven miles northeast in Durham, home of the industry which first brought prosperity to the area, the delicate Gothic towers add charm to the well-manicured gardens of Duke University. The South's foremost medical research and hospital center reside in Durham. A national nucleus of black capitalism and home of the nation's largest black-owned corporation, the city also has North Carolina College, a nationally respected school for blacks.

It is no wonder that within the triangle formed by these three cities lies one of the most exclusive, well-designed and successful research parks in the country, the Research Triangle Park. Here in a bucolic 5400 acres, eighteen governmental and industrial groups profit from—and add to—the resources of the three Triangle cities.

The Research Triangle Park is known as a "restrictive research park," as opposed to an ordinary industrial park. Approximately 1000 acres have been zoned exclusively for research; no product may be manufactured for sale. The remaining sites are zoned for research-oriented manufacturing.

Although research activities at the park cover a wide spectrum of disciplines, over half of the 8500 work force is involved with computer, textile or environmental research. IBM is by far the largest employer, with a staff of 3300 developing and manufacturing tele-processing terminals and components for the System/360 and System/370.

Monsanto Company's Chemstrand Research Center employes about 300 people in research and development of synthetic fibers and other products. Beaunit Corporation, also a fiber and textile producer, employs 350 in research and development and administration and data processing.

The National Institute of Environmental Health Sciences and the National Environmental Research Center identify and study chemical, physical and biological factors in the environment that can adversely affect man. At present the combined staffs number about 500, but when the NIEHS' permanent facilities are completed, 750 more scientists and support personnel will move into the Research Triangle.

A sampling of the park's other tenants: the Forestry Sciences Laboratory, Hercules Incorporated (makers of the olefin fiber, Herculon) the National Center for Health Statistics, Becton, Dickinson and Company (biological and biomedical services and research), Burroughs Wellcome Company (pharmaceuticals) and the National Laboratory for Higher Education.

The park places no specific restrictions on what type of research is conducted by its tenants, as long as it's non-polluting. However, the Foundation has turned down some companies' applications because the universities and the Institute did not have expertise in the companies' fields of study. To be accepted in the park, organizations must be able to profit from the Triangle's resources as well as contribute to them.

Two organizations form the nucleus of the Research Triangle Park: the Research Triangle Foundation and the Research Triangle Institute. The Foundation, originally financed by donations of over $2 million from North Carolina corporations and private citizens, serves as a trustee for the park. The Foundation's main function is to attract desirable tenants to the park, in addition to supporting research-related activities at the Triangle universities and promoting industrial development throughout the state.

Established through a $500,000 grant from the Foundation, the Research Triangle Institute is a non-profit corporation affiliated with the three universities. The RTI provides scientific research services to other organizations in the park, government and industrial clients. Any revenues from commercial contracts are used to expand the RTI staff or its facilities.

The RTI employs approximately 450 specialists in a variety of disciplines which seem to have set the tone for the entire park: population, education, statistics, state and regional planning, social behavior, health services, chemistry and life sciences, engineering, environmental studies, technological applications and polymer science.

The RTI staff works closely with university faculty members on many projects; over half the RTI's Board of Governors are representatives of the three schools and several RTI staff members are also professors at the universities. This day-to-day working relationship with three excellent schools is one of the main reasons for the Research Triangle Park's success.

Another significant area of cooperation is the Triangle Universities Computation Center, one of the largest educational computer networks in the world. An IBM System/370 Model 165 is linked to the Triangle schools by high-speed transmission lines and to some forty other North Carolina colleges by telephone. This facility is maintained for the use of the park's tenants as well as the universities.

The Triangle universities' libraries have been cross-catalogued and made available to

the park. Deliveries arrive twice daily. Companies in the park recruit university graduates, while universities recruit the park's scientists as faculty members. Many scientists and technicians take advanced classes at the universities, either in their fields of specialization or in management.

The park is unique, even among other non-industrial research parks, because of its woodsy, rural setting. Even when it is fully occupied, it will still look like a park. Each tenant must take a site of at least six acres and build on no more than fifteen percent of it.

Strict restrictions guard against excess noise, vibrations and smoke, and a Board of Design must approve all new buildings, including their signs. The place even has tree requirements!

From the beginning the man behind the park's development has been Luther Hodges, former governor of North Carolina and U.S. Secretary of Commerce. Until recently he served as Chairman of the Board of the Research Triangle Foundation. In his words. "the Research Triangle is the marriage of North Carolina's ideals for higher education and its hopes for material progress."

The park was founded in 1959 on the principle that research and education are necessary forerunners to industrial and economic growth. And each year the park's impact on the region's economy continues to prove the principle's validity. The annual payroll, now around $100 million, has been the prime force in the area's 28 percent increase in annual income. Chapel Hill has the highest median income of any city in the state.

Growth in the park naturally stimulates growth in the surrounding area, especially since most of the park's positions are filled by people new to the area. Planners estimate that every new job in the park generates a new job in one of the Triangle cities or at the park's own service center, the Park Plaza.

The Plaza, a 100-acre tract set aside in the center of the park, makes the region an even closer community. The Plaza now contains a major hotel, a restaurant, a conference center and several retail stores.

The park has also attracted new industry to other parts of the state. For example, when Burroughs Wellcome moved its corporate headquarters to the Research Triangle, the company also built a manufacturing plant at Greenville.

And perhaps most important of all, the development of the park has enabled North Carolina to retain much of its brainpower, as well as the out-of-state brainpower, which was developed at the Triangle universities.

So Raleigh, Chapel Hill, Durham and the Research Triangle Park have fused in a way that definitely results in a whole greater than the sum of its parts. And if past success is any indication of the future, this type of mathematic equation may not only help to improve the quality of American products, but also inspire more such projects in other parts of the country.

BIAGGI TESTIFIES ON NEED FOR CHILD ABUSE TREATMENT, PREVENTION PROGRAMS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. BINGHAM. Mr. Speaker, my good friend and colleague from New York (Mr. BIAGGI) testified yesterday before the House Select Subcommittee on Education in support of his bill to provide comprehensive programs for the treatment and prevention of child abuse.

Congressman BIAGGI has been working in this area for many years and introduced the first major legislation dealing with child abuse in the 91st Congress. Due to his efforts and those of other leaders in the field, including Senator MONDALE—whose bill has passed the Senate—and Congresswoman SCHROEDER, the problem has been brought to the fore and there is hope that a national attack on the problem of child abuse and neglect may be launched during this Congress.

For the benefit of my colleagues, I would like to include his testimony and that of Dr. Vincent Fontana, a specialist in the field of child abuse treatment and prevention, who testified with Mr. BIAGGI yesterday morning. I hope all will read these statements and work together to enact legislation that will offer new hope that the horrible abuse and battering of thousands of children in this Nation—and the killing of many—can at last be brought to an end.

The testimony follows:

TESTIMONY OF THE HONORABLE MARIO BIAGGI BEFORE THE SELECT SUBCOMMITTEE ON EDUCATION ON CHILD ABUSE PREVENTION

OCTOBER 1, 1973.

Mr. Chairman, let me first express my appreciation to you and the members of this committee for the opportunity to testify on the critical problem of child abuse.

Last year over 700 children died in these United States as a result of abuse and neglect. Over 200 of them were in New York City alone. Child abuse is the leading cause of death among infants and young children. We are talking about an epidemic—an epidemic of such proportions that if it were the plague or some other communicable disease, vast emergency measures would already have been taken by the City, the State and the Federal Government. As it is, we are doing almost nothing today to control child abuse. While we stand idle in the face of this slaughter, an increasing number of our children are dying every day.

This problem has been closeted away for too long. Now at last, through the efforts of many people in the pediatric and psychiatric field, through attention by the news media and through action here in Congress, the problem is being faced forthrightly. There is now a recognition that government has an obligation to protect the rights of those too young to protect themselves even if the threat to these children comes from their own parents.

My own interest in this legislation dates back to my first term in Congress. Since then I have introduced numerous bills with many cosponsors in hopes of having legislation enacted that would reduce the ever increasing incidence of child maltreatment.

I am very pleased that others in Congress now share my interest and have introduced valuable legislation on their own. I commend the Senate for their passage of the Mondale bill on child abuse prevention this past summer. It is significant first step toward the resolution of the problem.

I am pleased to see that the bill incorporates one of the basic approaches in my own legislation, that is, a national clearinghouse and data bank to collect information on research efforts and programs concerned with child abuse.

The Mondale bill has many other valuable features, particularly in the area of treatment and further studies. We must recognize, however, that the problem of child abuse is not merely one of prevention and treatment; it is also one of law enforcement.

During my 23 years as a member of the New York City Police Department I saw too many instances of child abuse. The lack of adequate reporting laws, the absence of mechanisms to remove children from the home of a known abuser, the failure of medical personnel and social workers to recognize a child abuser and treat him were evidenced over and over again by the many cases I and other police officers handled.

When first coming to Congress, one of my first priorities was and continues to be, the enactment of legislation to provide better law enforcement in this area, encourage treatment programs and focus national research efforts on resolving and reducing the incidence of child abuse.

We cannot afford to wait any longer . . .

Not while in my own City of New York, thousands of children are beaten each year and hundreds actually die of neglect and maltreatment—over 200 died last year alone;

Not while there are one thousand heroin addicted babies born in New York City each year;

Not while the dimension of the problem is increasing even while our birth rate is decreasing. In short, the problem has reached epidemic proportions.

This year, over 15,000 children will be reported as victims of child abuse. Many thousands more will be abused who will never come to our attention. In short, the problem has reached epidemic proportions.

Therefore, it is not enough to merely study the problem, not enough to collect information on what is being done, not enough to establish demonstration projects. As commendable as these objectives are, the children of New York City, and of the nation, cannot wait for these measures to lead to some comprehensive effort next year or the year after. They need help today.

That is why my bill offers large amounts of money now for those states that will form comprehensive plans to fight the horror of child abuse. These plans will have to meet specific standards calling for reporting laws designed to make certain we can find the child abuser and then treat him. These plans will allow the courts to take emergency custody of the child immediately to insure his physical safety. These plans will call for mandatory psychiatric testing of the abusing parent so we can avoid the terrible mistake of returning a child to a battering parent.

I urge you to consider seriously these proposals and I am anxious to work with other members of the committee and interested parties on developing the best legislation possible. My staff and I in conjunction with Dr. Vincent Fontana, who is with me today, will be preparing a series of amendments to the Mondale bill which I feel will strengthen and improve the legislation. It will give this Congress the opportunity to truly face head on the problem of child abuse in this country and to bring it under control.

I would like to now introduce Dr. Vincent J. Fontana, who is director of Pediatrics at St. Vincent's Hospital and Medical Center of New York, Medical Director of the New York Foundling Hospital and Professor of Clinical Pediatrics at New York University Medical Center. He has also been chairman of the Mayor's Task Force on Child Abuse and Neglect for the City of New York for the past four years. A pioneer in the field of child abuse, having published the first book on the subject in 1964, he has directed extensive research programs in the treatment and prevention of child abuse and has long been the spokesman in fighting the plight of the maltreated child in this country.

Dr. Fontana's efforts have also been responsible for the enactment of child abuse laws in every state of this country. The establishment of the Central Registry for reporting child abuse and neglect in New York

City resulted from his efforts as Chairman of the Mayor's Task Force.

Dr. Milton Helpern, Chief Medical Examiner of the City of New York, has said,

"Vincent J. Fontana, is without doubt the most knowledgeable, articulate and effective spokesman on the shocking subject of child abuse, maltreatment and neglect."

Gentleman, Dr. Fontana.

STATEMENT OF VINCENT J. FONTANA, M.D.

It is difficult to accept the fact that in our society today inhuman cruelty to children appears to be rapidly increasing and that the perpetrators of these crimes are for the most part not strangers, but the parents themselves.

A conservative estimate emphasizes the seriousness of the problem—at least 700 children are killed every year in this country by their parents or surrogates. In 1972 in New York City alone approximately 200 children died as a result of abuse and neglect. Of these 54 children were reported to the Central registry. The Medical Examiner's Office reported 48 child homicides; and 150 children's deaths were directly attributed to a party other than the parent.

The National Center for the Prevention and Treatment of Child Abuse and Neglect in Denver has estimated that 60,000 children in this country require protection each year. I think this is an ultra conservative figure when one considers the fact that in New York City alone this year there will be over 15,000 cases reported to the Central Registry—15,000 abused and neglected children in need of protection and assistance. Mr. Douglas J. Besharov, Assistant Professor of Law at New York University and Executive Director of the New York State Assembly Select Committee on Child Abuse, has projected that an estimated 40,000 children will be reported as maltreated in New York State in 1974. These statistics strongly indicate that child battering is probably the most common cause of death in children; outnumbering those caused by any of the infectious diseases, leukemia, and automobile accidents. These figures indicate clearly that child maltreatment in this country has reached epidemic proportions and it has become commonplace to read almost daily in our newspapers of child abuse, battering and death. For every case that receives public attention there are dozens of others that go undetected and unreported.

Thousands of children are being maltreated throughout these United States ranging from gross neglect including starvation to cruelty resulting in physical and emotional damage to the child. Child abuse has become a widespread disease and a violent child rearing pattern which is becoming more entrenched in our population. Child abuse is a symptom of the violence running rampant in our society today and we as a society are unable to accept its existence.

This generation's battered children, if they survive, will become the next generation's battering parents, the disturbed and troubled adolescents, the drug addicts, the hard core criminals and murderers responsible for the violence in our cities today. Child abuse, therefore, is not only a time-limited phenomenon, but rather the cause and effect of a cyclical pattern of violence that is reflected in all our statistics on crime. The most important aspect of this disease is that these maltreated children who survive suffer emotional and psychological crippling which is passed on to succeeding generations leading to further crime and violence. This disease is perpetuated from generation to generation with violence breeding violence.

In 1962, Dr. Henry Kemp reported in the Journal of the American Medical Association a group of children that were battered by their parents. He coined the term "battered child syndrome" to bring attention to his findings.

In 1963, we reported our observations on a large number of children who presented with no obvious signs of being "battered" but who had multiple minor physical evidences of parental neglect and abuse. We reported our findings in the New England Journal of Medicine and suggested the term "maltreatment syndrome" be applied to describe this all encompassing picture of child abuse and neglect ranging from the undernourished infant reported as "failure to thrive" to the "battered child" which is often the last phase of the spectrum. In 1964, I wrote the first medical text on the maltreatment of children published by Charles C. Thomas.

Medical, social, and legal recognition of this syndrome over the past decade has resulted in the passage of child abuse laws in every state of the Union. These child abuse laws mandate the medical profession and other responsible individuals involved in child care to report all cases of suspected child maltreatment. Unfortunately, many of these child abuse laws are nothing more than "window dressing". All of the "bill of rights" for children that are passed by our lawmakers in an attempt to protect children become a mockery and are useless without the necessary funding and trained personnel required for their realistic implementation. There must be a more intensive effort by our legislators in setting up a system of facilities that will afford true protection to the maltreated child and make available preventive and treatment programs for rehabilitating the abusing parents. We must find methods of preventing and treating the underlying social pathology that is responsible for child abuse. This demands Federal intervention which in turn is dependent upon the moral and ethical value systems evident in the power structures of our government.

Human apathy and indifference in the face of cruelty to others, especially children, is hardly a new phenomenon. The great majority of our people have not recognized the rising incidence of child abuse in our society. We are told that one's man doing cannot make a difference. This may or may not be true. Whatever the answer, it does not relieve us, as human beings, of our responsibility to find solutions. Apparently this disease has no miracle solutions. It is a disease that has a great deal to do with all of us. It must be accepted as an ugly symptom of our times, it is linked with unbreakable stress, with impossible living conditions, with material or spiritual poverty, with distorted values, with disrespect for human life and with drug addiction, alcoholism, assaults, armed robberies, murders and the other ills in the midst of which we live and for which we must find massive healing.

We have found that treating and protecting the child is totally inadequate unless it is coupled with a simultaneous concern for the parent who neglects, batters or kills a child. There must be made available adequate rehabilitative and preventive measures that will help eliminate the social and psychological as well as environmental factors that foster the battering parent syndrome. This can only be accomplished by a recognition on the part of government and on the cooperative efforts of all child caring professionals and paraprofessionals.

We are told that the future of our tomorrows is dependent on the children of today. The need, therefore, is clear and urgent. We are in a crisis situation and help is needed if we are to fulfill our responsibility to these children and prevent further deterioration and fragmentation of our society.

There is no doubt that this disease affects more seriously the multitude of poor and impoverished in the large cities of this nation. We know that New York City is the drug addict capitol of the Nation and I believe it is also the area in which child abuse flourishes and is most prevalent. With poverty and ghetto living all the stresses and strains of everyday living are magnified, and with it children suffer.

There is no one approach or one program unique for the prevention and treatment of child abuse. There is no single cause of child maltreatment and certainly no single approach that will be totally effective in its eradication. The federal government through these child abuse bills, whether it be Mondale or Biaggi, must ensure and encourage diversity in this important area. Programs must fit and be tailored to the needs of the particular community and its recipients. What works in New York or Denver may not work in Los Angeles, Chicago or Boston. Each program wherever located must include a high quality multidisciplinary team of experts that can approach the problem and provide the necessary treatment services for the two victims of this disease, namely the child and parent.

The Congress has before it two major bills on child abuse. One is before this Committee today. The Mondale bill provides for the establishment of a National Commission on Child Abuse and for certain grant-in-aid for research and demonstration projects. The Mondale bill passed in the Senate this summer provides over 50 million dollars in aid to the states and localities. I fully support these efforts, however, it sets no standards on how this large amount of money will be spent. The Biaggi bill, on the other hand, contains an explicit set of standards for disbursing of this money. It would require a state to have a child protective service, a Central Register of cases, legal power to take endangered children into protective custody without court orders and a judicial system capable of protecting the child's long term needs. These are essential elements of any child abuse strategy. Any bill that becomes law should contain the child protective standards as set forth in the Biaggi bill.

Both the Mondale and Biaggi bills recognize the need for Federal intervention and the seriousness of this childhood disease. The best elements of both bills must be combined in order to ensure a unified coherent approach to the problem. There is no room for politics when dealing with child abuse. The bill must not only be a noble declaration but a legal instrument that will provide a comprehensive legislative response to this devastating problem. Such a bill must not be just another bit of "window dressing" or another sop to our conscience. There is great need to ensure an even-handed effort in this field—child abuse is no longer any one profession's turf—it is a hurt to all our citizens and is the responsibility of all professions and communities.

I recommend that the Congress defer any action until a bill can be developed that contains all the essentials of an effective federal answer to the grave need of protecting these children. I think this can best be accomplished by combining the best elements of the Mondale and Biaggi bills. My plea to Congress is for their support of these bills in the hope that we can reduce the number of tragedies that have made child abuse a blot on our civilization.

It is time for us to pour some of the natural outrage we seem to have reserved for such questions as Watergate, pollution and conservation into a crusade for the rights of children to live and be cared for. I find it very strange that a nation which professes to care for its children, can spend billions on moon explorations, cancer, lung diseases, heart problems and on the Pentagon, while virutally ignoring the great crippler and killer of our children—child abuse and neglect.

(In summary), if we cannot feel for our children who are now being savaged and scorned, at least let us feel for ourselves and the kind of future we are shaping for ourselves and our own children.

SHEEPMEN THREATEN TO SHUT OFF HUNTING TO FEED AREA PREDATORS

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. ABDNOR. Mr. Speaker, this is the time of the year when sportsmen from all over America head toward western South Dakota to take advantage of the wonderful hunting opportunities they find there. This year, however, there is a threat hanging over a fruitful season for hunters; that threat is the possibility that sheepgrowers will be forced to close their land to hunting so that predators which they have been unable to control because of strict governmental regulation will have wildlife to feed on instead of their sheep and lambs. This problem is further described in an article which recently appeared in the Belle Fourche Daily Post. As we in Congress deal with laws that govern environmental protection and predator control it would be well to bear in mind the far-reaching effects of those measures. It is with that thought that I commend this article to the attention of my colleagues.

The article follows:

SHEEPMEN THREATEN TO SHUT OFF HUNTING TO FEED AREA PREDATORS

As much as 6 million acres in western South Dakota could be closed to all hunting this fall because, lacking effective predator control, sheepgrowers want the wildlife to feed the coyotes.

Representatives of seven sheepgrower and predator control associations meeting Thursday in Rapid City agreed to circulate among their 1,200 members petitions stating their lands would be closed to hunters.

The petition reads:

"Due to the lack of effective methods of controlling predators, which are a threat to our livelihood, and in an effort to bring this fact to the attention of the public or until such time as we have effective control, we the undersigned are forced to close our private lands to hunting of all game birds and animals to insure predators a supply of wildlife to feed on."

Drafting the statement were representatives of the Western South Dakota Sheepgrowers Association from throughout the West River area, the Southern Hills Sheepgrowers Association, the Perkins County Farm Bureau, Lodgepole Coyote Association, Harding County Stockgrowers, Tri-County (Haakon, Jackson, Stanley) Predator Control Association and the Faith-Isabel Predator Association (Meade, Perkins, Corson and Ziebach counties).

The plight of the sheepman is desperate, the ranchers declared. Following a federal ban on poisons used in predator control and restrictions of other control programs, sheepmen throughout the West reported sharp increases in predation. Many ranchers went out of business, or went into cattle raising.

Individual South Dakota ranchers report their lamb losses jumped from three per cent last year to as much as 12 per cent this year, primarily because of coyote raids. At least one man in the northwest claimed a 20 per cent lamb loss this year—100 of his 500 lambs being found dead.

An estimated 75 to 100 ranchers have quit sheep production in western South Dakota since the predator control restrictions went into effect.

While these operators may have gone into cattle, their switch from sheep could still represent a considerable economic loss. In many cases, years of effort went into fencing, buildings and other improvements designed for sheep production. Large investments have also been made in gaining knowledge and experience specific to sheep ranching.

In many range area, too, a ranch is economically sounder if it can raise both cattle and sheep. Without sheep, then, it loses part of its base.

LUCK WAS NO LADY: NO PLACE FOR HOUSE

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. RIEGLE. Mr. Speaker, the Flint Journal published a very thoughtful editorial on September 30. I enclose it for the interest of my colleagues. The article follows:

LUCK WAS NO LADY: NO PLACE FOR HOUSE

Seldom has Lady Luck been so blatantly fickle to a major political candidate as she has been to Vice President Spiro T. Agnew.

A few short months ago, he emerged from the usual obscurity of his office (with the exception of a few appearances designed to put the press or some other administration "enemy" in its place) to stand as the anchor for the administration's stormy Watergate turbulence.

The commentators were placing him at the head of the Republican ticket for 1976 without the formalities of a convention and were even speculating upon the chances of unknown rivals for the presidency.

He was seen as the candidate of the middle-class worker, untouched by the Watergate scandals, an articulate spokesman for concerns and judgments of the average man, forthright and candid, unafraid of press or politicians and an asset to his party which could not go unrewarded.

Today he stands beleaguered, suspicious (with reason) that there is nothing the administration would prefer than to have him quietly fade from the picture, and, instead of bravely professing his faith in the judicial system, he is seeking the same cloak of executive immunity that has so injured the President's credibility.

Yet he has been found guilty of nothing and what he is suspected of doing antedates his term in his present office.

Perhaps nothing so highlights the change in fortune as the speech last week by John Connally, Texas Democrat turned Republican and presumed to be a possible successor if Agnew goes. Connally was forcibly and eloquently defending Agnew before an enthusiastic group. But he left his audience gasping when he expressed the fervent hope and belief that Agnew would be found guilty of the offenses he is charged with—unaware until it was over that he had dropped the word "not" before the word "guilty" in his speech. Whatever the outcome of the affair, it is not difficult to appreciate the dilemma of the vice president. If he is guilty and goes before the courts, he cannot expect the same considerations given a more private citizen nor the same degree of clemency. He cannot, although there are good signs it was attempted, rely upon the usual "plea bargaining" that a lesser official or a private citizen might expect to use to lighten his punishment.

If he is not guilty, and under our law one must presume this to be the case, then he is indeed suffering a cruel and unusual penalty for being a prominent official.

Perhaps the most damaging move he has made so far, was what may have appeared to have been an astute legal move to get the House of Representatives to "investigate" the charges, rather than to hold impeachment proceedings. The damage came from the feeling of many of his backers that this was a denial of his proclaimed faith in the courts, an attempt to evade a clear-cut settlement of the issue.

We sincerely believe that Speaker Carl Albert and the House leaders were right when they decided to turn down Agnew's request. (Columnist Charles Bartlett wrote that this investigation proposal was "a tar baby which the House of Representatives will not grasp" if the members are wise).

A number of commentators have concluded that the reason for Agnew's surprise move to throw the case before the House was that he would rather be judged by a group of politicians who might see "mitigating" circumstances and reasons for leniency which would not enter into the judgment of a group of common citizens sitting in a grand jury or a trial jury.

The Flint Journal does not believe that such an evasion of the normal legal channels is wise or proper. The idea of a certain executive privilege and immunity for the presidency—and in our opinion, therefore, for the vice presidency—is not to evade the due processes of law, but to protect the office holder from harassment and politically motivated efforts to force him into the courts.

The Agnew affair is properly before the grand jury, where it appears that now, at least, commendable efforts are being made to ensure the privacy of the investigation. It would be a serious mistake for the House to step in to either help or hinder that process.

If indictments are issued, then will be the proper time for the House to act upon impeachment if the vice president refuses to resign.

ILLEGAL ALIENS

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. KETCHUM. Mr. Speaker, in spite of the best efforts of our immigration officials, the flood of illegal aliens into the United States continues unabated. Since the Congress terminated the bracero program in 1964, the number of Mexicans coming north to seek employment has hardly dwindled, but the difference is that now they enter and work illegally. Considering that their wages, though meager by American standards, are still far in excess of what can be earned at home, it is understandable that these Mexicans should desire entry into our country. However, it is imperative that our laws be enforced so our American farmworkers and legal aliens may be protected from this unfair labor competition.

Presently, the enforcement of our immigration laws is woefully inadequate. The usual course of events is for illegal aliens to be apprehended and taken to the Mexican border. Once there, the alien simply waits for a time before again sneaking across into the United States. The Border Patrol is thus left spinning in a swinging door of apprehension, deportation, and reapprehension, all of the same individual.

The real sources of this problem are the inadequate staffing of the Border

Patrol and the insufficient penalties now extant for illegal aliens. Today the Border Patrol has only 2,155 men to handle a 1,000-percent increase in illegal alien traffic and a 30-percent increase in legal traffic along the huge Mexican border. It is just unrealistic to think that this force can handle such a flow. Earlier this year I introduced legislation, H.R. 9238, to increase the Border Patrol to at least 3,800. This would give the Patrol a fighting chance to control the entrance of the illegal aliens at their source of entry.

Commonsense dictates that the best way to solve the problem is at this source.

Second, the lightness of the present penalties perpetuates the revolving door syndrome. Knowing that apprehension simply means a trip to the Mexican border, the illegal aliens are undeterred from coming north. Although record numbers are being arrested, the lack of penalties means that the total number of illegal aliens has not been decreasing. Therefore, I have proposed mandatory jail sentences on illegal aliens and those who transport them in the hopes that this will cause the traffic to subside.

An article indicating the seriousness of the problem in the San Joaquin Valley recently appeared in the Bakersfield Californian, and I would like to share the information contained therein with my colleagues. The article follows:

ARRESTS OF ILLEGAL VALLEY ALIENS UP 61 PERCENT IN 6 MONTHS

FRESNO.—Lured by higher wages than they can make at home, Mexicans are pouring into California to work the fields where they are being arrested in record numbers.

The U.S. Border Patrol says arrests jumped 24 per cent between Kern County and the Oregon border in the first six months this year.

In the San Joaquin Valley, center of California's farm labor force, the increase was 61 per cent as more than 10,000 illegal aliens were arrested, almost one third of the sector's six month total of 33,000.

Despite the soaring arrests, Cesar Chavez, concerned that illegals take jobs from his United Farm Workers Union members, charges that many more illegal aliens remain in the fields because the Border Patrol doesn't have enough officers to arrest all of them.

"We know there are illegal aliens in the area because we apprehend 300 to 350 a week," replied Herbert Walsh, deputy chief Border Patrol agent here. "We agree that we could use more manpower."

Patrolmen admit they're caught in a revolving door situation in which the larger numbers arrested are returned to Mexico voluntarily without formal deportation hearings, then often head right back, joining the estimated 2,000 who slip across the border each night into California, Arizona, Texas and New Mexico.

"It's like a yo-yo," one patrolman said. "We ship them south and they come right back up the string."

They keep coming in hopes of escaping poverty. Aliens say jobs in rural Mexico, when available, pay 10 to 25 pesos a day—only worth 80 cents to $2 in American dollars.

Aliens say by working long and rapidly in American fields, they can save $60 to $100 to send home every week or so. A small grocery store operator near here said she sells a steady stream of money orders to aliens. "I guess I'm sending $3,000 back to Mexico for them each month."

One unofficial survey estimated 40,000 to 50,000 illegal aliens may have worked in the San Joaquin Valley this season and sent at least $1 million a week back to Mexico.

But their earnings often aren't all profit as some sell livestock and other possessions in Mexico to raise up to $300 for transportation to U.S. farming centers. Others buy counterfeit visas called "chuecas" for $100 to $200.

The federal and state governments have tried, unsuccessfully so far, to make farmers responsible if they hire "wetbacks." The House of Representatives has passed a measure to establish sanctions against employers who knowingly hire illegal aliens.

Many growers admit privately they don't check closely for legal papers of crew members brought to their ranches by labor contractors.

"You know damn good and well we have locals here on welfare that are not going to work," a peach and plum grower said. "So we just as well support them and let the (illegals) come in."

GROWING OPPOSITION TO GENOCIDE CONVENTION

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. ROUSSELOT. Mr. Speaker, public opposition to proposed Senate ratification of the Genocide Convention continues to grow.

There are a number of serious questions that have been raised about the effect of this convention on our Constitution and our form of government. These questions have yet to be answered satisfactorily. The dangers of the convention are too serious to be ignored.

At this time, I wish to insert in the RECORD the text of a resolution opposing the Genocide Convention which was passed by the executive committee of the Republican central committee of Los Angeles County.

RESOLUTION IN OPPOSITION TO THE GENOCIDE CONVENTION

(Passed by the Executive Committee of the Los Angeles County Republican Central Committee on August 13, 1973.)

Whereas, Section 2 of Article VI of the Constitution of the United States provides that all treaties made by the United States shall be the supreme law of the land, equal with the Constitution; and

Whereas, all treaties made by the United States of America should always benefit the citizens of this country; and

Whereas, Articles I and VIII of the Genocide Convention commit the United States to enter into a state of war, if necessary, whether or not declared by Congress, to prevent what is defined as genocide under Article II of that convention in any part of the world where the members of any "national, ethnical, racial or religious group" are allegedly in fear of genocide as so defined; and

Whereas, Articles II and III of the Genocide Convention threaten the American concept of freedom of speech and of press, as guaranteed by our Bill of Rights, by reclassifying these basic rights as acts of so-called genocide; and

Whereas, Articles VI and VII of the Genocide Convention could deny Americans the right to be tried in their own courts and the right to invoke such safeguards as trial by jury and presumption of innocence, as guaranteed by the Bill of Rights;

Now, therefore, be it resolved, that the Executive Committee of the Republican Central Committee of Los Angeles County strongly opposes the ratification of the Genocide Treaty and specifically urges all members of the United States to vote against its ratification and our position be communicated to the President.

EDUCATION ASPECTS OF THE SELF-DETERMINATION LEGISLATION

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. DELLUMS. Mr. Speaker, one basic undergirding of a democratic society is the belief that each individual must be allowed to develop to his fullest potential. This, we have declared, is an inalienable right—one that must be protected and provided for at all cost. An outgrowth of this concept is the basic philosophical premise of American education. The philosophical thrust involved in this concept led to the phrase "universal education."

A strong adherence to this concept prompted the U.S. Supreme Court to state in Brown against Board of Education:

Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the Armed Forces. It is the very foundation of good citizenship. Today, it is a principal instrument of awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the State has undertaken to provide it, is a right which must be made available to all on equal terms.

In our attempts to pursue this concept and to provide an arena for the educational development of the citizens of the District of Columbia, the pending home rule legislation was developed. Included in this legislation is our intention to grant to the District of Columbia Board of Education flexibility necessary to operate a modern public school system.

What is being proposed in this bill is simply a proposition to bestow upon the District of Columbia Board of Education grants of authority generally enjoyed by most urban public school systems. Because of complexities involved in the operating of a public school system, changing priorities, arrival of unforeseen contingencies, and lately, advent of court decree, it has been and is necessary for the school system to change strategies and redirect resources at a moment's notice.

Under present arrangements, the school system—to a large degree—must solicit support of outside sources; namely, the District of Columbia government and the U.S. Congress, before it can take what otherwise would be characterized as timely and reasonable decision.

A recent dilemma expertly illustrates the problem.

Under requirement of the decree in Peter Mills et al. against District of Columbia Board of Education, the school system is required to provide a suitable and appropriate educational placement for every school-age citizen of District of Columbia—regardless of physical, mental, or emotional disability. The court expressly stated that in those instances where the system could not provide the needed services to meet the child's need within the system, the system must pay cost of the child attending outside facilities and institutions. Due to the fact that the system is not fully certain of the population that will be in need of these services—nor the total cost of providing such services, due to the variation in cost at respective institutions—it is virtually impossible for the system to adequately budget for these services.

Recently, 29 students were enrolled in an institution in Virginia. At this point the system had gone beyond its allotment for these services and was unable to enter a valid contract with the school, mainly because it could not establish a date certain when payment could be made.

The problem is not that the system is without funds—instead, it is that it is locked in by reprograming requirements; any reprograming action involving an excess of $25,000 must ultimately receive congressional approval. And the amount involved in this instance, was well over $25,000 and thus required legislative approval. As a result of delay, the institution issued an ultimatum that if payment was not received or that a date certain could be established for payment, then the 29 students would be expelled immediately.

I am sure that most persons would agree that this is equal to an emergency situation, but unfortunately, the school system did not have the necessary control of its resources to enable it to meet this emergency.

Passage of H.R. 9682 will eliminate this problem and many other administrative management problems associated with the operation of a large urban public school system.

This is characteristic of the myriad problems faced daily by the District of Columbia school system due to this lack of control. As a result, what has developed is a system plagued by a lack of morale, one constantly under attack, and often characterized as a "lousy" school system.

One way of eliminating these criticisms and these problems is simply to remove Congress from operation of a local school system. Such a move would not take from Congress any ultimate legislative power that it has over the District of Columbia. Instead, such action would allow those persons elected by the citizenry to perform those tasks for which they were elected; namely, to establish and design educational policy—and to provide for their complete implementation. Once this happened, it would insure that the elected board could deliver effective and efficient educational services to the citizens of the District of Columbia.

In light of the quote above from Brown against Board of Education, which was cited earlier, dealing with the overpowering importance of education in our present-day society, can we do less?

Should we not be about the business exhibiting to District of Columbia citizens that we are concerned about the overall development of education in the District?

This can be best accomplished by getting out of education in the District, thereby removing unnecessary encumbrances to the development of an excellent educational system—one that both the U.S. Congress and the citizens of the District can be proud of.

DEVELOPMENTS IN CHILE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. DERWINSKI. Mr. Speaker, Alex Seith is a well-known attorney, civic leader, and international commentator. In his column carried in the Suburbanite Economist, published in Chicago, Ill., on September 23, 1973, he directed his attention to the latest developments in Chile.

Since much of the news commentary and, in turn, comments made on the floor by many Members of Congress have been critical of the Chilean junta and have tended to accept the statements made by Allende's supporters now in exile, I believe this objective commentary will be of interest to students of developments in Latin America. Recognizing the tendency for debate to polarize on a development such as the overthrow of the Allende government, I recommend this column as one of the most objective I have seen:

[From the Suburbanite Economist, Sept. 23, 1973]

CHILE FROM RED TO RIGHT

(By Alex R. Seith)

You could almost hear the gnashing of teeth by the faint-hearted this past week as the Chilean government of Marxist Salvador Allende fell before the accumulated outrage of that nation's people.

The "yoke of Communism" had to be broken, said the military leaders who took the lead in toppling Allende. Having lost patience with the dictatorial ideology and rampant inflation engulfing the country, the Army felt compelled to act before what they saw as Chile's final decline into self-destruction.

The coup was neither a pleasant task nor lightly embarked upon. Contrary to many U.S. misconceptions of Latin America. Chile has a long standing tradition of democracy. For decades, its government has been freely chosen in open and fair elections. The losers peacefully abided by the decision and the winners did not abuse the power temporarily vested in them.

At times the temptation to ignore or supersede the results of an election have been nearly irresistible. In 1938 Aquire Cerda, a conscious imitator of U.S. President Franklin D. Roosevelt, led in the popular vote by 4,000 votes—a fraction of 1 per cent of the total. Yet he was allowed to take office without challenge.

In 1958 Jorge Alessandri, a conservative, received only 32 per cent of the popular vote, narrowly defeating the just deposed Salvador Allende, then the candidate of the Socialist-Communist Popular Action Front.

After losing again in 1964, Allende made his third run for the Presidency in September 1970 as the candidate of a Popular Unity coalition chiefly composed of Socialist and Communist parties. In an almost evenly divided three-way race, he lead with a bare 36.7 per cent of the vote.

Despite worries that Allende might try to impose Marxist dictatorship, Chileans put aside their fears for the future in favor of their respect for democracy. In October 1970, Allende was allowed to peacefully take office in what was to be a six-year term.

At first, Allende tread softly, trying to quiet the fears of the nearly two-thirds who voted for his anti-Communist opponents. Faced with solid opposition majorities in the Chilean Congress, he tried to cajole them into passing laws to implement Marxism.

When they refused, Allende gave way to his Socialist-Communist supporters and began imposing by Presidential fiat what he could not achieve constitutionally.

With the country increasingly polarized between a militant Marxist minority and Chile's overwhelming anti-Communist majority, all parties joined in desperate efforts to save the nation from the coup that eventually came.

But Allende's extremist backers did not know the meaning of compromise. By forcing continuation of the most provocative Marxist program, they forced the Army out of the coalition. Then truckers went on strike against Allende, housewives took to the streets to protest an almost unbelievable inflation of 30 per cent per month and the country was forced into a fateful dilemma: Continued communist chaos or military law and order.

It is regrettable that any legitimately elected government, no matter how bad, must be deposed by military men, no matter how noble their purpose. It is also regrettable that in the political paranoia that often prevails, the U.S. government would be suspected of sponsoring the coup.

The suspicious point out that Vice President Richard Nixon praised President Eisenhower for authorizing the CIA to help overthrow a Communist government in Guatemala in 1954. Also, President Lyndon Johnson sent Marines to the Dominican Republic in 1965 to thwart what he believed was an attempted Communist take-over.

But in Chile intervention by America would have been unnecessary, unwise and therefore unlikely. Anyone who knew Chile also knew that Chileans themselves were more than able to defend their democracy in their own way.

The way they chose may not have been the best. But, considering the alternatives, neither was it the worst.

ORPHAN TECHNOLOGY AND OVERKILL

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. FORSYTHE. Mr. Speaker, the Wall Street Journal of September 28 carried an editorial severely questioning the wisdom of auto emission standards contained in the 1970 Clean Air Act.

The editorial, which follows, raises the question of possible overkill by the Congress with respect to its auto emissions restrictions, because of questionable scientific data on which those standards were based.

The editorial also suggests we may be stuck with thousands of "white elephant" automobiles with expensive catalyst exhaust systems that will require unleaded gasoline and frequent, periodic maintenance, and that are less efficient than other less expensive systems now being developed.

Obviously, this Congress cannot retreat from reasonable and responsible standards to clean up our air. However, the points raised in the editorial were suggested by the National Academy of Sciences, and deserve our most serious consideration.

We must remember that our Nation is facing other problems equally pressing—the conservation of fuel, for example. Somehow, these two matters must be reconciled. I wonder whether the catalyst approach will really resolve either one, and whether we ought to take another look at what we have done.

The Journal editorial follows:

THE SCIENTIFIC METHOD

It's now almost a total certainty that Congress erred in setting the stringent auto emission standards of the 1970 Clean Air Act. And unless it amends the law this session, consumers will have to pay for the mistake for more than a decade.

There's no need for this, as testimony before the House subcommittee on public health and environment revealed last week. Perhaps the only completely independent and objective source that has studied the issue told the panel that the federal emission standards are tougher than necessary. Representing the National Academy of Sciences' Committee on Motor Vehicle Emissions, Prof. Arthur Stern of the University of North Carolina's School of Public Health testified:

"An emission limit for CO [carbon monoxide] approximately three times as high as that promulgated by EPA for 1975 vehicles would give assurance of not exceeding the 8-hour air-quality standard of 9 parts per million CO more than once a year."

And: "Present federal emission requirements of 0.41 grams per mile HC [hydrocarbons] and 0.4 g/mi NOX [oxides of nitrogen] seem more restrictive than need be by a factor of about three. . . . These conclusions suggest that the 90% reduction of CO and NOX specified in Sec. 202 of the Clean Air Act may be more than is required to meet the present national air quality standards for CO, NOX and oxidants."

These conclusions are hardly surprising. Congress picked those numbers without benefit of hearings and voted the act in the hectic closing days of 1970; the only remote scientific justification for the numbers rested on assumptions that have since been proven erroneous. From the first, California scientists and pollution experts who had set that state's emission standards argued that the federal standards represent an overkill.

Only a fractional easing of these standards would permit Detroit to avoid the costly and unproven catalyst approach, which involves fitting cannisters that either oxidize or reduce the three pollutants within the exhaust system instead of cleaning the emissions within the engine by more efficient burning of the fuel. By now, competition with Japan and each other is forcing the U.S. manufacturers into alternate systems that are cleaner and more efficient, systems that may quickly make catalysts obsolete. But unless the standards are eased now, before Detroit is locked into contracts and designs for next year's autos, catalysts will be installed on the 1975 models that go on sale in California late next summer as well as on selected models that are sold nationally.

Even if Congress next year recognized that the National Academy is correct about the numbers, it will by then be extraordinarily expensive to pull back from catalysts. The auto manufacturers and catalyst makers will already have invested hundreds of millions of dollars in the catalyst approach. The petroleum refiners will have spent large sums converting a portion of their capacity to unleaded fuel, because catalysts are destroyed by leaded gasoline. And 70% of the nation's service stations will have had to add pumps to supply unleaded gas if they don't already. At the very least, a midstream switch by Congress would leave the nation with hundreds of thousands of "orphan" autos, for which catalyst maintenance and unleaded gas will have to be supplied as long as they are on the road.

What is really at issue now is whether Congress, having been supplied with reliable analysis from the prestigious National Academy, can act on that information. The chief barrier is that Congress adopted the federal standards as an emotional commitment to the environment. Although they now have no scientific justification at all, they have achieved a symbolic life of their own; to adjust them to reality would be taken as a defeat by the environmentalists.

Senator Muskie is unhappy with catalysts, especially if car owners have to replace them every 25,000 miles at up to $150 a unit. But as author of the Clean Air Act he refuses to believe his numbers are unsupportable. He does his own scientific research by looking out the window. "As I returned from Maine to the Senate," he said recently, "I saw this dirty air mass covering the land, urban and rural areas alike. and darkening the sun."

Congress, though, can't make multibillion-dollar decisions by looking out the window. How will it explain the haze after every auto has a catalyst? Washington now has enough scientific assurance to feel safe in freezing the 1974 standards for a few years, at least until the National Academy can conduct a rigorous analysis of exactly what the air quality standards should be. Otherwise, it's likely the political scientists on Capitol Hill will have fathered an orphan technology and the American consumers will be stuck with the bill.

ISRAEL'S SURVIVAL TRANSCENDS THE OIL SHORTAGE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. KEMP. Mr. Speaker, at a time when Americans are confronted with rising gasoline prices, winter heating fuel shortages, and other effects of the fossil fuel shortage, there is the tendency of some to, simplistically, blame our Mideast policy for the reluctance of oil-producing Arab nations to assure the continuing supply of oil to this country.

It seems to me this propensity does great disservice to the courageous Israeli people.

No group of Americans, no matter how small in number, should so much as contemplate making the Israelis scapegoats for the energy crisis. To do so would smack of the tactics of the brown-shirted Nazis during pre-World War II years when they sought to lay economic and other German afflictions at the doorsteps of the Jewish minority.

I believe the energy crisis is rooted to a considerable extent in our Government's failure to heed the warnings of energy experts years ago and by Government interference in the pricing of some fuel resources at the expense of the development of alternative energy resources.

I do not believe we can allow some Arab States to use their oil as a lubricant for the backsliding of our commitment for Mideast peace. I do not believe we can allow these states to forget that we are their greatest customer, that their viabiliy is tied with our own or that American free enterprise has, and continues to be the most important catalyst for their economic progress. Even today, we are informed that an American firm has won the bid to construct the proposed Suez-Mediterranean oil pipeline for Egypt with the expectation of low cost credit support from the U.S. Export-Import Bank.

Mr. Speaker, if we submit to Arab pressure, we would be dismissing our traditional ability to effectively bargain with the levers available to us. We would be retreating from the forward steps we have taken to achieve a Palestinian settlement and to diffuse the lingering potential of a Mideast explosion.

Congress and our Government must clearly discern our long-range vital interests in dealing with the Arab oil ploy. We cannot accept the erroneous premise that Israel is simply a client state of the United States, subject to abandonment as a knee-jerking response to the energy crisis and other pressures.

We cannot forget we are the most powerful nation on Earth, that our power is based on freedom of choice to do business with whom we choose and on the best terms we can secure.

We cannot ignore Rousseau's observation that "man is born free, yet he is everywhere in chains" nor that those in chains aspire to freedom and look to us to help fulfill that aspiration.

We cannot leave unchallenged the pending foreign trade bill, gutted of any provision which would curb the administration's unconditional power to grant trade credits to the Soviet Union in exchange for a softening of oppression of Jewish and other minorities.

The Soviets are seeking benefits from the fruits of our free economic system, benefits that a controlled state has been unable to provide.

It is not enough to bargain with withholding most-favored-nation status in exchange for a Soviet softening of emigration restrictions without also playing our card of granting trading credits only in return for a sincere display of Soviet humanitarianism.

Mr. Speaker, John P. Roche, the King Features Syndicate columnist, is long on talent when it comes to seeing beyond false and unresponsive predicates applied to complex issues.

And endowed with a deep and accurate understanding of history, he recently addressed himself to "telling it as it is" to

those who would equate Israel-Arab problems to the energy crisis.

At this point, I include his incisive perspective on Mideast history, third world illusions, and U.S. Mideast policy in the RECORD, entitled "World Loses Sight of the Real Israel":

WORLD LOSES SIGHT OF THE REAL ISRAEL

A few days ago I overheard a conversation between two college freshwomen. It shook me up.

"I think it's awful," one said, "how those Israelis have caused the energy crisis." "Yes," agreed her companion, "they never should have invaded those Arab countries like that—no wonder the Arabs are mad."

This crazy version of events in 1967 set me to meditating. Neither of these young women struck me as a fool. [They were obviously not Jewish, but that category includes 97 per cent of the population.] Then I realized that in 1967 they were 12 or 13 years old and probably had all the political consciousness of a teddy bear.

The random thoughts of two youngsters hardly constitute a solid reading on the attitude of the American people at large, but the more I thought about the subject, the more convinced I became that the Arab strategy in the Middle East—one of "No war; No peace"—has produced a real psychological payoff, Israel, which went into the war as a small nation under assault by a massive coalition, emerged as a quasi-great power in the area. This was not a matter of calculated design; it was the consequence of a desperate fight for survival. Israel did not want war, but war was forced upon her.

The proper sequence of events, then, was:

The Arab states, as they flatly proclaimed, set out to annihilate Israel.

The Israelis beat hell out of them.

The Arabs announced that they were the innocent victims of "imperialist aggression" and refused to negotiate peace terms with Israel.

Gradually over the last six years this scenario has been obscured. There has been a spectacular orchestration of anti-Israeli propaganda in the "Third World," most recently at the conference of the "non-aligned" powers in Algiers. In the United States an interesting combination of Sen. J. W. Fulbright [D., Ark.], the oil companies, and the New Left has been busy arguing that Israel is no more than a U.S. client state, a potential source of mercenaries in the event of trouble in the Middle East.

Perhaps even more dangerous in a subtle and wholly nonconspiratorial fashion is the growing image of Israel as Miami Beach plus Phantoms. A number of recent stories have featured the "new Israeli affluence."

Lord knows, I don't wish a Spartan existence on anybody, but these narratives overlook two crucial points: First, the average Israeli is not well off in Western terms; and, second, Israel is not an island in the Bahamas. It is a society living in the shadow of the gallows. Pictures of lush young girls in bikinis frolicking on the Elat beach thus undermine the harsh reality and provide fuel, not for anti-Israeli sentiment, but for indifference.

Finally, it seems clear that, under the pretext of the "energy crisis," American Middle Eastern policy is undergoing a revision. Pro-Arab officials in the State Department are reading President Nixon's recent observation that both Israel and the Arabs have to give a little as presaging an end of the "tilt toward Israel." What this overlooks is, as Golda Meir has pointed out time and again, that if the Arabs want Israel to give a little, they should pick up the phone, call Jerusalem, and start negotiations. To ask Israel to turn over the land she won as a precondition for discussing peace is in fact the Hanoi gambit in Viet Nam which President Nixon resolutely rejected. He was right. Let us hope he will stay on the same course.

AMERICAN FRANCHISE MEALS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. DERWINSKI. Mr. Speaker, it is my judgment, which I am sure would be shared by many Members, that we have a natural tendency to become overpreoccupied with issues in a Washingtonian fashion and that it behooves us to maintain a diversity of interest. I use this approach when directing the attention of my colleagues to material which I believe merits inclusion in the RECORD.

In line with this thinking, I insert in today's RECORD a column by Zay N. Smith, a rising young journalist who is a contributing columnist to the Worth-Palos, Ill., Reporter. Mr. Smith just returned from a brief trip abroad, and his column, written in Tokyo on the subject of American franchise meals, should be received with widespread interest by House Members.

RONALD THE GREAT

(By Zay N. Smith)

TOKYO.—In this dutifully exotic city you can dine on bean curd, blowfish, and embryonic egg on a stick.

Or you can save yourself a lot of trouble and ask for a Big Mac.

American franchise foods have swept across Japan in recent months with a fury that brings to mind Mike Nichols' warning: "Beware the Los Angelization of the world." New chain eateries are going up at the rate of one a day. And leading the way, of course, is McDonald's.

In particular there is Ginza McDonald's, located on one of the busiest corners in Tokyo. It is claimed that more burgers pour forth from this spot than from any other spot on earth. Lots of fries, too.

But statistical claims do not tell the whole story. Finally, there should be a taste test.

And thus began a pilgrimage by monorail and subway to the place where American palate and Japanese Big Mac could meet.

The beauty of franchise food (as we all know) is its consistency from place to place. One Colonel Sanders drumstick is like any other in finger lickability. A Whopper is a Whopper is a Whopper. Howard Johnson's always gives you three potato chips per plate and food that is insipid to the point of being interchangeable.

(I once ate at a Howard Johnson's on the Ohio turnpike where I was unable to taste the difference between an egg salad sandwich and a piece of apple pie.)

And so on.

But could McDonald's faithfully recreate its cuisine clear on the other side of the planet? If so, this would mark a new standard in franchise cookery. Here would be the most ruthlessly followed recipe of all, the ultimate in authoritarian soul food.

So it was with trepidation, or at least some sense of occasion, that I bit into a McDonald burger at high noon of a recent business day on the Ginza Strip.

And it is with an uneasy sense of admiration that I can report an exact duplication of taste and texture. The sameness even followed on down my esophagus to my stomach, where the burger sat like a bundle of wet newspapers daring me to digest it.

As is always the case after a true American franchise meal, I felt swollen and reassured, I knew I had been fed. No doubt at all.

Those traveling with me made similar reports. The burgers, the fries, the shakes were all the same as America's. Only the Cokes were different. Foreign Cokes always seem a little less sweet.

A complete test was not possible because the Japanese have yet to attempt the Cheese Quarter-Pounder and the problematical Egg McMuffin.

But a preliminary conclusion is possible: the world is on the verge of having its first authentic universal cuisine.

As you read this, Big Macs are spreading themselves through Japan and France and beyond. Nations are falling in sequence, like Dean Rusk's dominoes, to the inexorable march of the megaburger. Soon enough, humanity will know the same franchise food in Bangkok and Shreveport, in Berlin and Sturgeon Bay.

And we will watch, in the end, as Ronald McDonald weeps because he has no more markets to conquer.

FRANK A. SIEVERTS ACCEPTS AIR FORCE ASSOCIATION HONOR AND REAFFIRMS U.S. COMMITMENT TO MISSING MEN

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. WRIGHT. Mr. Speaker, Mr. Frank A. Sieverts of the Department of State is a man who has dedicated many hours of time and effort to the return of our prisoners of war. Recently I had the privilege of being on hand when the Air Force Association honored him for his diligent and tireless work.

Mr. Sieverts' speech reflected his deep personal concern for these men and sompassio for their families. His speech also pledged a commitment to the continued search for information about the fate of those who have not returned. I want to share his remarks with my colleagues. The text of Mr. Sieverts' speech follows:

REMARKS BY FRANK A. SIEVERTS, SPECIAL ASSISTANT TO THE DEPUTY SECRETARY OF STATE FOR POW/MIA MATTERS

It is a pleasure to be with you this morning and a special privilege to be called on to accept your Certificate of Honor on behalf of so distinguished a group. I would hesitate to do so were it not for the fact that they are all good old friends who have worked long and hard through the years on behalf of our prisoners of war and missing in action personnel in Southeast Asia.

As we think back over the years, to your earlier conventions, we can remember when the return of our POW's seemed almost beyond reach. Those were difficult times—times of misunderstanding and shrinking support for our efforts to achieve an honorable settlement in Indochina. We appreciated the courage of the families of our missing men, the good efforts of private citizens throughout our country and around the world, the support we found among the Members of the Congress, and the actions of the Air Force Association itself in helping to call attention to the plight of our pris-

oners of war, to obtain information about them, and to achieve their earliest possible release.

And now they are back. One of the most moving moments of my life came at Gia Lam Airport, Hanoi on February 12, when Roger Shields and I joined the Air Force team as the advance party for the first release of our men. We flew from Clark in the Philippines—and landed at Hanoi as soon as the ground fog lifted. There followed two hours of talks to reach final agreement on the specifics of the releases that day and in the weeks to come. It was just at noon when the first bus with our prisoners of war rounded the corner of the hangar. The bus was streaked with ancient camouflage paint—and in the bus we could see the faces of the men for whom we had worked and waited so long. At almost the same time the first of the three C–141 Starlifters landed—the largest planes ever to put down in Hanoi.

At a command from the North Vietnamese our men climbed off the bus, some limping on crutches, for these were the sick and wounded whose release was to come first. Suddenly, the senior officer among that first group gave an order taking command away from the North Vietnamese guards, who fell back. In that moment, as we saw our men setting their own pace as they walked across the airfield to the release point, at that moment we knew their spirit had survived and prevailed.

On board the flights back to Clark there were scenes of jubilation such as one is rarely privileged to share. All of us were struck by the strength and judgment our returning men showed in those first hours after their release. Their thoughts were of others—of their families who had waited and, above all, of the men not yet released. The returnees had already agreed among themselves that they would refrain from comment about their captors until all POW's had been released. They had decided who would be their spokesmen and what they would say. The results were those brief moving comments which we all heard as the men climbed off the planes at Clark.

I think all of us must have been struck by their devotion to their country, and their faith in their government. When I apologized to some of the men that it had taken so long to bring them home, the instant reaction from all sides was that they knew we had done all we could to bring them home as fast as possible.

These men are now home with their families. Many have taken over responsible assignments and commands. They would be the first, I know, to join us now in the commitment to continue to do all we can to obtain information on our missing personnel. As Secretary of State-Designate, Dr. Henry Kissinger said to the Senate Foreign Relations Committee last week, we are extremely dissatisfied with the Communist side's implementation of the missing in action provisions of the Viet-Nam agreement, and we have made clear to North Viet-Nam that we will not be able to proceed with implementation of the economic assistance provisions of the agreement until there is satisfactory compliance with the MIA provisions.

Our delegation to the Four Party Military Talks in Saigon is now in the forefront of the continuing effort to bring North Viet-Nam into compliance with this part of the agreement. In recognizing and honoring some of us who have worked on this subject, I know this association also supports the work of our team now working so hard on this subject in Saigon.

In Vientiane, just last Friday, a new protocol for Laos was signed containing specific new language on accounting for our MIA's. Our senior diplomats in Laos have made clear to the Pathet Lao leaders the importance we attach to obtaining the fullest possible information on our missing men as soon as possible.

In addition, search teams from our Joint Casualty Resolution Center in Thailand are in the process of carrying out their humanitarian mission. Their operations have been limited thus far to government-held areas of South Viet-Nam. We are continuing to press for access to all parts of Indochina where our men were lost. These teams also deserve our recognition and support as they go forward with a tough, frustrating task of searching for information on our men.

In accepting this honor, I assure you our commitment continues, for our missing men, and for their families—who now bear the special anguish of continuing to hope against hope. I'm sure all of us here this morning join in reaffirming our commitment to our missing men, and to their families.

DAIRY IMPORTS GET BY WITH LIMITED INSPECTIONS

HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. THOMSON of Wisconsin. Mr. Speaker, the American dairy industry has long been governed by strict health and sanitary standards. While these standards have rightfully served to protect the American public, they have resulted in large additional costs to producers and indirectly consumers. So it is not with just a little concern that the dairy industry views the American inspection program of dairy imports, particularly "cheap" dairy imports.

Lynn Stalbaum, a former colleague of ours from Wisconsin and now the Washington representative for the Central America Cooperative Federal, Inc., recently wrote an excellent article for Hoards Dairyman on the state of dairy import inspections. I commend it to your attention.

The article follows:

DAIRY IMPORTS GET BY WITH LIMITED INSPECTIONS

(By Lynn Stalbaum)

No inspection is made of the production or processing facilities of imported dairy products. In fact, Food and Drug Administration officials have no foreign inspection authority. Any checking they do must be limited to the final product and can be done only after the product has entered the U.S.

By contract, the recommended requirements for "milk for manufacturing purposes and its production and processing," which U.S. dairy farmers must meet, required 20 pages of small type when it was published last April 7 in the Federal Register. While they contained nothing new . . . most dairy farmers are familiar with them . . . none of these regulations pertaining to conditions on U.S. farms or in U.S. plants apply to imported products.

There are about six different checks made on imported dairy products, though not all of them are made on all products. For example, spot checks for salmonella are made on nonfat dry milk. Soft-ripened cheeses (Brie, Camembert) are checked for enteropathogenic E. coli. Other cheeses are checked for pesticides, labeling, standards, and, occasionally, for filth.

The Food and Drug Administration has published instructions for their personnel on these points in their Compliance Program Guidance Manual. A review of them indicates that inspection of dairy import items is quite limited, much of it done on a spot-check basis.

While no specific manual has been published on checking for salmonella in nonfat dry milk, we have been assured by FDA that such checks are made. Presumably, such inspections are made along with their control efforts on domestically produced nonfat dry milk.

The problem of enteropathogenic E. coli appears to be more recent. Often, this is indicative of fecal matter contaminating the product. In their manual of instructions, FDA states, "To date, there is insufficient information to assess adequately the level of E. coli or other coliforms that might be expected in these foods. Therefore, there is a need to obtain information on which microbiological compliance criteria for these products can be established."

As a result, an extensive testing program on imported soft-ripened cheeses was conducted between April 16 and June 29, 1973. After evaluating these tests, the FDA intends to develop necessary administrative guidelines for future inspections.

Checking for pesticides in imported dairy products is considered in the same manner as in domestic foods. That imports are spot-checked only is evidenced by the fact that the guidance manual spells out how many import samples of all foods will be checked at each port of entry in fiscal year 1973. At the New York port, for example, 739 samples should be tested; at Chicago, 72; at San Diego, 190; and so forth.

IMPORT QUOTAS EVADED

Labeling and standards require a lot of inspection attention, even though they do not relate directly to product quality. This is necessitated by the various quotas which have been established for cheese imports and the efforts made to evade them. As FDA comments, "It has been determined that some natural cheeses have been imported into the United States under a variety of class names other than that which they actually are in order to bypass established cheese quotas and avoid import tariffs. For example, in 1970, New Zealand attempted to ship us 7.5 million pounds of cheddar cheese identified as Monterey."

A more recent evasion was disclosed early this year, primarily through the efforts of Congressman Vernon W. Thomson (R.-Wis.). A routine sampling of 15 cheese shipments found that 9 were mislabeled. All of these samples, imported from Denmark, showed they actually were "American type" instead of Monterey as they had been designated by the manufacturer.

While it was admitted that the cheese was improperly labeled, it ultimately was decided that there would be a grace period of 30 days during which this cheese could enter. "Thereafter," the Bureau of Customs wrote Congressman Thomson, "all cheeses invoiced and entered as Monterey cheese from Denmark would be subject to intensive examination, as opposed to routine sampling procedures."

Their logic in permitting this grace period, however, points up a weakness in present procedures for checking imported cheese. The Bureau of Customs accepted the explanation of the Danish cheese manufacturers that they "apparently tried to make and thought that they had made Monterey cheese." Congressman Thomson called this explanation "incredible" and said he could not understand how any manufacturer could produce and market a product and not know what it was!

All U.S. dairy farmers must meet some basic production standards to sell milk. It is clearly evident that no such standards are prescribed for dairy products imported into the United States. And, as we have attempted to show here, the inspection of these prod-

ucts as they arrive in the United States is restricted to a few specific factors with much of it apparently done on a spotcheck or limited sample basis.

WELFARE PATERNALISM BREEDS IRRESPONSIBILITY

HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. THOMSON of Wisconsin. Mr. Speaker, after two serious efforts by the House to revamp our scandalous and ineffective system of public welfare, the House has apparently decided to forget the problem in the hope it will just go away. I can assure you it will not. Many States have decided not to wait for congressional action and have overhauled their welfare systems, tightening up administrative procedures, trimming those who can and should be working, and increasing benefit levels for the truly needy.

Our Nation does not need more welfare programs. It needs better programs. It needs programs that work; programs that move people from dependency to financial independence, from servility to proud self-sufficiency.

Investigations of the operation and effect of the welfare programs in several Wisconsin communities and counties have uncovered significant scandals involving both administrators and recipients. The programs have failed—the local program, the State program, and the Federal program. Despite the abuses uncovered in local investigations, some argue that the State government should completely manage the welfare system, sweeping the problems under the rug. This would have the same disastrous effect of having the Federal Government pick up all local welfare costs, unless there is a complete overhaul of the present welfare program including tightening up of eligibility requirements and administrative procedures.

I am pleased to include in the RECORD at this point a thoughtful and stimulating editorial which appeared in the September 20 edition of the Polk County (Wis.) Ledger. The editor makes the telling point that total reliance on the welfare department, or any government agency, for that matter, sets off a series of problems: paternalism breeds dependency which breeds irresponsibility which leads to crime, social disruption and the destruction of the family. I commend it to the attention of the Members.

The editorial follows:

WELFARE PATERNALISM BREEDS IRRESPONSIBILITY

One of the great crimes committed by the welfare department of Polk county and similar departments the nation over is that of assuming the role of paternalism.

This role is apparent in the public statements and discussions of those who determine policy and those who administer it. It is the false assumption that somehow the people in the welfare department are better equipped to determine how the rest of us should live our lives, that we are not able to handle these problems by ourselves. They offer to help us with everything from marital arrangements to financial worries and the multitude of living complexities that at times plague most of us folks who are not as learned as the people in the welfare departments.

The welfare department here in Polk county advertises "Services for all people" and underscores the all in its advertising. "Where do you turn?" they ask, and then give you the answer: "Turn to the Polk County Department of Social Services."

Isn't it nice that we have reached Utopia here in Polk county? Whenever anything disturbs your neat little world, just trot on down to the welfare department and let them take care of it. Big Papa will take care of everything from emergency aid to finding a new home for your children if your wife gets tired of your slovenly ways and you're tired of working to support the kids.

In some cases the Polk county welfare department has:

Told the mother of an 8-year old boy that she should not work during school hours because it upset her child. The mother quit her new job the morning she was to start on the advice of the welfare department and remained on the welfare role.

Advised an unwed mother that, altho there was space in her parents' home, she should not remain at home with her baby. Instead they set her up in a home of her own and put on welfare. The mother turned down a job training offer and remained on welfare.

Moved a family out of a low-rent house into a lake home saying the low-rent house was not good enough for them. In a few days a working family rented the low-rent house. It was good enough for them.

Took the position that a man holding property and assets other than his home should not dispose of these assets nor use them as security to pay his medical bills but instead should apply for medical assistance from the welfare department.

Takes the position that welfare clients who spend their money for snowmobiles, booze and nonessentials are entitled to have these payments continued.

Granted emergency aid of a considerable sum to a woman who left her husband who was holding down two jobs and could well afford to support her. The principle so angered certain county officials that they contacted the welfare department and in effect were there is a complete overhaul of the prestold it was none of their business, that they could do nothing about it.

The welfare does many proper functions in granting aid to persons who truly are in need and must have help from the public funds. There are folks who have contributed much to society and now find themselves without assets and no one would deny them sufficient to live comfortably with enough to eat, a warm place to live and a few of the additional luxuries such as a tv, telephone and something for reasonable recreation. There are others who have squandered, loafed and abused themselves and society until they are no longer able to care for themselves. These we have to take care of, too, altho we do it thru compassion and not a sense of obligation.

But there are others who need to be encouraged to get out on their own, who need to learn that if they don't work they go hungry, who need to learn that if they squander their money it may get cold in their house, who need to learn that if they require public aid and spend it on nonessentials they won't get more public aid but will endure hardship they brought on themselves.

Some of these are the folks who have been told that whenever they have problems, just run down to the welfare department and have them solved. Don't worry your own head about it.

It was put quite well by the columnist, Jenkin Lloyd Jones, who said: "We should understand that paternalism breeds dependency, that dependency breeds irresponsibility and that irresponsibility is the father of crime, social chaos, the breakdown of the family and general misery."

The theory that if the government provides for everyone we will have a better society doesn't work. The opposite is true for it deprives people of initiative, robs them of ambition, destroys their hopes of accomplishing something on their own, tromps in the mud the American dream that one can knuckle down and make his own way and perhaps make it well. It puts the welfare department in the position of the patronizing feudal lord providing for his subjects but allowing them no opportunity to rise above the status of peasants.

It's a lousy system, and many social workers will agree, in which the bureaucratic welfare organization owes its very existence and growth to maintaining an ever-increasing number of persons who are dependent upon it either for financial assistance and-or problem solving assistance. It can only make for efforts to subjugate more persons rather than encouraging them to improve themselves.

THE GREAT PROTEIN ROBBERY: NO. 2

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. STUDDS. Mr. Speaker, I would like to call to the attention of my colleagues in the House an excellent article that recently appeared in the Wall Street Journal. This article, written by David Brand, eloquently describes the serious situation of the New England fisheries. Mr. Brand explores the devastating effect enormous foreign fishing fleets are having on the marine resources in our New England coastal waters, and describes the anger and frustration of fishermen in New Bedford, Mass., as they witness the depletion of the fish stocks and the resulting decline in their domestic harvests.

Mr. Speaker, vast amounts of food and protein are being taken from our coastal waters by efficient, modern, government-subsidized foreign fleets. They are destroying a major source of the world's food and protein. This article documents the real need to establish meaningful conservation measures for fish in our coastal waters, to protect this incredibly valuable source of food for all the people of the world. The Studds-Magnuson bill, H.R. 8665—to extend our fisheries jurisdiction to 200 miles from shores—would stop the great protein robbery.

The article follows:

U.S. FISHERMEN FRET AS OTHERS OVERFISH SEAS OFF U.S. COAST

(By David Brand)

NEW BEDFORD, MASS.—Frank Shields, skipper of the Angela W., looks out to sea and ponders his latest fishing trip. "The Russians were everywhere," he says bitterly. "They were scooping up everything in sight like vacuum cleaners."

Mr. Shields and his fellow fishermen in this town of whaling legend are fighting a lonely

battle in the seas off the New England coast. It is an uneven struggle that pits their small and often aging 75-foot fishing boats against modern Soviet trawlers more than 400 feet long.

The taciturn fishermen of New Bedford (which is the largest fishing port on the East Coast in economic value and which likes to call itself the fresh-fish capital of the U.S.) are rarely given to hyperbole. But, they say, unless something is done to curb the massive amount of Soviet fishing off the U.S. coast, the 125-boat New Bedford fleet will be put out of business within five years.

The problem is one of overfishing in the Georges Bank, an 18,000-square-mile area of the Atlantic that is one of the world's most fertile fishing grounds and long the preserve of the East Coast fishing industry. But so intense has become the foreign competition for fish in the area that the New Bedford catch has been cut in half since 1968 and last year was the lowest in 30 years.

Although the Russians have the world's largest fishing fleet, they are perhaps unfairly blamed by the New Bedford fishermen for the demise of their catch. The Poles, the East and West Germans, the Japanese and a dozen or so other nations are also competing for a share in the harvest of the sea. Some of these nations' boats can also be found any day of the week off the U.S. Pacific Coast where overfishing has also become acute. In fact, "some species of fish in all areas of the world are suffering from overfishing," according to Dayton Alverson, a Seattle fisheries expert.

DIET OF 1.5 BILLION

At stake is the diet of 1.5 billion people around the world who depend on fish for more than half their average daily supply of animal protein. The present annual harvest from the oceans is more than 145 billion pounds, compared with only 9.8 billion pounds at the turn of the century—or three times the growth rate of the world's population.

Of today's haul, 80% comes from the world's five great fishing regions: the North Pacific, the North Atlantic, the west coast of Africa, the East China Sea and the west coasts of Peru and Chile. All of these regions, Mr. Alverson says, are showing signs of overfishing among the six groups of fish that provide 64% of the world's catch: herring, cod, redfish (which includes ocean perch and bass), mackerel, tuna and flounder.

Nowhere is this plundering of the oceans more visible than off the U.S. coast, where the foreign fleets give all the appearance of slowly pushing U.S. fishermen off the high seas. As the number of American fishing boats and fishermen has declined over the last 20 years, so has their catch. Last year's U.S. haul of 2.3 billion pounds of edible fish (as opposed to fish used for animal feed) was a billion pounds lower than 1950's catch.

Not that this decline can be traced solely to the foreign competition. Fishermen are also critical of what they see as Washington's lack of financial support for their industry. Their privately owned, often obsolete boats, they say, are competing against state-supported fleets made up of massive trawlers outfitted with a new type of fishing gear that makes it possible to catch six times as much fish as 20 years ago.

STILL, A SHORTAGE OF FISH

But even if federal funds were to rebuild the U.S. fishing fleet, it's still a fact, fisheries experts say, that around the U.S. coastline fish no longer exist in the abundance that U.S. fishermen once knew. Mr. Shields, the New Bedford skipper, recalls that only a few years ago the Angela W could bring in 50,000 pounds of fish in only five days at sea. "Now I have to stay out 10 days to get 30,000 pounds," he says.

The foreign fleets can fish at will off the U.S. coast because Washington's authority extends only 12 miles out to sea (the traditional three-mile limit plus an additional nine-mile fishing zone adopted in 1966). But the rich stocks of fish so important to the U.S. economy are up to 200 miles from the coast (except for tuna, which is found in the deep ocean).

The U.S. fishing industry believes that Washington has a simple remedy. The nation, it says, should follow the example of such countries as Chile and Sierra Leone and declare a 200-mile fishing zone.

Bills that would do just this have been introduced in both the House of Representatives and the Senate. But the administration is firmly opposed to giving U.S. fishermen exclusive rights to 200 miles of ocean. Its main fear is that such an action would disrupt the Law of the Sea Conference that opens at the United Nations in November. "We'd get into a passive cold war," asserts one Washington official. The administration is hoping that global agreements to curb overfishing can be reached at the conference by the 10 nations that control 70% of the world's catch.

BY THEN, NO INDUSTRY

But fishing-industry people remain unconvinced that anything short of a 200-mile limit will solve their problems. "The law of the sea won't help us," declares Howard Nickerson, who represents New Bedford's seafood dealers. "Sure they'll do something—but it won't be effective for years and by then we won't have a fishing industry."

Mr. Nickerson's cynicism has some justification. Over the past few years the U.S. has signed several international agreements to limit fishing of certain species off its shores. But fisheries experts agree that they have been largely ineffective because they're difficult to enforce. "It's the nature of the business," says a New Bedford fisherman. "No trawler captain is going to haul in his nets once he's reached his quota—if the fish are there he's going to take them."

Since 1952, for example, the U.S. has had treaties with Canada and Japan to restrict fishing for salmon and halibut in the Bering Sea. But Mr. Alverson, who is with the National Marine Fisheries Service, notes the "absolute impossibility" of monitoring 500 boats in an area of millions of square miles.

In the northwestern Atlantic the situation is even more serious. The U.S. and 14 other nations that fish the region have been meeting for the past 24 years to discuss their fishing problems. In 1969 they set their first restrictions by agreeing to limit their hauls of haddock, which has been so overfished that it's fast disappearing from the region. Since then quotas have been placed on, among other fish, yellowtail flounder and herring, two other species seriously affected by overfishing.

But these quotas are regularly exceeded, says Richard Hennemuth, a marine biologist with the Fisheries Service in Woods Hole, Mass., because it's impossible for fishermen to select the fish they will catch. If a trawler is pulling in pollock, for example, it's likely to capture herring, haddock and many other species in its nets as well.

Thus, the U.S. asked the Atlantic fishing group this year to restrict the total amount of fish that can be caught annually in the northwestern Atlantic (which would have had the effect of reducing the Soviets' annual catch in that area by 45%). The 14 other fishing nations refused to go along with the U.S., and as a result Washington is now considering pulling out of the body.

A quota, however, would be only a temporary answer. As a long-term solution to overfishing, the U.S. wants the UN conference to give coastal nations virtual control over their offshore waters. More than 90% of the world's fish catch is found in these regions because of the nutrients that circulate in shallower waters. The limits of these fish-stocked coastal waters vary, but in the case of the U.S. they extend as far as 200 miles from land. The U.S. proposal would give a coastal nation exclusive fishing rights to all the fish that breed in the waters off its shores as well as to species such as salmon that spawn in rivers and then swim into the deep ocean. The proposal excludes the far-ranging tuna, which would be governed by separate international treaties.

Not that the U.S. is advocating total exclusion of other nations. "Foreign fishermen should be admitted to the area on a reasonable management fee," says John Stevenson, who will head the U.S. delegation to the Law of the Sea Conference. He believes there is "general agreement" among the world's coastal nations that "they must have resource jurisdiction."

NEVER SATURATED

The U.S. is, in fact, proposing a global system of ocean management. Without some such program, fisheries experts say, the world's fish catch will begin to dwindle. Already, "the world catch is at about maximum," says Mr. Hennemuth, the marine biologist.

Mr. Hennemuth says the sea was never "saturated with fish" but in its virgin state supported a table population. As fish died they were replaced almost exactly. When fishing began, an imperfectly understood biological mechanism enabled the fish stocks to be replenished at a great rate. "There are a complex number of possibilities" as to how this mechanism works, says Mr. Hennemuth. Some scientists have attempted to explain it by suggesting that the rate of survival of fish eggs increases with the number of fish caught. Others have suggested that fishing may remove greater numbers of larger fish that prey on smaller fish, enabling the total fish population to increase.

Even when fishing was moderate the fish population still remained stable. "But there's a limit to this productive level," says Mr. Hennemuth. "That's when the fishing becomes so intense that the fish can't keep up with the rate of depletion and the population goes into a gradual decline."

It's generally agreed that heavy fishing began with the development of a new type of fishing trawler that fisheries expert Milan Kravanja calls "the invention of the wheel in fisheries." Until the mid-1950s trawlers fished with nets that were hauled in over the side of the boat. The British revolutionized this with a boat called the M. T. Fairtry that pulled its nets over a low ramp at the stern of the boat.

FLOATING FACTORIES

In this way, says Mr. Kravanja, a boat can use much larger nets and its engines can haul in about six times as much fish at one time as can a side-net trawler, which would become unstable under such a load.

Almost immediately the Soviet Union seized on the idea and ordered 20 stern trawlers from a West German shipyard. The Soviet trawlers had facilities for freezing and canning the fish and processing it into fish meal for animal feed. The trawlers became, in fact, huge floating factories. The Soviet stern trawlers—which now number 500—can stay out at sea for as long as a year at a time (with crews of between 70 and 90 fishermen being changed by helicopter every three months or so).

The first Soviet stern trawlers first appeared off the U.S. coast in the Bearing Sea in 1959. Two years later they were off the coast of New England. They have since been followed by large stern-trawler fleets from Japan, Poland, East Germany and lately Bulgaria and Rumania. (In April alone 240 stern trawlers were sighted off the U.S. coast, of which 147 were from the Soviet Union.)

THE GOURMETS BEAR COST

New England fishermen hate the stern trawler fleets with a passion. They blame them for the demise of the Boston fishing fleet and the decimation of the once-large fleet at Gloucester, Mass.

But New Bedford still manages to hang on. Although its catch has declined from 126.6 million pounds in 1968 to 59.8 million pounds last year, the market price has skyrocketed. In fact the value of last year's catch was only slightly below the nearly $19 million fetched by the much larger catch in 1968.

The reason for this is that New Bedford depends on its "gourmet" catch of yellowtail flounder and deep-sea scallops. Both are much in demand in areas such as New York and Philadelphia. "People continue to be willing to pay the higher price," says Mr. Nickerson, the sea-food dealers' spokesman. But he worries that ultimately yellowtail will price itself off the market.

Already there are signs of such a thing happening. In April, Coastal Fisheries, a New Bedford fish processor and dealer, lost nearly $12,000 because it was unable to get a sufficiently high price from wholesalers for its fish. The company's general manager, Ronald Nanfelt says angrily, "Unless we get the Russians out of here we're going to be forced out of business."

COLD SHOULDER FOR SEAFREEZE

His view is repeated time and again around New Bedford. There are even anti-Russian posters in store windows that seem to hark back to the chilliest days of the cold war. Reads one: "The reason the price of seafood is 'out of sight' is because they're catching everything in sight . . . the Soviet fishing fleet."

In private, New Bedford people are equally critical of what they see as Washington's lack of financial support for the fishing industry. "We admit it—our fleet is decrepit," Mr. Nickerson says. The average age of the boats here is 45 year. Yet we're supposed to compete with modern trawlers from foreign subsidized industries."

Washington has made some attempt in the past to help the U.S. fishing industry. Under the fishboat subsidy program, which lasted from 1960 to 1969, Washington handed out $21.5 million in subsidies to build 45 new boats. Ironically, the funds were nearly exhausted before 1969 by an ill-fated attempt to compete with the foreign fleets by building two American stern trawlers.

The two ships, the Seafreeze Pacific and the Seafreeze Atlantic, were built in the late 1960s for American Export Industries Inc. with Washington providing half of the $10 million cost.

But the two vessels caught next to nothing simply because it was impossible to find trained American fishermen who were willing to stay out at sea for months at a time. No American vocational fishing schools exist where fishermen can be trained and under the law U.S.-subsidized boats can't employ foreign crews.

The Seafreeze Pacific was recently sold to Pan-Alaska Fisheries Inc., and the Seafreeze Atlantic is still in dry dock awaiting an uncertain future.

MURDER BY HANDGUN: THE CASE FOR GUN CONTROL—NO. 27

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. HARRINGTON. Mr. Speaker, in the September 3, 1973, New York Times:

An unidentified man in his late twenties was found shot to death on a landing of a Harlem tenement at 1909 Seventh Avenue near 107th Street. . . .

Mr. Speaker, until a handgun is used, it is almost impossible to tell whether it is counterfeit, or an authentic model that shoots bullets; injuring or killing its victim. An article by Nathan Cobb in the Boston Globe states that even a police expert on firearms would not be able to tell if a gun were fake if it were pointed at him in a holdup. So how could a layman with little knowledge of guns tell?

When Senator PROXMIRE was threatened with a cap gun last night in an attempted robbery, he had no indication that the gun was a toy until the would-be thieves fled when the Senator resisted them. And the only way the police knew that the unidentified man on the Harlem tenement landing in the New York Times article was threatened with a real gun was from the autopsy report that revealed the cause of death was the bullet fired from a real gun.

Let us make sure, through immediate gun control legislation, that toy handguns are the only kind criminals can play with.

The article from the July 1 Boston Globe is included below:

CAN YOU TELL WHICH GUNS ARE REAL?—VICTIMS CANNOT EITHER

(By Nathan Cobb)

The owner of a cleaning establishment in Roxbury looked down the barrel of a semi-automatic pistol.

In a Back Bay apartment, three illegal gun dealers, all narcotics users, discussed the best way to sell a newly acquired .45 caliber pistol.

In Dorchester, a 15-year-old boy startled his neighbors by brandishing a 7.65 mm handgun in the street.

Today, these guns are being held in the Ballistics Unit of the Boston Police Dept.

All three, however, are a kind normally found in hobby shops.

Until he actually examined them, even a seasoned ballistics expert would not know them from what they really are—counterfeits.

Counterfeit handguns?

Such items, referred to as "non-shooting replicas" in the trade, are enjoying healthy US sales completely unhindered by local, state or Federal laws.

They can be legally purchased in Massachusetts and elsewhere by anyone of any age.

The weapons are almost identical in every exterior detail to the guns they duplicate. The color is the same the weight is similar and all the screws and nuts are located in just the right places.

The owner can cock the hammer, causing a loud click which sounds like the real thing. Many models can even be loaded with realistic dummy bullets.

The only thing the models can't do is shoot, which the people they are aimed at do not know.

Their manufacturers claim they are bought by "collectors," but local police feel they are increasingly being purchased by novice criminals for use in street crime.

"Any criminal waving one of those things at me would get what he wanted pretty damn quick," admits one Boston patrolman.

Det. Francis E. Bailey, head of Boston's Ballistics Unit, says. "Ostensibly, they're being made for guys who are going to put them on the walls of a den. But let's face it, a lot of characters are buying them to commit armed robbery."

The law treats the use of counterfeit and real guns equally. Anyone who uses a counterfeit in the commission of a crime is subject to the same penalties he would get if he used a "live" gun.

Prices for counterfeits of modern handguns run from approximately $15 to $35, ranging in style from sidearms favored by World War II German officers to newer US police models. A counterfeit submachine gun can cost as much as $100.

If the local hobby store doesn't carry counterfeits, they can be ordered by mail. US laws treat them as antique firearms, therefore rendering them exempt from any type of Federal restrictions.

In Massachusetts, a firearm is defined as a weapon from which a bullet or shot can be discharged, thus eliminating counterfeits from the state's relatively strict handgun licensing procedures. (New York City is the only place where their sale is prohibited.)

As one manufacturer puts it in his advertising: "They're so real you'll hardly believe your eyes!"

Even gun experts have difficulty telling the real thing from the copy. At the Ballistics Unit, counterfeits are often marked with tags proclaiming them "Not a Firearm!" so the specialists handling them will not be fooled.

Federal undercover agents who purchase real guns illegally in order to make arrests for violation of US gun laws are also discovering the counterfeit market, sometimes to their embarrassment.

"If our men aren't careful, the first thing they know they'll be sold a counterfeit, not the real thing," says Arthur A. Montuori, special agent in charge of the Boston district office of the US Bureau of Alcohol, Tobacco and Firearms.

Most counterfeits are made of zinc, which means that any attempt to convert them to operable guns would probably result in their explosion (replicas which are designed and manufactured to actually shoot, are also big business, but fall under Federal and state restrictions pertaining to gun purchase).

The counterfeit trade is a relatively new one, developing a dozen or so years ago in Japan, where gun laws are strict. In fact, most U.S. firms still manufacture and assemble their products overseas and import them into this country.

The largest manufacturer of counterfeits is Replica Models, Inc. of Alexandria, Va., whose president, Thomas B. Nelson, likes to stress the safety of his product. He points out that he feels his company, which sells counterfeits in 12 countries, is unfairly included in what he calls "the gun controversy."

"We're not in the gun business," he states emphatically.

Nelson claims that the vast majority of the company's U.S. sales are of Civil War and wild west counterfeits, not the military and police models which are turning up on the streets of Boston.

"We sell the police stuff mainly for use in movies and television," he says.

The firm's catalogue, however, shows only ten 19th century counterfeits as opposed to 21 copies of the more modern guns. And most of the counterfeits which are finding their way to Boston's Ballistics Unit were manufactured by Replica Models, Inc. Nelson declines to give sales figures.

"Oh, I suspect they could be used in crime," he admits, but adds quickly. "We've been in the business for six years and had very few complaints. Why should anyone want to use one of our guns in a crime, when the real things are so readily available?"

One answer comes from Boston Police Headquarters, where ballistician Frank Bailey recently explained, "It's the guy who doesn't know where to get a 'live' gun who turns up with one of these. Perhaps he's just starting out in crime, robbing the corner store or that type of thing".

"I mean, look at that," he said, picking up a counterfeit of a hefty .357 magnum. "I'm an experienced ballistician, and I wouldn't know I wasn't looking down the muzzle of the real thing. Would you?"

OBJECTIONS TO SONNENFELDT CONFIRMATION MUST BE ANSWERED—PART IX

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. ASHBROOK. Mr. Speaker, as I have explained before, on May 23 I began a series of insertions in the CONGRESSIONAL RECORD concerning the confirmation of Mr. Helmut Sonnenfeldt as Under Secretary of Treasury. Mr. Sonnenfeldt, now holding down a very resonsible position at the National Security Council, was the subject of a number of allegations that he had leaked classified information on several occasions to unauthorized recipients. In correspondence with the Civil Service Commission and the Secretary of Treasury Shultz I elicited information that was clearly inconsistent. The CSC listed five investigations of Mr. Sonnenfeldt and the Treasury Department came up with six. CSC listed an investigation in 1966 which Treasury made no mention of. Treasury listed an investigation in 1957 which did not appear in the CSC listing.

More importantly, however, they both omitted two investigations, one during the period of 1958–59 and the other 1960–61. These two investigations were the subject of testimony before the Senate Finance Committee yesterday, October 1, and again this morning, suggesting that, as in my case, the information forthcoming from the executive branch concerning the Sonnenfeldt investigations is incomplete, to put it mildly.

Not many congressional hearings provide the tense drama which accompanied the Monday hearing before the Finance Committee when Stephen A. Koczak stood up in the hearing room and asked to be heard on the Sonnenfeldt case. Mr. Koczak, presently research director for the American Federation of Government Employees—AFL–CIO, was placed under oath and proceeded to charge that Mr. Sonnenfeldt gave highly classified information orally to a foreign power at a cocktail party which they had both attended in 1958. Mr. Sonnenfeldt was again recalled, placed under oath, and proceeded to deny the charge. Chairman RUSSELL LONG, who had checked FBI files in order to arrive at the truth of the allegations, stated that he would check with the State Department concerning the nature of the highly classified telegrams which Mr. Sonnenfledt allegedly discussed with unauthorized parties.

In addition, Mr. Clark Mollenhoff, who was a legal adviser to the Nixon administration several years ago, stated that he had taken the Koczak allegation, along with other alleged leaks by Mr. Sonnenfeldt to Dr. Henry Kissinger and General Haig, who expressed concern but proceeded to do nothing about the allegations while Mr. Mollenhoff was at the White House.

Today the hearings provided another confrontation, this time between Mr. Sonnenfeldt and Mr. Otto Otepka, the former State Department security officer who had been involved in the Sonnenfeldt case while at State. Mr. Otepka claimed that there were other leaks by Mr. Sonnenfeldt and suggested the calling of other persons knowledgeable about the case. Again, Mr. Sonnenfeldt was called and denied the charges.

Mr. Paul Scott, the syndicated columnist, then testified in defense of his own veracity concerning information he had provided via his column to the public. He also mentioned the names of knowledgeable sources who could confirm wiretap evidence of security violations. He also suggested that Chairman LONG also check with CIA, who, he understood, could provide further information on the matter. Chairman LONG indicated that this was new ground which did not turn up in his perusal of the FBI files.

Next to be heard briefly was Mr. John Hemenway, who first appeared in opposition to the Sonnenfeldt confirmation on May 15. He stated that the facts concerning Mr. Sonnenfeldt's involvement in his own case while both were at State were not as stated by Mr. Sonnenfeldt. Chairman LONG invited Mr. Hemenway to state his case in a letter to the chairman.

Mr. Koczak, who had appeared the day before, then raised a point of personal privilege with Senator LONG, complaining that the New York Times report of October 2 written by Mr. David Binder, had misrepresented his testimony of the day before. He asked for the protection by the committee of his own integrity and reputation and also asked Senator LONG to confirm that he had not been campaigning as the New York Times alleged, against Mr. Sonnenfeldt's nomination. Chairman LONG confirmed Mr. Koczak's claim that no member of the Finance Committee or its staff, to his knowledge, had been approached by Mr. Koczak prior to the preceding day's hearing when Senator LONG stated that the FBI reports, when he examined them, were scanty.

Mr. Koczak also took exception to the New York Times report quoting Mr. Koczak as alleging that "the FBI had distorted the record of the case." Mr. Koczak indicated that he expected the New York Times to correct this incorrect reporting.

I have reported the proceedings of the Finance Committee's hearings of the last 2 days in some detail here in the hope that the newspapers which criticized my involvement in this case will consider the information developed as thoroughly as Chairman LONG has sought to do in the Senate Finance Committee's hearings.

GOLDEN STATE WATER CHIEF

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. JOHNSON of California. Mr. Speaker, a short time ago Governor Reagan appointed a new director of the California Water Resources Department. He is an old friend who I have known for many years.

John Teerink has established himself as one of the Nation's leading authorities on water resources and he follows in the footsteps of his father, who served in the water resources field himself.

I am proud to have known John Teerink's dad, who was the resident engineer for the Corps of Engineers on three debris dam projects that were located on the North Fork of the American River, the Rucky-Chuckee project on the Middle Fork of the American River and the Englebright project on the Yuba.

John, I am proud to say, is a product of local schools in Placer County. He graduated from Placer Union High School in 1939 and attended the Junior College in Placer County from that year until 1941, when he went on to obtain his civil engineering degree at Oregon State University.

Aqueduct magazine, the publication of the Metropolitan Water District, featured John Teerink in an article in the current edition. Mr. Speaker, so that my colleagues here in the Congress can become personally acquainted with the background of a man they are going to hear more about in the field of water resources I insert the article on John Teerink in the RECORD at this point.

The article follows:

JOHN TEERINK

In his offices in Sacramento, John R. Teerink, 52, newly appointed director of the California Department of Water Resources, gestures, frowns and smiles, but most of all speaks intensely of the challenge that lies before him.

For nearly seven years, Teerink had been deputy director of DWR under William Gianelli, the man credited by Governor Reagan with overcoming a $300-million deficit to enable completion of the massive first phase of the State Water Project.

Teerink, a civil engineer who guided design of the California Aqueduct, now poses to himself and other water leaders questions on how to operate the system as "efficiently and effectively as possible."

About long-range outflow requirements of fresh water in the Sacramento-San Joaquin Delta, water needs and population growth, environmental considerations, deterioration of groundwater basins in the state and public awareness of benefits of the state project.

"It's one thing to be a deputy director of the department and make recommendations—and another to have the responsibility of making final decisions," Teerink said.

"Bill Gianelli and I are different personalities, but, basically, we have the same philosophies of water needs and management in California. I expect no major changes in the department's operations or research emphasis."

John Teerink was born in the Payette area of Idaho where his father farmed a plot of land that received water from one of the first U.S. Bureau of Reclamation projects in a national program that began in 1902.

When his father gave up farming and became an engineer, the young Teerink found himself living at the Bonneville Dam construction site on the Columbia River in Oregon. He delivered newspapers to the workmen during those depression years at Bonneville.

After spending most of his youth around such major construction projects, Teerink "gravitated naturally" into water supply engineering.

Teerink and his wife, Lillian, have two grown daughters, Mrs. Kathryn Snow, a school teacher in Sacramento, and Ruth, who has been studying psychology at Sacramento State University.

The Teerinks reside along the American River in northeast Sacramento but also have a cabin at Donner Lake, a little more than an hour's drive from Sacramento. Teerink enjoys going there to fish and to start some of his back packing trips into the Sierras.

On those relaxing and relatively rare occasions he won't be found with his brow furrowed about the challenges that lie before him—but probably smiling about what he personally has seen come to pass as the son of a farmer who joined the U.S. Corps of Engineers.

Teerink earned his civil engineering degree at Oregon State University in 1944. He started his career with the Department of Water Resources in 1946 after serving two years in the U.S. Army Air Force, where he attained the rank of captain.

He received his master's degree in public administration from Harvard University in 1965.

He was chief of aqueduct design for four years in the late 1950s and more recently has been overseeing the department's broad range planning and research efforts, including studies of possible new water sources from desalting, waste water reclamation and geothermal energy. Prior to his appointment as deputy director in 1967, he served as assistant chief engineer of the department for six years.

He also had served as district engineer of the department's Southern California District in Los Angeles.

"It gives me a great deal of satisfaction to see the first phase of the project completed and in operation," he said.

"I don't know whether it would be of interest to you, but I was on one of the first trips in 1951 with the late State Engineer A. D. Edmonston in laying out the route of the aqueduct.

"I remember we got a shovel out of the car at the base of the Tehachapi Mountains and posed with it for some pictures in a make-believe groundbreaking . . . just the thought of lifting water up the face of those mountains seemed like kind of a fantastic dream.

"My first work after joining water resources," he said, "was in making studies paid for by the Sacramento River Flood Control Association. Flood prevention was desperately needed on the Feather River to cut its winter-time flow into the Sacramento River.

"At the same time, we were developing the California Water Plan, by direction of the State Legislature, and looking at areas that had surplus supplies and those in need of supplemental water throughout the state.

"Once it became obvious where the needs were, it was a giant logistics problem to get it there."

HIGHWAY SAFETY REPORTING

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. HARRINGTON. Mr. Speaker, Mr. Wendell Coltin, safety columnist of the Boston Herald-American and a friend of mine, is a man who deserves our gratitude.

His "Safety Crusade" column has been appearing in newspapers since 1956 and has been an important force in highway safety in the State of Massachusetts.

Mr. Coltin has recently written an article in the September 1973 issue of Highway User entitled, "The Media and the Safety Message." The article merits the attention of my colleagues in the Congress and of the American public, and I now submit it for the RECORD. Perhaps if there were more proponents of highway safety like Mr. Coltin, we might begin to eliminate some of the tragic accidents that occur on our Nation's roadways.

The article follows:

THE MEDIA AND THE SAFETY MESSAGE

(By Wendell Coltin)

To the three E's of highway safety—Education, Enforcement, and Engineering—I would add three C's:

Courtesy, Cooperation, and Compliance.

Courtesy on the part of drivers of motor vehicles, and pedestrians; Cooperation with authorities who seek to save lives and prevent injuries through safety measures; and Compliance with the laws would go a long way, I feel, toward making our streets and highways safer.

The news media, of course, can help tremendously in promoting highway safety. This can be accomplished in many ways; and in most instances it doesn't have to be of a spectacular nature.

CONTINUING EFFORTS

Indeed, any success of the Safety Crusade column I have been writing since 1956 can be attributed, I believe, to the fact that it is a continuing column; not a one-shot, or occasional piece prompted by a particular event or tragic happening.

Even though there are persons who have said, "You can talk and write all you want to about highway safety, but it won't do any good. The people who should be listening and reading about it don't," I have long since been convinced that it does pay to talk and write about it.

How to distinguish between those who "should" and those who don't have to heed safety advice? Is anyone really immune to it? Of course not! It is a concern of all men, women, and children—whether they walk or ride.

One of the best programs I have seen doesn't appear to be operating now; but I would like to see it revived and expanded to reach as many people as possible. It was a "Car-Wise Course" for women employees in the traffic department of the telephone company. It was introduced to the New England Telephone and Telegraph Company by an attractive young woman in its New York City offices—Mrs. Marguerite Drum.

The courses were designed to make the women who took them better drivers, better co-pilots when riding with other drivers, and safer pedestrians.

The graduation ceremonies saw the women appearing in lovely gowns at dinners in a hotel, or some other popular dining place—and showing the enthusiasm or animation of high school, or college graduates on their commencement day. Their guests would be officials of the telephone company, state highway safety officials, such as the Commissioner of Public Safety, and the Registrar of Motor Vehicles.

Mrs. Drum and her husband did not own an automobile, nor did she have a driver's license. Yet, her interest in safety and the creation of the Car-Wise Course did much, I know, to help hundreds of women to become more knowledgeable about safe highway travel and the obligations of citizens toward reaching that goal.

DEFENSIVE DRIVING

It has been said that you can't teach an old dog new tricks, yet a program that has been increasing in popularity is the Defensive Driving Course of the five million member American Association of Retired Persons. Many who have taken the course have been able to obtain reductions in their insurance rates (this does not apply in Massachusetts). And they have acquired a new confidence in their driving ability—new safety consciousness.

Driving conditions have changed greatly since these older persons acquired their licenses, notably high-speed expressway driving. Many older persons have never had to be reexamined for licenses since they first obtained their licenses decades ago. Many had become a danger to themselves and others through worsening vision, deterioration of physical condition and other disabilities.

INSPECTION

My Safety Crusade column, from its earliest days, pointed out that in Massachusetts, motorists were required to have their cars inspected twice a year because of the compulsory semiannual inspection; yet were not required to undergo a reexamination to determine their own capabilities to continue operating.

In recent years, Massachusetts has required that drivers have their vision tested upon applying for renewal of their licenses. While some have not been able to pass the test, others have learned of their deficiences and have gone to competent doctors for testing and have obtained corrective lenses, thus enabling them to retain their licenses. It has become quite common now for a person who has not had his eyeglasses changed for some years—or his eyes examined—to go to an eye specialist as license-renewal time approaches.

Some 10 years ago when I went to Detroit with a joint legislative committee on highway safety, led by then Governor Endicott Peabody and then Registrar of Motor Vehicles, James R. Lawton, we were told by Michigan Governor, George Romney, that he was embarrassed that Michigan, the automobile capital of the world, did not have compulsory, periodic inspection of motor vehicles. Massachusetts was a pioneer in compulsory inspections and particularly over recent years has strengthened its inspection program.

IT PAYS

I have seen much evidence to show convincingly that it does pay to talk and write about highway safety.

My column has been credited with playing a significant role in building support for a "no-fix" traffic ticket law in Massachusetts; and eventually one was enacted. There were persons who had said, "The legislature will never vote for a no-fix ticket."

But the legislature did; and one reason my column was able to build support for "no-fix" was to make readers—and legislators—aware that when a person knew he could fix a traffic ticket, he would take liberties with his driving which would lead to accidents. The column quoted public officials who expressed regret that they had fixed tickets for young persons and others who subsequently went out and killed either themselves or other innocent people. They were made to realize that they had not done their constituents, themselves, or others for whom they had "fixed" tickets any favor by interceding in their behalf.

I have frequently been "tipped off" by state and local police of certain cases coming into court—principally alleging drunken driving. Many times I extended myself to be in certain courts, making myself inconspicuous to record testimony for news stories and column material that were later to be posted on police station bulletin boards.

A FAST TRACK

I have ridden with state police on their patrols; and with public safety commissioners, registrars of motor vehicles, state police officers, and motor vehicle inspectors—on holi-

day weekends, and at other times—and at all hours.

One time Trooper Robert J. Birmingham and I were about to drive onto Route 95 in Boxford, Massachusetts when he remarked, "It's a fast track tonight." Moments later he overtook and halted a car traveling 65 miles an hour [the speed limit was 60]. When he returned to the police cruiser with the license and registration of the vehicle, and revealed the driver's identity—we found his observation about the "fast track" had been most timely. The driver was a prominent jockey, who had ridden that day at Suffolk downs in East Boston.

THE ALCOHOL PROBLEM

My Safety Crusade column was also credited with helping build support for an implied consent law in Massachusetts. Back in 1959 and 1960, my paper sponsored a Traffic Court Conference at Boston College Law School, in cooperation with the Standing Committee on Traffic Courts of the American Bar Association, whose executive director was James Economos, since retired; and the law school, whose dean was the Reverend Robert F. Drinan, now a congressman.

I had arranged for a display of chemical testing equipment—Breathalyzer and Alcometer—and an explanation of their use; and we devoted a session to "wet driving" with a lecture by Attorney Robert Donegan of the ABA staff. We had as a speaker on a panel, which I had lined up, Special Justice Joseph Goldberg of the Worcester District Court, because the Worcester police were then using the Breathalyzer and getting more convictions than formerly for driving under the influence.

Meanwhile, my column told of the missionary work being done by two other district court judges, Lawrence G. Brooks of Malden, and Paul K. Connelly of Waltham, now a Superior Court Judge, urging implied consent legislation, which was to become a reality eventually in Massachusetts. It was "way back then" that another district court judge, Joseph B. Harrington of Salem—father of present Massachusetts Congressman Michael J. Harrington—was advocating weekend jail sentences for persons convicted of drunken driving.

It has not yet become an accepted practice—or law—in Massachusetts, but present Public Safety Secretary Richard E. McLaughlin, a former registrar of motor vehicles, who in 1975 is destined to be elected president of the American Association of Motor Vehicle Administrators, has also advocated weekend jailing of drunken drivers.

The reasoning behind this proposal is that the family of a breadwinner would not suffer economically by his serving a sentence over a period of weekends and at the same time the man would be punished for his violation.

While the Safety Crusade column has followed such proposals closely and elaborated upon them, it has also been familiarizing readers with the purposes of the Alcohol Safety Action Program, now in progress in Boston and 34 other cities.

EFFECTIVENESS CONTINUES

The continuing interest and effectiveness of the Safety Crusade column may, perhaps, be reflected in this letter of congratulations I received from Carl J. Catalano, supervisor of special investigations in the Registry of Motor Vehicles:

"Dear Wendell:

"Congratulations on your Alfred P. Sloan, Jr. Award . . .

"I always knew you as the 'Tops' for the new media as a Safety Crusader. All of these items that had your backing and reporting influence have been major items in highway safety."

Carl's letter recalled the Sunday afternoon I was riding with him on Route 128 for a Safety Crusade column, when we came upon a car being driven by a man accompanied by his family. A pair of booties was dangling and swaying from the rear view mirror above his windshield. They were not supposed to be there, and in this particular instance Catalano could see they could be a distraction to the driver—perhaps interfere with his view at a crucial moment. He beckoned to the man to pull over to the side of the road and instructed him to remove the booties. The man was indignant.

Too bad he couldn't realize someone was trying to make a pleasant Sunday afternoon's ride safer for him and his family. A small thing, perhaps, yet small things can cause big accidents.

NEW YORK AIMS FOR SAFER SCHOOLS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. BINGHAM. Mr. Speaker, the New York City school system is undertaking a major new program utilizing the most up-to-date security techniques to improve the safety of teachers and students from school crime. The following articles from the New York Daily News and the New York Post explain the plans of Chancellor Irving Anker to use $6 million for the purchase of closed circuit television, emergency signaling devices, and the like for some New York City schools. Not all schools and classrooms will be covered by these measures, however, which has led the United Federation of Teachers to call for far more support for the security program.

Unfortunately, the tight city budget will not be able to support a comprehensive security system, which underlines the need for congressional action on the Safe Schools Act, H.R. 2650, which I introduced on January 24, 1973, with 21 cosponsors. This bill would establish a new category of grants under the Elementary and Secondary Education Act to enable local school districts to deal effectively with crime in the schools. I call the attention of my colleagues in the Congress to this legislation and urge their support of this proposal to deal with violence and vandalism in the Nation's schools.

The articles follow:

MORE SCHOOL SECURITY DEVICES SET

(By Keith Moore)

The use of closed-circut television, ultrasonic signaling systems, and other modern security techniques will be expanded to schools throughout the city by the end of this academic year, Schools Chancellor Irving Anker revealed yesterday.

By June 15, city high schools and seven lower schools will supply teachers with emergency signaling devices; 10 lower schools will have closed-circuit TV; 22 high schools will have delayed fire-alarm systems, three high schools and seven lower schools will have door announcing systems, and hundreds of others schools will have walkie-talkies or other intercom devices.

Anker made the disclosure at a hearing on the proposed 1974–75 $564 million capital school budget at board headquarters, 110 Livingston St., Brooklyn, at which a spokesman for the United Federation of Teachers charged the board with failing to go far enough in school security.

Later, Anker disclosed specifics of the plan noting that the money will come from $5 million set aside for security devices under the current Budget.

Under yesterday's proposal, Anker is asking for another $6 million for security devices. If the school system gets that money, said the chancellor, by the end of June 1975 the security-device program will be more than doubled.

BEGAN AS EXPERIMENT

The program to use modern electronic devices to stem the rising tide of school crime began as an experiment last year with two high schools using pen-like ultrasonic signaling systems and two middle schools using closed circuit TV.

Eldridge Waithe, who heads the board's security program, said that the experiment had worked out so well that the decision was made to expand the project.

The teacher's union spokesman who charged the board with poor security measures was Vice President Abe Levine. In his testimony he cited police statistics which show for the first seven months of 1973 the number of reported attacks on pupils, teachers and other personnel was 1,200.

Levine also said police records show 63 reported sexual assaults, 44 incidents involving dangerous weapons, 59 cases of arson and 3,571 complaints involving robbery, burglary and larceny.

The day-long hearing, which focused on all aspects of capital improvements was crammed with speakers who complained of poor or overcrowded school facilities.

The board is now scheduled to act on the budget, which will then be sent to city authorities.

TEACHERS SEEK MINI ALARMS

The United Federation of Teachers said today that every teacher in the city school system should be provided with "a pen-size alarm" to summon help "at the push of a button."

It said the number of assaults and robberies directed at school personnel so far this year justified the use of such a security device.

The UFT proposal was given to the Board of Education at a hearing at board headquarters in Brooklyn on Chancellor Anker's $564 million proposed capital budget for 1974–75.

Anker's request includes $6 million for security installations.

Anker told the UFT that his staff had held a series of meetings at City Hall and had drawn promises from the Mayor's staff "to speed up the funding of these technical devices."

Anker said he was hopeful they would be in the schools by the end ofthe year.

UFT vice president Abe Levine said Anker's recommendations were inadequate in light of "the climate of fear and insecurity in the schools engendered by numerous incidents in recent years, muggings and rape."

Levine produced Police Dept. figures indicating reported attacks on pupils, teachers and other personnel in the first seven months of 1973.

He said there were also 63 sexual assaults, 44 incidents involving "dangerous weapons," 59 instances of arson, and 3,547 complaints of robbery, burglary and larceny.

Alarms on exit doors in order to alert the school office when they are opened.

Equip all security personnel with walkie-talkies.

Repair and replace defective doors and locks.

Levine said "nearly one-half" of the schools had defective doors.

VETERAN NEWSMAN RETIRES AFTER DISTINGUISHED CAREER

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. STEELE. Mr. Speaker, it is my honor to call your attention to the lifetime of outstanding public service rendered by an esteemed newspaper reporter in my own Second Congressional District, James "Red" Currier, who has retired as Willimantic Bureau chief of the Norwich Bulletin, following a distinguished career spanning more than 40 years.

As a member of the press "Red" Currier not only covered the news in the best tradition of a reporter, he also became a valued member of the community giving freely of his time to civic leaders. One of the high points of Mr. Currier's career came on his birthday in 1969 when the Connecticut Board of Education named the athletic complex at Windham Regional Vocational School in his honor in recognition of 18 years of service as chairman of a citizens' group influential in the construction of the school.

"Red" Currier is held in high respect by members of his profession for his thoroughness and fairness in reporting the news and his willingness to give a helping hand to young reporters at both his own newspapers and competing media.

On September 23, 1973, the Norwich Bulletin published a front page tribute to "Red" Currier as follows:

JAMES "RED" CURRIER RETIRES AFTER 43 YEARS WITH BULLETIN

WILLIMANTIC.—A Thread City tradition, spanning more than 30 years, will end Friday when James D "Red" Currier, 65, The Bulletin's bureau chief, retires.

Red steps down with what he calls a little sadness but many fine memories of his part in recording Eastern Connecticut history—a career that kept him in the company of every governor since Wilbur Cross and one that brought him an acquaintanceship with thousands of people.

"It's been a lot of fun, a lot of heartaches. It's been my life and a good education. Through it I have gained something money can't buy, friendship. I've made a lot of friends," Red said of his career.

Red has covered every type of story newspapers print. Most of them were of local interest but many were national news and got some international play. His reporting and citizenship have brought accolades from the state of Connecticut and numerous community organizations.

"There were a lot of gory things, many, many tragedies. I tried to be understanding. I had a job to do, and I didn't want to make things any worse than they were," he commented.

As a bureau chief—one of the most demanding and difficult jobs on any newspaper—the days were long for Red. Frequently he'd have to catch six or seven meetings a night. Twelve-hour days were the rule rather than the exception. In 30 years, he had but two sick days.

"Miles didn't mean a thing. Anything I thought was news and I thought we should have it, I went after it," he remarked.

"Once it gets in your blood, you can't get it out," he added.

PLAYING BASEBALL

Red was playing baseball in Plainfield 43 years ago when he got his first job with The Bulletin.

"I used to send in scores," he explained. "One day they asked me if I wanted to cover the news for them."

The starting salary was two cents an inch for stories as they appeared in the paper. "It wasn't even enough to pay for the gas in my car, but the experience was the important thing," Red remarked. Six months later his salary went to a nickel an inch, and he was on his way with The Bulletin.

Those first months in the newspaper business were tough for Red. He worked full-time at the then Lawton Mills in Plainfield, days, and covered his beat at night.

Red's service with The Bulletin was interrupted during 1943 when he enlisted in the Army. Medically discharged with a hearing problem, he returned to Connecticut and in August he was named Willimantic bureau chief. He followed another Bulletin veteran, Gerald Loiselle, who held the post for 20 years.

Red credits much of his professional success to those who were close to him. First on the list is his wife of 32 years, the former Beulah M. Daw—a woman who spent most of her married nights without her husband. Red described her as "patient and understanding" and a big help on hundreds of stories.

People like James V. Pedace, retired managing editor; Ellsworth "Scoop" Cramer, a retired city editor; and Thomas F. Winters, present editor, along with the Noyes and Oat families, who own The Bulletin, all had a hand in Red's career.

"You never worked for anybody—you worked with them. That's how I always felt," Red observed.

MANY MEMORIES

Red retires with many memories. He can tell about how he knew John N. Dempsey when the former governor was a basketball player many years before he ever thought about politics or ever dreamed he'd be governor.

Or the time during the 1938 hurricane when it took him four hours to drive to Norwich to file his story. His effort netted a mere line and a half in the paper.

Along with his memories, Red leaves with numerous honors. The greatest in his mind is Currier Field. That honor came on his birthday in 1969. The state Board of Education named the athletic complex at Windham Regional Vocational School for him for his 18 years of service as chairman of a citizens' group influential in construction of the school.

In 1969 Red was named Willimantic's outstanding citizen by the Police Benevolent Association. Other groups which have saluted him include the YMCA, Boy Scouts, Civitav, Elks, March of Dimes and the City of Willimantic.

A veteran member of the Plainfield Grange, he served several years as the publicity chairman of the Pomona Granges. Additionally he is a past master of the Eastern Star Lodge No. 44, AF and M, at 32nd degree Mason, past Grand Tall Cedar and past district deputy of the Tall Cedars of Lebanon. He also served ten years as that group's national publicity chairman.

Red's plans for retirement include two things—household chores, described as "neglected for too long" and his friends. Friends are important; he'd have been finished before he started, without them, Red said smiling.

"My friends have been good to me . . ." he said again as he reached in his wallet. Extracting a worn piece of paper, he put it in the desk.

On it was a poem Red said he clipped "years and years ago" and has always carried with him. He didn't remember the author.

It goes like this:

I'd like to be the sort of friend that you have been to me;
I'd like to be the help that you, have always been glad to be;
I'd like to mean as much to you, each minute of the day;
As you have meant, good friend of mine, to me along the way.
I'm wishing all the year around, that I could but repay
A portion of the gladness you've strewn along my way
And could I have one wish this night, this only would it be.
I'd like to be the sort of friend, that you have been to me.

Red's reporting days may be ending but they're not over.

Everytime that nose twitches, someone puts a buzz in his ear, or he passes an accident, the odds have it that Red will call the office.

Red's like that. It is in his blood.

NATION'S POLICEMAN HONORED—TWO-MAN TEAM WINS TOP AWARD

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. HOGAN. Mr. Speaker, I want to bring to the attention of my colleagues an article published in Parade magazine, September 23, 1973, which honors two Miami police detectives for their heroic and outstanding deeds in their performance as officers. Amid uproars of alledged police brutality and often biased news coverage of law enforcement offiscals, it is refreshing to see recognition is being given to two dedicated policemen who I am confident exemplify the overwhelming majority of police officers in this Nation.

The article follows:

NATION'S POLICEMEN HONORED—TWO-MAN TEAM WINS TOP AWARD

(By John G. Rogers)

MIAMI, FLA.—When Miami police detectives Gerry Green and Walt Clerke were wounded recently by a crazed gunman, their pretty young wives were first horrified, then philosophical. Says Mary Jo Green: "Can you imagine anything good out of your husband getting shot? But that's the way it was. Ordinarily I work days, and Gerry works nights, and we hardly ever see each other. But when he got wounded, he had to stay home to recover, and we were together every evening. It was great."

And Susan Clerke adds: "I can't say I'd want Walt wounded again, but it's been awful nice to have my man around the House."

Green and Clerke, a pair of handsome 25-year-olds, work as a team. They're tough cops when necessary but they also feel compassion for people they arrest and, if possible, give them a helping hand. They'll find a man a job, get him admitted to a rehabilitation program, even send him back to college. Miami Police Chief Bernard L. Garmire comments: "These two guys are terrific. They can handle any assignment. And first they throw people into jail, then bend over backward to help them."

For their distinctive performance as law enforcers and social workers, Green and Clerke have been awarded the eighth annual

Police Service Award conferred by Parade and the International Association of Chiefs of Police. This tribute and the designation of 10 other peace officers for special honorable mention is a symbolic one designed to salute all of the nation's 425,000 law officers without whose dedication society could not function.

As in other years, the judges faced an extremely difficult challenge in narrowing the selections down to Green, Clerke and the 10 others because the nominations which poured in from all over the U.S. represented a great number of very deserving officers. Their contributions spoke eloquently of the vast variety of police work—from humdrum community service to feats of steel-nerved heroism, from dramatic rescues to organizing ghetto basketball teams, from delivering babies to shooting it out with bank robbers.

TO RECEIVE PLAQUES

Those are only a few of the items in the broad spectrum of police work represented in the 1973 nominations. Plaques honoring the officers and their departments will be presented this week in San Antonio, Tex., at the annual convention of the International Association of Chiefs of Police.

This year's top honor officers, Green and Clerke, contend they have sixth senses that make them an intuitive police team. They are part of a federally funded pilot project aimed at reducing robberies, and Miami's robbery rate has been cut 10 percent in a period when in many communities the rate has increased 15 percent. Both young men are such devoted policemen that neither can imagine himself ever doing any other kind of work.

"We don't think of our job in terms of punishing people who've done wrong," says Green. "When we arrest a guy we think in terms of preventing his next crime, in terms of saving his next potential victim from theft, robbery, injury, even death."

Clerke adds: "And if the fellow has any possibility of rehabilitation, we try to give it to him. Of course, there are some absolutely beyond help. It's depressing to have to admit that a guy is beyond saving, but sometimes you have to do it and concentrate on the ones you might be able to help."

There are several cases that Green and Clerke like to recall. One is that of Connie. They arrested her for armed robbery and prostitution. But they perceived some good qualities in her and convinced her to enter a drug cure program where she achieved success. Now she's engaged to a manager of a restaurant, and the two young cops plan to attend her wedding one of these days.

STUDENT TO ROBBER

Then there's the incident of the Florida State University student who lived with his mother and an aunt and who became ashamed of asking them for money to finance his social life.

Clerke recalls: "This guy, a bright physics major, took to robbing people as they left cafeterias and headed for parking lots to pick up their cars. Once we established his invariable pattern, he was a dead duck. We grabbed him. But we talked things over, showed him how he was simply ruining his life. When he went to court, I went along and got him off—the judge was very understanding. I got him back into Florida State—he's on a scholarship—and now he's working for his master's degree. He's given up his stupid robberies, and he's made two cops very happy for keeping faith with us."

Another case is that of a petty thief named Joe. Green and Clerke got him a job in a hotel kitchen. Trouble is, any time something is stolen, Joe gets blamed because of his record. For example, a side of beef is missing. Joe did it, says the manager. Poor Joe telephones Green or Clerke. They go to the hotel, point out to the manager that Joe doesn't even own a car to transport a side of beef, and their "protege" is permitted to keep his job.

QUARREL IN CAB

Greene and Clerke work so closely as a team that when they were wounded, a fellow officer remarked with grim humor, "These guys believe so much in togetherness that when they get shot they do it together."

Actually, it was their compassionate strain that caused them to stop bullets. They were cruising in their unmarked car when they encountered an incident in the making—a cabdriver was refusing to accept a passenger unless he raised his sports shirt to show that he wasn't carrying a gun. The prospective passenger—he proved to be a robber and rapist—was high on pills and angry. He refused to raise his shirt. Green and Clerke got out of their car to investigate.

Says Green: "Cops' instinct told me this guy was dangerous, but we have restrictions on use of our guns. We were 90 percent convinced that he was armed, but you have to be 100 percent sure—you can't start shooting just because somebody reaches under his shirt. He might just be trying to conceal narcotics. It was this hesitation under the rules that got us wounded. By the time we were sure that he had a gun, we already had bullets in us. Then we returned his fire, and we killed him. It was a very unpleasant thing to do."

Clerke suffered a serious wound in his left thigh. Green was the beneficiary of one of those lucky breaks. In his left shirt pocket, over the heart region, he carried a thick sheaf of pictures of wanted criminals. The bullet first creased his left hand and was deflected toward his chest. However, it first encountered the sheaf of pictures and almost completely spent its force.

"From that night on," says Green, "I've been carrying more wanted pictures than ever in that same pocket. Those guys in the pictures quite possibly saved my life."

In the story of most policemen, there's the quiet heroism of the wives—in this case two lovely women—who sweat out the hours after seeing the husband off to work, living with the dread of knowing that he may run into a situation that could cost him his life. Susan Clerke and Mary Jo Green are close friends and spend a lot of time together—in fact, they were together "the night the boys were shot," as they put it.

"NIGHT LONELINESS"

Says Susan, mother of a 5-year-old daughter, "Oh, sure, I worry about him, quite intensively. But it has become my way of living, and I just try to make sure that I don't communicate any of this worry to my little girl."

And Mary Jo Green, who has a 3-year-old son: "Gerry always tells me that nothing bad can happen to him but now I know that isn't true. It's possible that I can become a widow any night."

If you ask Susan or Mary Jo what makes them such good friends, they say without emotion: "We have so much in common. Night loneliness."

SHARE $1000 REWARD

Still, they have reaped a pleasant communion out of one aspect of police work. When Gerry Green was named Miami's "Policeman of the Year" and received a $1000 check as part of his reward, he insisted on splitting it with Walt Clerke. The money was spent just as young wives would like to spend it—the Greens and the Clerkes went on a Caribbean cruise.

Green and Clerke became cops through different routes. "When I was in college here in Florida," says Green, "I saw so many young guys going down the drain by way of narcotics, I decided to get on the good side of life before anything happened to me." Clerke tells you, "I inherited the job. My dad was on the police force in New York, an inspector, in fact, and when it came time to choose a career, I just followed in his footsteps."

The two cops usually work from 4 p.m. to midnight and in plain clothes. Capt. Phil Doherty, the man who assigned them together because he envisioned how well they would cooperate, says they are great in recognizing criminal patterns. A prime example—a report came in on a barroom robbery in a nearby county. Green and Clerke felt that the method of operation fitted some Miami-based robbers they knew. So they staked out the obvious roadway of return from the robbery scene and, sure enough, the robbers rode right into their hands. Quite surprised, too.

EXPLOSIVE MONEY

In their anti-robbery work, Green and Clerke use some sophisticated weapons. One of these—distributed quite generously to merchants—is what seems to be a package of money. In fact, it does have a real $5 bill on top. But, it is rigged so that five minutes after a robber makes off with it, it explodes with tear gas and red dye.

Says Clerke: 'It's quite a shock to these poor guys when they learn what it's like to be caught red-handed."

THE 10 HEROIC POLICE RECEIVING HONORABLE MENTION

Detective Thomas Brown, Waterbury, Conn.: Detective Brown received a citation from President Nixon for an unusual rescue that he performed during a fire. While a wind-swept blaze was turning an old tenement into an inferno, Brown spied a woman screaming from a third-floor window. Since it was apparent she had no escape, Brown positioned himself below the window, called to her to jump, and caught her in his arms, saving her life.

Sgt. Lorraine Owsley, Anne Arundel County, Md.: A 10-year veteran on the force, Sgt. Owsley has performed in many fields of police work, but she's a specialist in child abuse cases, sex offenses against minors, domestic problems and prevention of delinquency. Because of her tact and ability to gain the trust of minors and women, she is frequently called in when off duty to help out in emergencies. She also often lectures on the subject of self-defense for women.

Deputy Sheriff Michael J. Curfman, Riverside County, Calif.: When students at Moreno Valley High School had a run-in with police, Curfman was disturbed both in general and because the school was his alma mater. Since he himself had been "anti-cop" in school, he felt he understood the root of the problem. On his own time, he went back to the campus, organized educational rap sessions, and was given credit for improving the student attitude toward good citizenship.

Officer Gary E. McGaughey, Minneapolis, Minn.: McGaughey was key figure in breaking up a kidnapping-prostitution ring that crossed the state line from Minneapolis to Madison, Wis. His diligence built a case that resulted in numerous arrests and convictions. However, he concentrated equally on rehabilitation, assisted by his wife, Elaine, who befriended many of the girls and helped them to a new start. Fellow officers characterize him as a "concerned cop."

Patrolman Gerald Brindell, St. Louis County, Mo.: A tenacious lawman, Patrolman Brindell encountered three robbers fleeing from a food shop. He pursued one into a drainage ditch. The robber pumped four bullets into him, but still Brindell kept going, even trying to climb a fence. When other police arrived, Brindell was clearheaded enough to give information leading to the capture of the trio. He needed massive blood transfusions to survive.

Patrolman Harry Solomon, Highland Park, Mich.: After tracing a robbery suspect to a house, Patrolman Solomon found the man was holding three small children as hostages, and threatening to kill them unless he was

allowed to escape. Solomon kept his cool. He called through the door asking for a conference. The robber agreed on condition that the policeman discard his gun, Solomon agreed, entered unarmed, and was able to talk the man into surrender.

Capt. Lynn Rudolph, Kokomo, Ind.: Capt. Rudolph is a prime example of a specialist many law-enforcement agencies find indispensable these days—the narcotics expert. Widely in demand as a speaker all over his state, Rudolph has increased drug arrests fivefold in four years as head of a special investigation unit. Sometimes he goes underground to develop informants, and frequently poses as an ex-addict who kicked the habit.

Patrolman R. Spence Phillips, Ogden, Utah: Patrolman Phillips didn't have time to think things over when he arrived at the scene of an auto accident. A car had overturned in a drainage ditch. The driver was pinned inside with his head under water. Phillips waded in, squeezed through a partly opened window, supported the man's head until help arrived. As it turned out, the victim was a cop-hater, and afterwards called Phillips "a rotten pig."

Sgt. David H. Upchurch, Kentucky State Police: This dedicated officer has developed Trooper Island, a summer camp for underprivileged boys, from a facility for less than 50 to a point where it provides happy and healthful vacations for over 500 youngsters. The Kentucky State Police maintain it as a non-profit, charitable foundation. Sgt. Upchurch spends much of his own time traveling and speaking to raise funds to keep the camp operating.

Officer Ronald H. Cawthon, Dallas, Tex.: Because of his performance in fire rescues, gun battles, detective work and especially in training other officers, Ron Cawthon is described by his superiors as "head and shoulders above the average policeman." He has won a number of police honors in Dallas. His ability to impart his expertise to young officers has led to words of high praise for his pupils—they're called "Cawthon-trained men."

CAR POOLS

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. HARRINGTON. Mr. Speaker, the Environmental Protection Agency estimates that if just 55,000 of the 300,000 Boston commuters formed car pools, the rider-per-car average at rush hour would rise from its current 1.1 persons to 1.5. This action alone would allow Boston to meet the Fedeal pollution rules scheduled to go into effect in 1977. No further action would be needed.

Acting on this idea, Boston radio station WBZ has begun a "commuter computer clubcar" designed to group commuters who live near each other and work the same hours, into a single carpool. Some 25,000 people have responded to WBZ's urgings and picked up "clubcar" applications. The radio station expects to have over a million applications handed out by mid-October.

The Wall Street Journal featured an article on September 19, 1973, concerning WBZ's efforts. I ask that the article be inserted in the RECORD for the information of my colleagues:

HERE'S A TERRIFIC IDEA FOR BEATING TRAFFIC: TRY FORMING CAR POOL—BOSTON RADIO STATION UPDATES AN OLD CONCEPT, MATCHING COMMUTERS WITH COMPUTERS

(By Thomas Ehrich)

BOSTON.—Mary Parker's workdays begin and end in a brutal 58-mile, four-lane, bumper-to-bumper mad rush along Route 128.

So the secretary signed up fast when radio station WBZ told her she could join a "commuter computer clubcar" to share the driving, save money and even have fun on her drive between her home in Plymouth and the Chevron oil office in Waltham where she works. "Maybe I won't be talking to myself all the time," says Mrs. Parker.

WBZ figures there are many, many traffic-weary Mary Parkers among the 300,000 commuters who clog the highways around Boston every rush hour—nearly all of them driving alone. So the station dusted off an old idea, the car pool, jazzed it up a bit and came up with a public-service promotion whose success so far has startled even WBZ and its parent Westinghouse Broadcasting Co.

Some 20,000 motorists have picked up "clubcar" applications at tunnel toll booths in the four weeks since WBZ announcers overcame their initial inability to say "commuter computer clubcar" quickly and began plugging it at least twice an hour. Another 5,800 commuters have written to the station for applications. Stores, restaurants and offices have begun handing out applications, and by mid-October, WBZ expects to have over a million applications in the hands of motorists.

LIKE COMPUTER DATING

The clubcar system works sort of like a computerized dating service. Those who fill out applications will be matched with other commuters who live nearby and work similar hours. Each applicant will receive up to 10 names of others making similar commutes, and it will be up to them to get together and form their own car pools.

Just how many people actually will pool their rush-hour tedium when the match-ups start going into the mail later this month is anyone's guess. But WBZ and its partner in the scheme, the regional ALA Auto & Travel Club (formerly the Automobile Legal Association) have high hopes—as do state and federal pollution agencies.

"We think car pools will become a basic mode of transportation" in the Boston area until planned mass-transit improvements are completed around 1978, says John McGlennon, who heads the regional Environmental Protection Agency office. The federal agency and the Massachusetts Department of Transportation have been toiling for months on a master plan to reduce auto traffic and cut pollution, and they had considered such drastic measures as banning cars from the city one day a week and closing some downtown parking lots. Just this month, Gov. Francis Sergeant unveiled a broad transit plan that relies heavily on car pools and may eventually include such inducements as special expressway lanes reserved for cars with more than one occupant.

The EPA figures that if just 55,000 Boston commuters formed car pools, the average rush-hour ridership woud rise to 1.5 persons a car from 1.1 currently. That alone would enable Boston to meet the federal pollution rules due to go into effect in 1977. We wouldn't have a need for any further transportation strategy," Mr. McGlennon asserts.

"We were there at the right time with the right idea," says Jerry Wishnow, WBZ's 29-year-old "director of creative services." We decided transportation was *the* issue this year." Last year WBZ's public-affairs promotion was a "Shape Up Boston" campaign for dieting, exercise and nutrition.

SYMBOL: A 1938 PONTIAC

Getting commuters into car pools won't be easy, as even the ebullient Mr. Wishnow concedes. "Car pools seem pedestrian," he says. Hence the name clubcar, which WBZ plugs as a "special place for friends to gather on the long ride to work. . . . Part of a forgotten era."

The clubcar symbol is a 1938 Pontiac touring car with a relaxed driver and with six passengers sipping coffee and chatting in the back. "It's a whole new way to get to work," promises a two-page ad in the regional edition of Time magazine. And on the air, personalities ranging from weatherman Don Kent to kiddie show host Rex Trailer hammer away at the theme "the best way to keep up with the Joneses is to ride in the same car."

The clubcar sponsors are working on other inducements, besides the $500 a year they estimate the average motorists can save by riding in a car pool of four persons. WBZ has visions of ultimately arranging free downtown shuttlebus service, reduced parking rates and even cut-rate shopping and free coffee for clubcar riders, plus a free phone service to give them how-to-get around Boston advice anytime of the day or night.

MARKETING AND TRANSPORTATION TRENDS

HON. FRANK E. DENHOLM

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. DENHOLM. Mr. Speaker, I recently addressed the Second Annual Convention of the Independent Truckers Association and because of the special order on transportation before the Congress today, I submit for the RECORD portions of my comments expressed on that occasion.

The marketing and transportation systems in America—and around the world, have been subjected to a frustration and stress during the last year unequaled in recorded times of Peace or War.

COMMERCE AND TRADE

A system of marketing can not exist without a viable structure and system of transportation.

Commerce is trade. Transportation is the wheels of trade. Commerce and trade are synonymous terms that are essential to the economy of America—between the States of this Union and in the community of nations of the world.

Never has a culture or society, perfected or primitive, existed without adequate food, fiber and shelter. The acquisition of the essential requirements of life is trade in one form or another—but there can not be trade or commerce without transportation—in one form or another. That is a truism of the past. It is a truism today—and it shall be a truism of tomorrow. Yet, we meet on this occasion with the knowledge that we live in a highly industrialized American society of the final decades of the 20th century—and with the realization that we remain "wedded" to principles of yesterday—that are now wholly inadequate in support of a viable transportation system of the future.

In the beginning 96 percent of the American population lived on the land—at or close to the source of production of essential food and fiber. By the turn of

the 20th century about 50 percent of the people in this country were engaged in the great industrial revolution and 50 percent remained on the land, tamed the wilderness and farmed the last frontier.

Today, almost 96 percent of the total American population live in the industrialized urban centers and demand facilities of transportation for the essential delivery of all foods and fibers. Air, railway and water transit systems can not satisfy the current demands for transportation of food and fiber. The independent truckers are the connecting link from the source of production to millions of consumers.

Now, as never before, the motor carrier transport system forms a material part of the foundation of the economy of this Nation. Thousands of independent truckers will terminal before I complete my remarks today—and without the portal-to-portal truck deliveries there would be no bread, no cereal, no coffee, no milk or food of any kind on the breakfast tables of millions of Americans tomorrow morning. The responsibility of the independent truckers is an awesome task as an integral part of the national transportation system.

THE ROLE OF REGULATORY AGENCIES

Each common carrier for hire must qualify in procedural requirements prescribed for an era of the past—and too often each must operate pursuant to a limited authority absent of contemporary wisdom in maximized efficiency of comparative economic advantage because of outmoded principles of administrative policies imposed by regulatory agencies of the Federal and State governments.

The agencies of government, Federal and State, should represent the public interest and assure everyone in need a system of transportation founded upon convenience and necessity at tariff rates just and reasonable to the consignor but equitable and profitable to the carrier. I submit the regulatory agencies of Federal and State governments have substantially failed in every obligation of duty to the carriers, to the Government and to the public.

Rail transit carriers have for years been the backbone of ton-mileage cargo transportation in America. They have enjoyed the most favorable priorities of the long-haul carriers similar to the legal concept of first in time—first in right. As tariff rates have increased—rail service, by and large has decreased. As demand and freight on longhaul ton cargo per mile shipments has increased the solvency of many rail transit systems has deteriorated to economic collapse. The number of available boxcars are short of demand in every consignor station and the system is racked with obsolescence and in many instances total deterioration—but not a single agency of Government has sought a solution in the public interest.

The regulatory agencies have fixed tariff rates, limited authority of carriers and impeded commerce. A recent study of railway cargo movement supports the theory that the average boxcar is in a loaded transit status only 6 percent of the time. Most motor carriers understand the concept of imposed limitations of authority on backhaul freight movement. The motor carriers are far superior in efficiency but they are also subject to limitations of authority and tariff restrictions with many over-the-road carriers operating at 50 percent or less of capacity.

I operated my own class B carrier truck transport business for several years in interstate commerce after World War II. I maintained a record of about 30 percent efficiency—50 percent of the time without a backhaul plus 10 to 20 percent down time for repair, service and time logs.

The impact of Federal and State regulations conceived in the public interest have often resulted in converse consequences—an economic hardship on the carriers and increased freight costs to the shippers. Neither are in the public interest. The current crisis of the railway system is proof thereof. Many rail cargo systems are at the threshold of bankruptcy as shippers pay the costs of increased freight rates and services diminish on abandoned lines. But the real falacy of the "rate makers"—the regulatory agencies, is to equate ton-mileage services of the truck transport portal-to-portal systems, to the economic collapse of the rail transit system. Consequently, the marketing structure of a free competitive society reflects the dollar losses to the same shippers that pay the costs of a "messed-up" transit system across the country.

LEGISLATIVE RECORD

Among bills expected to receive prompt consideration by Congress are three measures that are all related to railroad transportation.

The Senate passed legislation (S. 2060) that is expected to receive early consideration by the House Commerce Committee provides up to $210 million for the continuance of Northeast rail service until a permanent solution can be found.

The Senate Commerce Committee is expected to promptly consider legislation (S. 2188) that provides for a study of the Interstate Commerce Commission with the help of an advisory council to seek a permanent solution to the problem within 12 months thereafter. That pending proposal also establishes a 4-month moratorium on all rail abandonments.

The Senate also passed and sent to the House Commerce Committee legislation (S. 1149) that provides funding to increase the supply of railroad rolling stock and to improve car utilization and maintain vital car ferry service and shore side facilities.

All of the pending legislation before the Congress concerns the inadequacy of the administration of the national rail transportation systems while truckers continue to be unnoticed in the quiet continuation of cargo transportation in the public interest. The United Transportation Union vigorously supports all of the pending legislation in the interest of railroads but it should not be unnoticed that 20 million trucks serving the national transportation need in more than 250 billion miles of cargo deliveries per year for a total of 422 billion ton miles of cargo in 1971 employs over 9 million persons overall with a total annual payroll of $72 billion and more than one-fourth of the Nation's total cargo movement compared to slightly more than one-third of the national share of transportation still retained by the railroads. Yet, there is no organized effort to support legislation in the interest of independent truckers across the country. The impact of the trucking industry on the national economy is vast. The motor vehicle and allied industries account for one-sixth of the gross national product of this country. Truckers paid an estimated $5.8 billion in Federal and State taxes last year. By any standard, the trucking industry as a whole is vigorous and healthy. It is the backbone of the national transportation industry with a prosperous economic future.

Other interesting legislation proposed included the Surface Transportation Act.

The Nation was confronted with the failure and insolvency of the railway industry and three major surface transportation industries, including rail, truck, and water carriers came together in a spirit of effective cooperation and agreed on a number of elements for legislative change and reform. It was significant that these three transportation giants had come together to jointly seek a solution to a growing national problem.

Out of the deliberations came a series of separate legislative reforms. The results of the combined effort were presented to Congress as a legislative proposal to be known as the Surface Transportation Act introduced in the 92d Congress.

The Commerce Committee in the House and Senate held hearings and the House Interstate and Foreign Commerce Committee head many witnesses including William A. Bresnahan, president of the American Trucking Association, who stated that:

> The enactment of the Surface Transportation Act would constitute the greatest bulwark against the most serious threat we have to a sound transportation system-nationalization.

Bresnahan told the committee that:

> The present system of economic regulation of transportation must be strengthened and improved. The different modes of transportation need greater financial stability and to have available to them the financial resources required for continued modernization and expansion.
>
> We believe the provisions of this Act will strengthen the transportation system of the country and place all forms of surface transportation in a better position to make the technological improvement and other capital investments that are vitally necessary if we are to meet the growing transportation needs of our economy.
>
> We have under private ownership the finest transportation system in the world. Groups of foreign representatives come to our shores in droves to study our system to find what makes it superior. The answer is simple; under fair and impartial regulation, in the public interest, we have maintained it within the private enterprise system.

However, the 92d Congress was a very busy one and for one reason or another this measure never became public law.

Mr. Speaker, we all know that under

the rules of the Congress at the close of a 2-year session all proposed legislation that is not enacted must be reintroduced in the next Congress and so, early this year, the Surface Transportation Act of 1973 was introduced again. It was identical to the bill which had been reported out of the Subcommittee on Transportation and Aeronautics of the House Interstate and Foreign Commerce Committee late in 1972.

The bill is intended to help the railroads, in a large degree, regain a viable financial stature but it does have elements for other surface modes of transportation.

The proposed legislation authorizes $3 billion in guaranteed loans—insured loans—for railroad rolling stock to finally do something about the boxcar shortage which has been occurring every year for longer than anyone can remember.

Another $2 billion in loan guarantees are provided for trucking companies and water carriers to help buy new equipment and improve plant facilities—and for railroads to use for capital investment in right-of-way signaling equipment and other facilities except rolling stock.

Some regulatory changes, including a prohibition on carriers from providing service below cost: a requirement that water carriers publish their rates on the transportation of bulk commodities as the railroads are required to do and to require the Interstate Commerce Commission to develop better procedures for determining adequate revenue levels for service carriers of all modes.

Further, the bill would prohibit State or local taxation of carrier property which is discriminatorily high compared to other industrial and commercial property in the tax district. It would also establish a better procedure for acting on abandonments of railroad branch lines including a provision for the State or local government to help make up the deficit for rendering railroad service to any of these branch lines they insist on retaining.

The proposed legislation would allow greater freedom for independent action by truckers as individual members of rate bureaus.

There are impressive provisions included in the proposed legislation. However, the Surface Transportation Act needs the attention of every segment of the transportation industry in the United States to protect the interest of the common carrier because most of the provisions of the proposal are addressed to the crises among railroads and in particular the eastern railroads, including the Penn Central railway system.

CONCLUSIONS AND RECOMMENDATIONS

The free competitive marketing structure in America depends directly upon the capacity of delivery of the national transportation systems. The delivery of commodities sold is an essential link of commerce and trade and without dependable, efficient, and prompt transportation there cannot be a free competitive system of marketing in this country or elsewhere in the world.

Independent truckers are the foundation of a national transportation system and without the motor carrier freight service of our time the national system of transportation would totally collapse. Trains of trucks and truck trailers are moving throughout the United States every hour of every day and every night—and without them there would be no bread, no cereal, no milk and no meat or food of any kind on the tables of millions of Americans tomorrow morning.

However, the independent truckers are the most licensed, the most regulated, the most taxed but yet the least represented in State legislatures and in the U.S. Congress of all interests in the industry of transportation.

Air, rail, and water transportation can not equal the portal-to-portal service rendered by motor carriers and no effective national system of transportation can be accomplished until all of the component parts are considered with equal emphasis on every geographical area of this country.

The Department of Transportation and the Amtrak program will be a failure until there is a total recognition and comprehensive analysis of the national transportation problems. The Amtrak excluded many of the upper midwestern States including South Dakota, and a national transit system must include all modes of transportation and every geographical area.

Too often the Interstate Commerce Commission—ICC—and State regulatory commissions have acted as police agencies of government in defining authority of independent carriers and as rate fixing agencies rather than assuring a total transportation system in the public interest. Future policies of Government must solicit the cooperation of all segments of the transportation industry in achieving uniformity of regulations affecting freight traffic.

Rates and tariffs must be commensurate with service in portal to portal deliveries and motor carrier cargo shipments should not be compared to old standards of rail transit traffic.

Agencies of government, Federal and State, must act in the interest of the people to assure the carriers, the Government and the shippers of a continuity of service at a reasonable cost.

There must be an effort to maximize efficiency of operation and productivity of the transportation system in America. The possibility of quasi-private and public regional warehouses must be evaluated to provide a continuity of a delivery system on a delivery line to allow for peak load and seasonal stress of the capacity for a continuous delivery system in production of a free and competitive marketing system.

The failure of the Federal and State governments to recognize the adverse effects of an inadequate transportation system is an invitation to foreign governments to enter our domestic systems of marketing and transportation. Countries such as Japan are now seeking alternatives to the uncertainty of our present system of marketing and transportation.

The future will demand the best of our combined efforts of private and public minded persons in seeking essential solutions to the problems that we are experiencing today.

I was in Europe and South America during the August recess of the Congress. I attempted to evaluate and study the marketing and transportation systems of other countries. I am convinced that America is first in production, marketing, and transportation of all commodities. I have observed the results of exporting capital and technology to all countries in Western Europe and in some of the countries of South America.

It is a commonly accepted practice for American investment and technology to invade the domestic economy of almost every foreign country in the world. However, it is a new experience for us to anticipate the invasion of foreign countries in our domestic marketing and transportation problems of America. However, if we fail to provide a continuity of service to our own people and between the States—and among the nations of the world, we should expect other countries to enter our systems of marketing and transportation in America. They will do so out of necessity and I have been informed that interested groups from foreign countries are considering that possibility at this time.

Therefore, in my judgment and based upon my experiences, I submit that we consider a total review of the function and performance of regulatory agencies. I am convinced that we must have uniformity of regulations in interstate traffic and a less complex but more reasonable regulatory system. We must recognize the benefits of new technology in cooperation for extensive intermodal transit systems in the national and public interest. We need a standardization of safety requirements, equipment dimensions, limitations of weight facilties and equipment and ever changing road tax consequences imposed upon interstate movement of a national freight transit system. We need regulatory agencies that act and operate in the public interest. That includes the interest of carriers as well as the interest of shippers. We need automated handling equipment, computor routing and radio communications to reduce loading and unloading delays and to insure "full load" efficiency of operation at all times.

There will be a continuing concern for environmental protection and we should recognize the changing economics of transportation as a result of the threshold of the current energy crisis. There will be a recognition of the lessening of competition in favor of cooperation and coordination in the national interest. The average revenue of trucks—that is the cost to the shipper has increased from 43.4 cents per vehicle mile in 1950 to 91.1 cents per mile in 1970. The revenue increases to the shipper are not unduly large in consideration of the increasing costs to the truckers. However, such increases are bound to have an important impact on shippers and the capacity of carriers to continue in business.

Manufacturing, nonmanufactured goods, retail and wholesale business cargo in all sectors of our economy are intimately interrelated and dependent upon a viable transportation system. Any

impediment or stoppage seriously distorts the national economy. Recent examples of the disasterous results of monetary paralysis in one or more elements of the transportation system underscore the increasing interdependence of the total national transportation system.

Never since the invention of the wheel has a greater need existed for imaginative programs of marketing and transportation in our time and in the future. The time for action is now. We are at the threshold of a national crisis in transportation. We have the choice of alternatives—action or reaction. Let us act. An adequate and viable transportation system must not fail if a free competitive marketing structure is to prevail.

RESULTS OF LIBRARY OF CONGRESS REPORT

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. ASPIN. Mr. Speaker, I am publicly releasing today the results of a Library of Congress report which reveals that civilian grade creep since 1964 at the Pentagon is costing taxpayers approximately $430 million annually.

As many of my colleagues know, grade creep refers to the tendency of both the military and civil service to become continuously more topheavy.

This extra $430 million is the direct result of the civilian bureaucracy at the Pentagon becoming constantly more topheavy. The cost of grade creep is yet another example of how less and less of each dollar spent on defense is used to buy simple, austere weapons and more defense dollars are eaten up by topheavy bureaucracies. We can no longer afford to allow the Pentagon's bureaucracy to grow like wildfire—sucking up more and more of our defense dollars.

The Library of Congress report compares the fiscal year 1964 distribution of civil service ranks with the fiscal year 1972 grade structure. The total number of employees working on June 30, 1972, is used to arrive at the Library of Congress' estimate and all pay raises through September 1973 are added. In short, the report demonstrates the cost of a 1964 grade structure at today's employment level with recent pay increases would be nearly half a billion dollars lower.

The study does not include the 4.7 percent pay increase approved by President Nixon last week. This new pay increase would add approximately $16 million to the cost of grade creep for a total of $446 million.

According to the study, the number of DOD employees at the rank of GS–13 and above has increased from 8.19 percent in 1964 to 10.44 percent in 1972.

The Library said in its report that "these figures represent crude averages and only approximately the amount actually spent," but added that "according to our calculations * * * grade creep would account for an increase in the annual DOD civilian payroll of approximately $430 million since fiscal year 1964.

Mr. Speaker, I am not suggesting any decrease in pay for civil service employees, but I am merely protesting the tendency of the civilian bureaucracy to be laden with highly paid civil servants.

I am calling today upon Defense Secretary James Schlesinger to return to the 1964 grade structure. That seems to be one way to squeeze nearly half a billion dollars of fat out of the defense budget.

The Library's report follows:

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C., September 26, 1973.

To: Honorable Les Aspin.
From: Robert L. Goldich, Analyst in National Defense.
Via: Chief, Foreign Affairs Division.
Subject: Impact of "Grade Creep" on Department of Defense Civilian Pay.

This memorandum is provided in response to your request of September 17, 1973, for an analysis of the impact of "grade creep" on Department of Defense civilian pay. Mr. Broydrick indicated that he desired us to isolate the effect of grade creep in the DOD civilian workforce since FY 1964, by determining what total civilian pay would be if the present DOD civilian workforce were graded according to the FY 1964 grade distribution and paid on FY 1973 pay scales.

Using the most recent data, the attached tables contain computations of total pay of the FY 1972 DOD General Schedule (GS) total workforce based on FY 1972 and FY 1964 grade distributions, both according to the FY 1973 pay scale. *It must be emphasized that these figures represent crude averages and only approximate the amounts actually spent.* According to our computations, the FY 1972 DOD GS workforce, graded on FY 1972 scales and paid on FY 1973 scales, would produce a total payroll of $7.54 billion yearly. The same total number of employees, graded on FY 1964 scales and paid on FY 1973 scales, would produce a total annual payroll of $7.11 billion. According to our calculations, therefore, grade creep would account for an increase in the annual DOD civilian payroll of approximately $430 million since FY 1964.

PAY OF DEPARTMENT OF DEFENSE GENERAL SCHEDULE (GS) CIVILIAN EMPLOYEES GRADED ON FISCAL YEAR 1972 GRADE STRUCTURE AND PAID ACCORDING TO FISCAL YEAR 1973 PAY SCALES

Grade	Percentage of total GS employees [1]	Number in grade [2]	Pay [3]	Total pay of individuals in grade [4]
GS–1	0.40	2,427	$5,278	$12,809,706
GS–2	2.22	13,464	5,975	80,447,400
GS–3	8.50	51,643	6,740	348,073,820
GS–4	13.55	82,347	7,569	623,284,443
GS–5	13.25	80,557	8,465	681,915,005
GS–6	5.83	35,447	9,430	334,265,210
GS–7	8.93	54,299	10,471	568,564,829
GS–8	2.08	12,633	11,581	146,302,773
GS–9	11.61	70,599	12,775	901,902,225
GS–10	1.04	6,296	14,053	88,477,688
GS–11	12.08	73,401	15,394	1,129,934,994
GS–12	10.07	61,215	18,350	1,123,295,250
GS–13	6.63	40,323	21,671	873,839,733
GS–14	2.57	15,632	25,398	397,021,536
GS–15	1.08	6,539	29,589	193,482,471
GS–16	.13	815	34,323	27,973,245
GS–17	.02	157	36,000	5,652,000
GS–18	.01	56	36,000	2,016,000
Total				7,539,258,328

[1] As of June 30, 1972, Office of the Assistant Secretary of Defense (Comptroller), Directorate for Information Operations, Sept. 27, 1972.
[2] Ibid.
[3] Pay of 4th step of each grade as of Jan. 8, 1973 (current pay scales), defined by the Civil Service Commission as average step within grade for comparability purposes.
[4] Number in grade multiplied by pay.

PAY OF DEPARTMENT OF DEFENSE GENERAL SCHEDULE (GS) CIVILIAN EMPLOYEES GRADED ON FISCAL YEAR 1964 GRADE STRUCTURE AND PAID ACCORDING TO FISCAL YEAR 1973 PAY SCALES

Grade	Percentage of total GS employees [1]	Number in grade [2]	Pay [3]	Total pay of individuals in grade [4]
GS–1	0.09	547	5,278	$2,887,066
GS–2	1.96	11,913	5,975	71,180,175
GS–3	12.46	75,738	6,740	510,474,120
GS–4	16.99	103,274	7,569	781,680,906
GS–5	13.12	79,750	8,465	675,083,750
GS–6	5.41	32,885	9,430	310,105,550
GS–7	8.62	52,397	10,471	548,648,987
GS–8	1.37	8,328	11,581	96,446,568
GS–9	11.58	70,389	12,775	899,219,475
GS–10	1.09	6,626	14,053	93,115,178
GS–11	11.12	67,593	15,394	1,040,526,642
GS–12	8.00	48,628	18,350	892,323,800
GS–13	4.87	29,602	21,671	641,504,942
GS–14	2.26	13,737	25,398	356,310,306
GS–15	.94	5,714	29,589	169,071,546
GS–16	.09	547	34,323	18,774,681
GS–17	.02	122	36,000	4,392,000
GS–18	.01	61	36,000	2,196,000
Total				7,113,941,692

[1] As of June 30, 1964, Directorate for Statistical Services, Office of the Secretary of Defense, Oct. 22, 1964.
[2] The number of individuals in a DOD GS civilian employee force totaling 607,850—the overall end strength for fiscal year 1972—who would be in the grade noted if the fiscal year 1964 grade distribution was applied to the fiscal year 1972 force level. Numbers may not add to total due to rounding.
[3] Pay of 4th step of each grade as of Jan. 8, 1973 (current pay scales), defined by the Civil Service Commission as the average step within grade for comparability purposes.
[4] Number in grade multiplied by pay.

PUBLIC SECTOR UNIONS AND THE PUBLIC INTEREST

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. ASHBROOK. Mr. Speaker, on October 4 the Special Subcommittee on Labor will begin hearings on H.R, 8677 and H.R. 9730. These two bills would extend collective bargaining privileges to the public sector.

According to the declaration of purpose and policy set forth in H.R. 8677—

Experience in both private and public employment indicates that the statutory protection of the right of employees to organize and bargain collectively safeguards the public interest and promotes the free and unobstructed flow of commerce among the States by removing certain recognized sources of strife and unrest.

However, it is extremely questionable whether public unions are in the public interest. In a position paper entitled "Public Sector Unions: The New 'Private Government,'" National Labor-Management Foundation, President S. Rayburn Watkins warns that there is a serious of public employee unions becoming a private government. Watkins believes that public sector unions would—

Deny us government by the people—in effect, turning it over to private organizations unaccountable to the public that, through the mechanism of collective bargaining, are able to influence budgetary policy and government policies generally.

Watkins points out that public payrolls are rapidly increasing, with government expected to employ 20 percent of the Nation's work force within a few years. Unions could tap this vast reservoir of dues-paying members and use the funds

for political action. Donald E. Morrison, immediate past president of the National Education Association—which is strongly supporting H.R. 8677—states flatly:

I don't think our major power is in the strike; it is in political action. Teachers have power because they can elect; organized, they can be major power brokers.

As Watkins notes—

The political ramifications of a very highly organized public sector work force of both teachers and State, county and municipal workers working hand-in-glove with their private sector counterparts is tremendous.

This danger is intensified by the fact that H.R. 8677 makes mandatory the compulsory "agency shop," whereby a nonunion employee must pay a fee to the union holding the exclusive representation contract for his unit, or lose his job. Compulsory unionism poses a serious danger to the public welfare in that union power and influence would increase both within a given Government agency itself and externally, through the political process.

As Watkins concludes:

It is perhaps the supreme irony that the "private government" envisioned by union officials deeply immersed in public sector unionism will be financed by the American public itself. For it is the taxpayer who pays the salary from which the dues are deducted—either voluntarily or under some compulsory unionism arrangement—that in turn are used to finance the social, economic, and political schemes of union officialdom.

INTEREST RATES

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. McKINNEY. Mr. Speaker, there is no greater travesty we play on the American people and particularly on businessmen who are concerned by their problems than the passing of legislation which purports to do one thing and in fact, does nothing.

Today, in an emergency and I might say extraordinary session of the Banking and Currency Committee, in less than 5½ minutes with no printed bill before us, under suspension of rules, we passed and sent forth to the House of Representatives a bill which, in fact, does nothing.

This bill states that there will be a ceiling set on wild card savings certificates. In fact, it does just that. It does not state what the ceiling will be, at what level it should be placed, nor whether or not there should be a differential between savings and loan deposit interest rates and wild card certificate deposit interest rates. In other words if this ceiling is set too high, nothing will change for the homebuilding industry in this country. If the ceiling is set too low, then no money will go into the homebuilding in this country.

Therefore, it would seem to me, Mr. Speaker, that we today have played the most cruel of all frauds. The passage of this legislation will lift hopes high in the building and savings and loan industry and then just dash them to the ground because it in effect does nothing.

It would seem to me, Mr. Speaker, that this is one more example of Congress abrogating its responsibility to pass through conclusive legislation which will get to the problem at hand. The problem at hand is one of great simplicity. How do we get people to deposit money in savings and loan and other homebuilding loan instruments? The answer, rests somewhere in a redistribution of the interest rates across the board or in some type of tax incentive which will make this type of savings attractive.

Weeks and weeks of hearings have been held on this subject and what transpired today in committee was a 5-minute consideration of the credit crunch problem without any discussing of proposals presented to the committee to alleviate the causes of the problem.

Mr. Speaker, I personally will vote for this bill. Not because it is going to do anything, but because I am so utterly frustrated at the Banking and Currency Committee's complete abdication of its responsibility. I feel that a positive vote on this bill, no matter how bad it is, will at least express to the administration and to the Federal Reserve Board that homebuilding is one of the most important noninflationary aspects of the American economy. That the people of this country are not yet well housed and that in fact, when put on a proportional basis with the other nations of the world, are very poorly housed.

Mr. Speaker, I would hope that you and the rest of this Congress would not wait until the disillusionment of the response to this bill sets in across the Nation but instead, that we would move ahead to do what is our obvious responsibility, which is to come up with permanent across-the-board solutions to this problem and not delude the American public into believing that what we have done today is anything more than a symbolic action.

FEDERAL BUREAU OF PRISONS AND BEHAVIORAL MODIFICATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. RANGEL. Mr. Speaker, Project START, a behavioral modification program developed by the Federal Bureau of Prisons, has, since its inception in late 1972, come under a great deal of scrutiny and criticism. This program was designed to develop behavioral attitudinal changes in offenders who have not adjusted satisfactorily to the institutional settings and to provide care, custody, and correction of the long-term adult offender.

The goals of this program appear to be most admirable, but in reality, this program and others like it present a serious danger if they are permitted to continue without strict and constant supervision. Participants in Project START and outside observers have severely criticized not only the operation of this program, but the theory of behavioral modification as developed by the Bureau of Prisons. Incidents of cruel and unusual punishment have been reported against prisoners who refuse to cooperate.

But, what is more disturbing are the questions which have arisen as to the types of attitudes which programs such as this are trying to foster. By permitting the Bureau of Prisons, which has control over the present environment of several thousand men and women, not only to decide which attitudes, held by these people, are considered to be acceptable and which are not, but to engage in human experimentation aimed at developing the means to manipulate behavioral patterns, we are placing a great deal of responsibility in an agency whose performance record has proved it to be most undeserving of such trust.

It is imperative, therefore, that Congress be made aware of this situation in order that adequate safeguards be developed to correct abuses which have already been reported. It is with this in mind that I am enclosing an article by Mr. D. Wesley Brown on the Federal Bureau of Prison's trend towards behavior modification:

BEHAVIOR CONTROLS MENACE PRISON DISSENTERS

(By D. Wesley Brown)

A disquieting trend in U.S. prisons today is the accelerating proliferation of "behavior modification" programs. One such program is the START (Special Training and Rehabilitation Therapy) program at the Medical Center for Federal Prisoners, Springfield, Missouri. The program began in late 1972 and is scheduled to end on October 31, 1973, the opening date for the Bureau of Prisons' Behavioral Research Center in Butner, N.C.

The Behavioral Research Center will house four behavior modification units of 40 prisoners each. Butner is near three major psychological research centers, and the Center will draw heavily on those resources.

ISOLATION

A primary feature of the START program is isolation. The program is housed in the outer extremity of one wing of the Medical Center. Any prisoner attempting to communicate with a START prisoner can be sent to Springfield's "hole."

The START unit is self-contained: prisoners eat, work, see visitors, and have recreation without ever leaving it. Prison professionals come to START instead of calling prisoners out. The START staff includes educational and recreational specialists, counselors, caseworkers, guards, and industrial supervisors. Thus, START is a little island where "treatment teams" can manipulate a prisoner's world. Fortunately, prisoners have regular correspondence and visiting privileges.

A SKINNER BOX

Within this extreme isolation, the prisoner's environment and privileges are manipulated to shape his behavior. Though his life cannot be controlled as minutely as that of a rate in a Skinner box, the similarities are striking. Dependent on a prisoner's behavior are such matters as how often he may shower and change his clothes, whether he may have reading matter, and whether he eats alone or with others. Every important factor of life is subject to manipulation.

"DO NOT PASS GO . . ."

When a person is placed in START, he spends nearly all his time in a bare cell. He eats there. He can shower and change clothes only twice a week. He has no commissary privileges. He is allowed out for recreation

two hours each week. He can have no reading matter other than scriptures. Of the week's 168 hours, the new START prisoner is out of his cell for, at most, ten, and is always cut off from all other inmates. Small wonder that the atmosphere in START is extremely tense and guards fear the prisoners.

That is Level I. If, for a week or more, a prisoner behaves in ways the guards deem acceptable, he can move to Level II. There he may be allowed to eat with other prisoners, shower and change clothes three times weekly, and shave daily. He may also spend $5.00 per month at the commissary and be released for three hours' recreation weekly. He may also have a few books.

In Level II, the prisoner is assigned part-time work in the START industry (making sweeper brushes). In addition, the "treatment team . . . will set educational, social, and attitudinal goals . . . for the inmate and . . . [monitor] these goals" (START Syllabus).

In order to advance, the prisoner must steadily achieve goals the treatment team *sets for him*, and must ever, ever maintain good deportment. Language which a staff member considers abusive or threatening can mean demotion to Level I. "Do not pass GO, do not collect . . ."

If the prisoner "behaves" for six months or so, he may be promoted to Level III and more privileges. Then he may be transferred out of START. But there is no maximum stay in START, and the program is involuntary.

DISSENTERS, RESISTERS THREATENED

Prison officials maintain that behavior modification is used only on dangerous prisoners. The realities are more sinister. Indications are that behavior modification may be used to subdue prisoners who have resisted injustices. Political prisoners, including war resisters, may be its prime "beneficiaries."

The first seven people placed in START came from the hole at Marion, Ill. They had been in the hole for participating in a strike.

Another indication comes from the syllabus for the Butner programs: "The behavior modification units may attempt to develop programs for sub-groups of offenders, such as . . . minority groups [and] overly passive follower types." War resisters are nearly always considered "overly passive."

A third indication is contained in Federal Bureau of Prisons Policy Statement #7300.128, which prescribes criteria for selection of inmates for START: "[Inmates who] will have shown repeated inability to adjust to regular institutional Programs . . . [or are] resistive to authority."

Orientation material for prisoners stresses that START "is designed to assist you in changing your current way of living within the Federal prison system." It seems clear, however, that START is intended to result in smoother administration. The purpose is to reshape members of minority groups (from what to what?) and overly passive follower types (who follow the wrong leaders?). It is to produce people who will adjust to institutional programs (no matter how repressive, unjust, or vacuous?) and who will accept authority (no matter how arbitrary?).

The primary responsibility of prison administrators is to control The START program, into which difficult prisoners are placed involuntarily, is merely a more sophisticated form of control.

Prisoners in START have already made their objections clear. The first three assigned there went on a 65-day hunger strike. Another prisoner has filed suit in federal court, objecting to the involuntary nature of the program. ACLU's National Prison Project has also filed a suit, and the Federal Bureau of Prisons has received many letters of protest.

But START goes on. Butner will open in the fall, and behavior modification programs continue to proliferate in our nation's prisons.

INVENTORY OF MINERAL FUEL RESERVES

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1973

Mr. FRENZEL. Mr. Speaker, today, with 23 cosponsors I am reintroducing H.R. 9740, which directs the Secretary of the Interior to both compile and maintain an inventory of mineral fuel reserves on public lands. The Secretary is directed to make these reports and inventories available to the public under current law, the Interior Department has the primary responsibility both for administering and regulating the useage of our public lands. Yet the Department lacks both the manpower and the money to determine the extent of our existing mineral fuel reserves.

In attempting to regulate and develop our natural resources Interior must rely on information supplied to it by private corporations. Such data, regarding public lands, may be incomplete or inaccurate. At present these public areas provide one third of our natural gas, one fourth to one half of our future coal reserves and almost half of our uranium ore.

In recent months some serious questions have been raised as to the reliability of industry estimates. Objectives, accurate and complete data is absolutely essential as a foundation for a national energy policy in this time of crisis.

A text of the bill and cosponsors is included.

Cosponsors of H.R. 9740 are Representatives BREAUX, BERGLAND, BROWN of California, EVANS of Colorado, FRELINGHUYSEN, GILMAN, GUDE, HARRINGTON, KEMP, LEN MCKINNEY, NELSEN, OBEY, RANGEL, REES, REGULA, ROE, SCHNEEBELI, SEIBERLING, STARK, VEYSEY, WILLIAMS, and ZWACH.

The text of H.R. 9740 follows:

H.R. 9740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior shall compile, maintain, and keep current on not less than an annual basis an inventory of all mineral fuel reserves containing hydrocarbons (oil, natural gas, coal) and uranium in the public domain lands of the United States (including the Outer Continental Shelf), together with other natural resources determined by the Secretary of the Interior to be an energy source or to have potential as such a source.

(b) Such inventory shall be compiled, maintained, and kept current on the basis of the Secretary's best estimates and, to the utmost extent practicable, on the basis of on-site geological and engineering testing conducted by personnel of the Department of the Interior. Such inventory shall be completed on or before the expiration of the eighteen-month period immediately following the date on which funds are appropriated, by an act of Congress, for this purpose.

(c) On or before the expiration of the twenty-month period immediately following the date on which funds are appropriated, by an act of Congress, for this purpose, the Secretary of the Interior shall submit a report to the Congress concerning the carrying out of his duties under this Act, together with a copy of such initial inventory so compiled, and shall thereafter, on not less than an annual basis, submit a report to the Congress concerning the carrying out of such duties and shall include as a part of each such report a copy of the current such inventory so compiled for the period covered by such report. All such reports and inventories shall be made available to the public by the Secretary of the Interior in accordance with rules and regulations prescribed by the Secretary.

SEC. 2. There are authorized to be appropriated to the Department of the Interior such sums as may be necessary to carry out the provisions of this Act.

CABINET COMMITTEE FOR SPANISH-SPEAKING AMERICANS

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 1973

Mr. RAILSBACK. Mr. Speaker, for years members of the Spanish-speaking community in the United States—who now number around 10 million citizens—were without a voice in the Government. Federal agencies and departments remained ignorant of the pressing needs of the Spanish-speaking and Spanish-surnamed Americans. Disadvantaged members of this community, struggling outside the mainstream of economic opportunity, were both unaware of and isolated from existing Government programs which could offer them some measure of relief.

For the past 5 years, fortunately, Spanish-speaking and Spanish-surnamed Americans have had a spokesman within the Federal Government—an articulate and compassionate ombudsman, attuned to the specific problems and frustrations facing our Nation's second largest minority. This voice has come from the Cabinet Committee on Opportunities for Spanish-Speaking People. Since its inception, the committee has made progress in the areas of educational attainment, labor force participation, employment, and median income. However, there is clearly much more that remains to be done.

For those of us who take pride in a responsive and responsible governmental process, we believe in reaffirming our commitment to all American citizens. Yesterday, the House failed—two-thirds of the Members not voting in the affirmative—to suspend the rules and pass H.R. 10397, legislation that provides for an extension of the valuable Cabinet Committee. As a cosponsor of this particular bill, I was very disappointed by the House vote. Hopefully, we will now send the bill through the regular legislative process—that is, the Rules Committee will review it and grant a rule—and it will be again considered by the full House membership. Although a two-thirds vote did not occur yesterday, it is of some encouragement that the majority of my colleagues did vote in support of H.R. 10397. We certainly must reaffirm this Nation's commitment to the full participation of her Spanish-speaking citizens in all aspects of American life, and I hope this can be done immediately.