

ment of the President of the United States; to the Committee on the Judiciary.

#### PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. FREY:

H.R. 11072. A bill for the relief of South Florida Council, Inc., Boy Scouts of America;

to the Committee on Interior and Insular Affairs.

By Mr. REUSS:

H.R. 11073. A bill for the relief of Grace Nien-Tsu Yu; to the Committee on the Judiciary.

#### MEMORIALS

Under clause 4 of rule XXII,

321. The SPEAKER presented a memorial of the House of Representatives of the Com-

monwealth of Massachusetts, relative to the Charles River watershed proposal of the Army Corps of Engineers; to the Committee on Public Works.

#### PETITIONS, ETC.

Under clause 1 of rule XXII,

331. The SPEAKER presented a petition of Milton Mayer, New York, N.Y., relative to redress of grievances; to the Committee on the Judiciary.

## EXTENSIONS OF REMARKS

### MARVIN JONES MEMOIRS

### HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. MAHON. Mr. Speaker, one of the most distinguished Americans of this century is Judge Marvin Jones, who served 24 years in Congress, from 1917 to 1941.

The Texas Western Press of the University of Texas at El Paso has performed a fine public service in publishing a few weeks ago the memoirs of this outstanding government leader, who has devoted more than half a century to public service.

Elected to Congress from the Amarillo, Tex., district, Judge Jones served in the House of Representatives with distinction until he resigned to take a position as Judge of the U.S. Court of Claims in 1941. As a Congressman he wrote a record of achievement in the field of agriculture without parallel in the history of this country, serving as chairman of the House Committee on Agriculture from 1931 until his resignation from Congress.

In 1943 Marvin Jones became Assistant Director of Stabilization and later that year War Food Administrator, a position which he held until the end of World War II. Judge Jones enjoys the distinction of being one of a very few U.S. citizens to have served in a high-level position in all three branches of the Government.

Serving from 1947 to 1964 as chief judge of the U.S. Court of Claims, Marvin Jones has been a senior judge of the U.S. courts since that time. He divides his time between his old hometown, Amarillo, Tex., and Washington, D.C., where he maintains an office at the Court of Claims, 717 Madison Place, NW.

Friends of Judge Marvin Jones and students of the history of this century will be interested in his colorful memoirs. The following is a captivating column about Judge Jones which appeared in the *Avalanche-Journal* newspaper of Lubbock, Tex., on September 18, 1973.

#### ONE MAN'S OPINION

(By Kenneth May)

As a small schoolboy, Judge Marvin Jones of Amarillo recalls, he walked across a pasture of a field where some of his brothers and sisters were working.

"My brother Hub asked me where I was going and I replied, 'I am going to Congress'. They made quite a joke of it," Jones writes in his memoirs.

"Brother Hub" is Hub Jones of Lubbock and Judge Marvin Jones is one of the few

men in history to hold top jobs in all three branches of the federal government.

In a book newly published by the Texas Western Press at the University of Texas-El Paso, Jones tells his story in a folksy manner.

He calls the book simply, "Marvin Jones Memoirs." It is filled with anecdotes and personal bits of philosophy with which the West Texas reader can easily identify.

Jones did, indeed, go to Congress. He served the Panhandle-Plains area from 1917 to 1941 and was chairman of the House Agriculture Committee when the New Deal record of farm legislation was written.

During the war, Jones served as War Food Administration, earning a "You did a great job, Marvin" from President Franklin D. Roosevelt.

Jones was appointed chief judge of the U.S. Court of Claims in 1947 and became a Senior Judge of U.S. Courts upon his partial retirement in 1964.

Through it all, he carried with him the philosophy that "it's all right to dream if you don't go to sleep."

Among those who gave the young Congressman good advice during his early years in Washington was John Nance Garner.

"He advised me to be careful of what I placed in the Congressional Record the first two or three years," Jones writes. "He told me a man is not beaten on what he does not say."

Jones got favorable response, though, to a speech he made in 1919 about a move advocating use of the bomb and torch to achieve social and political reform.

He suggested that those who preached violent resolution be deported to remote islands to try out "their absurd doctrines on one another."

During the first 100 days of the Roosevelt Administration, Jones recalls, he handled more major bills in his passage through Congress than did any other member.

"These included the Agricultural Adjustment and Soil Conservation Act, the act for Refinancing of Farm Mortgages, the Farm Credit Administration Act and the measure reducing the gold content of the dollar," he points out.

During that time, too, he was instrumental in getting a number of regional governmental offices headquartered in Amarillo.

Jones became a favorite of President Roosevelt's, who appointed him to the U.S. Court of Claims in 1940. Early in World War II, though, he was asked to become assistant to James F. Byrnes, the Director of Stabilization.

Then, in 1943, Roosevelt summoned Jones. "The President called me to say he was appointing a new United States War Food Administrator, adding facetiously that the choice was between Herbert Hoover and me," Jones writes.

"I responded that Mr. Hoover had had a lot of experience. He (the President) laughed and said that I must take it," Jones adds.

"He suggested that I should resign and that he would later reappoint me to the place I then held or a better one. I said the way he had the food job set up, no man could hold

it for six months and then be confirmed to any other position.

"He laughed again and said, 'You can'," Jones relates.

For the remainder of the war, Jones was the dominant voice in allocating food to the armed forces, the civilian population and to our primary allies.

In an appendix to the book, editor Joseph M. Ray notes that "one technique Marvin Jones mastered (while in Congress) might be termed 'dealing from strength'."

In one such instance, Jones ran into a bureaucratic stone wall with regard to the special problems of dealing with wind erosion.

He won his point by holding up the annual appropriation for any Soil Conservation until the bureaucracy saw the light.

Jones' book is filled with anecdotes, some at his own expense as when he asked another Congressman to agree that his hat "makes me look like a statesman."

"No, I wouldn't quite say that," came the reply. "It goes as far as a hat can."

#### BUYERS OBJECT TO BUCKLING UP

### HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. GAYDOS. Mr. Speaker, auto salesmen in my western Pennsylvania district report a strong and bitter customer opposition to the federally regulated seat-belt, shoulder-harness combination system which is mandatory on the 1974 models.

The objection is to the fact that the harnesses must be buckled up completely before the new cars can be started. The people, according to the salesmen, do not like this. Indeed some fear it, citing the possibility of being trapped if the apparatus fails.

I know the safety experts who dictated this regulation have good reasons to believe that seat and shoulder belts can save lives by holding a person in place and keeping him from being thrown against the windshield or out of the car in case of a crash. But the complaints in the auto showrooms, the salesmen say, go beyond this theory and into the realm of individual liberty.

"People just do not like to buckle up, and we are the first to know about it," salesman Jerry Nuzum told William Allan, Pittsburgh Press features editor, who investigated the matter.

"Everyone wants to know how to get around them," Joe Mazza, a sales manager, added and then summed up the public reaction to the belt system as "terrible!"

Jim Stockton, another salesman, told Mr. Allan that more complaints can be expected once the new car purchasers "really find there is nothing they can do" about the belts.

It seems to me that, in this regulation, the power of Government indeed has moved, perhaps unwittingly, into an area of the citizen's inherent rights. Seat and shoulder belts may be fine protections for the motorist. But they are effective only when a crash occurs and thus serve no purpose in increasing traffic safety generally, or in reducing the public peril. They apply only to the individual and to compel him to use them by attaching them to his car's ignition system, and making it a punishable crime to unhook them, is for Government to assume the "Big Brother" role.

"Big Brother" may know best in this matter and have surveys to support the view. But we remain a nation of some rugged individualism and there are bound to be millions of our citizens who will resent this, and many are already expressing their resentment in the auto salesrooms. They are willing to obey orders to protect others. But they still think they should make the decisions necessary to protect themselves.

Our Nation has attempted in other matters to regulate the individual in his own personal interest. Prohibition had this objective even though a part of the liquor ban was thought to be in the public interest because of the public effects of drunkenness. But in every instance where large numbers of individuals concluded that Government rules were a trespass on their individual rights, these rules have been circumvented and, in time, grossly violated. The new seat and shoulder harness regulation appears headed for this kind of result—another widespread breach of law—and, because of it, I feel our safety experts had better reconsider the matter now in all its aspects and not only in the light of what they think is something needed to force us as individuals to protect ourselves. I respect the individual's right to make his own choice. As for myself, I will continue to buckle up.

#### FORCED BUSING IS HINDERING RATHER THAN HELPING BLACKS

**HON. LAMAR BAKER**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. BAKER. Mr. Speaker, in representing the Chattanooga, Tenn., area, the interests of our citizens becomes a concern in the light of a recent syndicated column by Kevin Phillips. The vast majority of my constituents are concerned about quality education more than any facet of the busing controversy. Most would endure the gross inconvenience in racial assignment if it was doing any good educationally. We have had good relations between the races and have made great strides in establishing a climate of cooperation among all our people. I contend for opportunity for every citizen regardless of race, creed, color, or national origin. To expend money and energies at this risk of community tran-

quility without reasonable assurance of success has to be highly questionable.

I include for the Record the column of Kevin P. Phillips:

[From the Chattanooga News-Free Press, Oct. 17, 1973]

#### FORCE BUSING IS HINDERING RATHER THAN HELPING BLACKS

(By Kevin P. Phillips)

WASHINGTON.—When the U.S. Supreme Court takes up as it soon must, the question of school busing, each Justice ought to be required to read—ten times if necessary—an incredibly good socio-legal analysis published in the Indiana University Law Journal for May, 1973.

I have just read it myself for the first time, and it is a bomb. It ought to be excerpted and reprinted wherever common sense still prevails in this land, because it shatters the whole legal concept of busing, using exactly the criteria promulgated by liberals in support of the idea.

One column is not enough to do justice to Jeffrey J. Leech's article, but I shall try. His theme is simple: that busing has slowly developed as the judiciary's method of carrying out the basic sociology of the original 1954 school desegregation case, namely that separate education generated inferiority in black students and otherwise impaired their educational and mental development. Ultimately, in the 1971 Swann (Charlotte, N.C.) case, the Supreme Court approved busing as a legitimate tool to "desegregate" and thereby ameliorate the educational and psychological burdens of black children.

What Leech has done is brilliantly simple. He has studied all available surveys of the impact of busing in cities that have it, and his research assembles a stunning array of "current sociological evidence which indicates that busing to achieve integration may in fact produce no educational gains, may hinder the psychological development of black children, and may intensify racial misunderstanding."

His sociological research emphasizes three categories of busing impact: (1) on achievement levels; (2) on the psychology of black youngsters; and (3) on improved race relations. Each analysis is devastating in its documentation, but space allows only the summaries:

(1) Achievement levels: In ten cities, six show mixed or inconclusive results (Sacramento, Hartford, Rochester, Buffalo, Evanston, White Plains) and four show either losses or no significant gains (Ann Arbor, Berkeley, Boston, Riverside). "In every city studied, busing failed to reduce the gap between black and white achievement. In fact, most cities reported that the achievement gap had grown even larger after busing. Scholars who have reviewed the evidence, including Armor, Bell, Edmonds, Glazier and St. John, have concluded that busing has little if any effect on the academic achievement of either black or white children. Thus, the most recent sociological evidence fails to confirm a basic premise underlying the rationale for court-ordered busing, i.e., that it will positively affect the academic performance of minority children."

(2) Psychological effects: "In summary, researchers have found that busing for racial integration significantly lowered black students' educational aspirations in Ann Arbor and Boston, the only two cities which studied this problem. At the same time, the academic self-concepts of black students were significantly lowered in Boston and Evanston, raised in Ann Arbor (males) and not significantly altered in Ann Arbor (females), New Haven and Riverside. Viewing this evidence in its most favorable light, busing for racial integration would appear to lower black students' educational aspirations and have no consistent effect on their academic self-concepts. . . . The evidence reveals that the busing experience imports

few psychological benefits to black children and may inflict harmful psychological consequences upon them."

(3) Improved Race Relations: "In summary, the busing studies available demonstrate rather conclusively that busing for racial integration has produced little or no improvement in race relations. In fact, the results appear to be to the contrary. In Ann Arbor and Riverside, interracial peer acceptance declined. In Boston, busing heightened racial consciousness and encouraged separatist ideologies. In Buffalo, Evanston and Rochester, disciplinary problems, frequently with racial overtones, threatened termination of the busing programs. In no city did busing appear to increase interracial contact or better racial understanding."

There is still some reason for hope. Leech cites the Mapp case (Chattanooga, Tenn.) as an example where the U.S. Appeals Court weighed the new sociological evidence and found that "induced busing" would have an adverse effect on educational achievement and race relations. This is consistent with the Swann case, which left the door open to antibusing findings where busing would "significantly impinge on the educational process." Therein lies the hope: that the Nine Justices of the High Court will read the wisdom of Mapp and the wisdom of Leech and, having done so, will use new sociology to redress the injury of the old.

#### A LETTER FROM EUROPE

**HON. G. WILLIAM WHITEHURST**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. WHITEHURST. Mr. Speaker, one of my young constituents, who is currently studying in Europe, recently wrote an article for the Alternative, entitled "A Letter from Europe." In this article, Mr. Christopher Hughes offers his own reactions and some selections from the European press on issues currently confronting our Nation. I believe that the thoughts presented in this article merit the attention of my colleagues, and I am consequently inserting "A Letter from Europe" in the Record for their consideration:

#### A LETTER FROM EUROPE

(By Chris Hughes)

Having grown up in Europe as a military brat during the late sixties, when a dollar was still what our own hordes of U.S. tourists used to call "real money"; when it was still financially feasible (and socially chic) to blitz Europe on \$5 a day, or in assembly-line tours for quick lunch-counter intellectualizing; my recent return to Europe, as a college student, has brought me to a rude awakening. America is no longer regarded as the towering paragon of uncontested strength. To the contrary, our international credibility has now been seriously eroded, and our international stature and prestige have declined accordingly.

I left the United States for Europe in January of this year, after having worked in the national election for the Republican ticket. Nixon's overwhelming victory, I believed, apparently like many others, was a popular mandate to reverse the trend of the New Deal-Great Society philosophy which for so long had prevailed in Washington, D.C. But then the Watergate affair broke.

I have had to rely on European press coverage of the Watergate for most of my information, coverage which has not always illustrated a terribly astute awareness and understanding of our political process. None-



theless, European attitudes and interpretations of this event are still very important because of the far-reaching implications which could develop in Euro-American relations.

In Paris, where I had been attending the Sorbonne University, one of France's most highly respected and widely read newspapers, *Le Figaro*, argued that the Watergate hearings have been turned into a Disneyland for lawyers and that those (Senators and committee staffers) who have allowed the hearings to flounder into ridiculousness are forgetting that not only is the President himself a lawyer, but that he is, in fact, one of the country's best. *Le Figaro* also defended the President's refusal to release the White House tapes *carte blanche*, and argued that without such privilege no government is possible. The newspaper further stated that "in standing fast he [Nixon] is defending the integrity of the Presidency itself. The time will come when the versatile American democracy will be grateful to him for this."

Although reaction elsewhere in Europe has not always been that abiding, Europeans are most concerned about what they feel has been a decline of confidence on the part of the American public in its leadership. England's liberal newspaper, *The Guardian*, expressed a fairly common European reaction to the Watergate hearings when it charged that the Watergate committee was somewhat reminiscent of the McCarthy hearings of the fifties. One of Europe's most conservative newspapers, Rome's *Il Tempo*, argued more provocatively and lashed out at Senator Ervin's committee, charging that the hearings seemed to be a colossal machination aimed at undermining both Nixon and Nixon policy. One of the most revealing observations on this issue, however, came from the German political weekly *Die Zeit*. Discussing what it called the decline in presidential power and a catharsis for the United States, *Die Zeit* also pointed out that probably no American administration will be interested in foreign policy to the extent of the Nixon Administration. Thus it concluded, "particularly for Europeans, the Nixon-Kissinger team is an optimum and is absolutely irreplaceable." Europe, in short, is concerned with the international implications emanating from Watergate.

1973 was designated the "Year of Europe" by the Nixon Administration. The United States and its European allies were expected to rejuvenate Europe's postwar Atlantic alliance system as a solid basis for the upcoming fall negotiations, on mutual and balanced force reductions in Europe (MBFR), between the NATO countries, the Soviet Union, and its Warsaw Pact allies. But although some low-keyed transatlantic talks are underway between the United States and its European allies to establish a common front for the fall conference, the common political purpose of the West, as well as the social and economic compatibility of the United States and Europe, has been severely strained in recent months.

The European concern over present and future U.S. economic and defense policies has arisen because of two dollar devaluations in short succession, the continuing erratic behavior of the dollar on the international money exchanges (which is both a symptom and a cause of the uncertainty in Euro American relations), as well as the imposition of agricultural export restrictions. Europeans reacted particularly sensitively to the agricultural embargo of soybeans and one French newspaper asserted that the embargo was deliberately aimed at Europe's Achilles' tendon (its lack of resources), to demonstrate U.S. power over Europe. If nothing else, the

embargo did force the Europeans to realize that the Americans were not only willing to close down their market to them without warning, but that the Europeans themselves were to become the first victims of the newly established détente. A major factor in the scarcity of agricultural products, of course, had been the U.S. decision to sell grain and corn to the communist giants, irrespective of European needs and the traditional transatlantic ties.

Thus, there is unrest among the European nations. They are concerned about the weakness of the U.S. dollar, U.S. disregard for its allies, and the pace of Mr. Nixon's moves toward détente with the Soviets. Of particular concern for the Europeans is whether a "Watergate-weakened" White House can resist congressional pressures to unilaterally reduce U.S. troop strength in Europe.

Recent reports that the United States is about to announce formal diplomatic recognition of East Germany may not be surprising to the governments of Western Europe, but it has surprised many private citizens. Further, the United States' willingness to give the Soviets whatever help they need to stabilize their economy (which in turn permits the Soviets to channel their resources into the military realm), has also raised doubts in European minds about American reliability. These doubts have been further compounded by the recent report in *Jane's Fighting Ships*, the world's most authoritative annual study on the world's military navies. The 1972-73 edition of *Jane's* reported that the Soviet navy has made (and is continuing to make) "staggering advances," and that the U.S. navy has now been relegated to second position (to the Soviets) among the globe's naval powers—no slight task for what has been historically a land locked bear.

These events have produced an assessment which is gaining increasing acceptance in Europe and which was recently expressed by the *London Daily Mail*. Arguing that the United States is sick of foreign wars and responsibilities, the *Daily Mail* commented: "More and more Americans are saying, 'What does it matter to us if the whole of Southeast Asia goes Communist? Is it worth risking a single GI for Cambodia? Will we live to hear Americans ask whether it is worth risking a single American life for Britain? ... Now that the Watergate comedy show is switched off for a moment, you can just hear the Kremlin purring as it prepares to lap up the cream.'"

The impact of recent events has, then, not been lost on those who fear the possible "Finlandizing" of Western Europe. As one commentator in Europe observed "Finlandization" of Europe would (perhaps) mean no basic change in the social order, but there would be no American troops in Europe and NATO would be dissolved. Western European governments would be so weak as a result that they would be forced to coordinate their foreign policies with the Kremlin. This is not a very promising prospect."

Although the President's calendar of events has not been firmly established yet, it is already quite clear that the President will be cautiously received in Europe. Unless very intensive preliminary work is done before Nixon's visit, the Administration's attempt to revitalize Euro-American relations and to produce some very tangible political returns, as well as trade and monetary reforms, could fall far short of its goal.

Unfortunately, not even these many events seem to startle the Europeans out of their atavistic resentment and mutual suspicions of each other. Thus the transatlantic alliance and the very nature of the international system is in question and, for the western alliance at least, there is need for serious

misgivings. For the Europeans, therefore, Nixon's attempt to put Watergate behind him is being applauded so that he can direct his attention to these many problems. And, looking in from the outside, I too believe it would be wise to allow our judicial process to take over Watergate so that the country's leadership can direct its attention to issues which may well determine the course of future history.

## THE NOMINATION OF GERALD FORD AS VICE PRESIDENT

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. SEBELIUS. Mr. Speaker, a few days ago, in the newsletter I regularly send to the people in my congressional district, I made several comments regarding the nomination of Congressman GERALD FORD as Vice President and I would like to share them with my colleagues:

Since attending the White House ceremonies involving the nomination of a new Vice President, I have been doing quite a bit of thinking and I would like to share a few personal thoughts with you.

My experience within the Kansas State Senate in some ways led me to look at government and public service through rose colored glasses. Within the Kansas legislature, I never once questioned whether or not government could be responsive to the needs of the individual citizen. That we could find answers to our problems in Kansas was assumed; where there was a will there was a way. Since coming to Congress, I confess my staff and I have been most frustrated in trying to make "big government" more responsive to the needs of citizens in our rural areas. It has been an uphill battle and getting steeper all the way.

Last week, the President invited and solicited suggestions for nominees for the office of Vice President. My single suggestion, along with those of many others, was hand delivered to the White House. I felt that with this nomination, somehow, someday, integrity and faith in government must be restored. I felt that at this very difficult time in our nation's history we needed a man of unquestioned integrity and, just as important, a man whose experience would enable all of us to work together to once again make government a partnership with people. I suggested JERRY FORD.

Hopefully, this nomination will help to heal the divisions that have developed and grown too wide between the executive and the legislative branches of government. I have worked with JERRY FORD ever since coming to the Congress. He is not flamboyant, he is not a charismatic man, he will not seek the spotlight of publicity and he is not politically ambitious. My observation of JERRY FORD is that he is an expert at getting along with people and in bringing folks of differing views together behind a compromising position. Most important, he knows how to make government work for people.

Perhaps it was because I was privileged to be part of a moment in history, but for the first time since serving in the Kansas legislature, I feel as if we can begin to build anew a working and effective partnership between the federal government and the citizens of the "Big First" district.

## ALBERT HOPES TO STAY IN HOUSE

## HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. McFALL. Mr. Speaker, there is a plaque in the Speaker's lobby which, as a reference to past Speakers, reads "Speakers of the House of Representatives, chosen by the people, honored by the preferment of their associates, these makers of history are memorialized as a tribute of their worth to the Nation." It is a source of comfort in these trying times to know this tradition of greatness is being continued by the distinguished gentleman from Oklahoma, the Honorable CARL ALBERT. In the past few weeks Speaker ALBERT has, again, demonstrated insight, courage, and plain commonsense in his actions relating to the conduct of the House. These actions truly justify the continued preferment of his associates, and, I might add, their sincere gratitude.

Mr. Speaker, I am pleased to include in my remarks an article about Speaker ALBERT which recently appeared in the Boston Globe:

[From the Boston Evening Globe, Oct. 11, 1973]

## ALBERT HOPES TO STAY IN HOUSE

WASHINGTON.—Until President Nixon picks a vice president and has his choice confirmed by Congress, the next in line for the Presidency will be a man who already has a job he likes better.

Carl Albert wanted to be Speaker of the House of Representatives from the day he entered Congress in 1947, and when he made it in 1971 he declared his highest political ambition had been achieved.

Any disclaimer of interest in being President by a politician is usually regarded with skepticism, but in Albert's case there is no reason to doubt it.

For one thing, at age 65 there is little likelihood of his being nominated by the Democrats—unless, of course, he should succeed to the office while a replacement for Spiro T. Agnew is being found.

But more importantly, Albert seems genuinely convinced that the House of Representatives, as the branch of government closest to the people, is the ideal place for a public servant to be, and that the head man of the House has the ideal job.

Albert formed his opinion about the House as a schoolboy in the tiny southeastern Oklahoma town of Bug Tussle. The area's Congressman visited the two-room schoolhouse one day and his talk about Congress and Washington fired the imagination of the little barefoot boy, who even now stands only 5 feet, 4 inches tall with his shoes on.

Albert went on to an outstanding scholastic career, winning election to Phi Beta Kappa at the University of Oklahoma and later gaining a Rhodes scholarship that saw him through three years and two law degrees at Oxford University, England.

He returned to the US in the midst of the Depression and had to put aside his political ambitions to make a living, first as an office clerk in Oklahoma City and then as a lawyer for an oil company.

While serving as a legal officer during World War II, he met and married a pretty Pentagon clerk named Mary Harmon. They have a daughter, 25, who teaches school in

Washington, and a son, 18, who is a freshman at Harvard.

Albert got his chance to come to Congress in 1946 when the incumbent congressman decided the night before the filing deadline not to run for reelection. Albert raced to Oklahoma City to beat the deadline and plunged into a campaign against three other candidates in the Democratic primary. He won by 359 votes and hasn't had any trouble being elected since. A fellow freshman in the class that entered Congress that year was Richard Nixon.

Even before he was elected, Albert had formed a friendship with the late Speaker Sam Rayburn, whose Texas district bordered Albert's, and Rayburn took the eager young Oklahoman under his wing. In 1954 he made Albert the Democratic whip and in 1961, when Rayburn died, Albert moved up to majority leader.

He achieved his goal of speaker when John McCormack retired in 1970.

After a shaky start in the last Congress, Albert has succeeded in welding the House Democrats into a more effective majority and has led a reform movement that has brought him more power than any speaker has enjoyed since "Czar" Joe Cannon did in the early 1900s.

GREATER LOWELL ASSOCIATION  
FOR RETARDED CITIZENS CELEBRATES 20TH ANNIVERSARY

## HON. PAUL W. CRONIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. CRONIN. Mr. Speaker, on November 9, 1973, the Greater Lowell Association for Retarded Citizens will celebrate their 20th anniversary of service to the Greater Lowell community embracing the towns of Groton, Pepperell, Townsend, Billerica, Tyngsboro, Tewksbury, Chelmsford, and Wilmington.

The beginnings of this organization were humble. Concerned because there was no local aid for parents of retarded children or for the retarded themselves, about a dozen parents met in Lowell to organize. With the aid of a local legislator to guide them in organizing, these people undertook the task of bringing hope, understanding, and dignity into the lives of the retarded. Today, thanks to the work of these organizers, the retarded citizens of this community can look forward to specialized training that enables them to realize their entire potential as citizens with occupations that fully utilize their capabilities.

One year after they organized, the president of the association presented a modest budget to the members—\$2,910. It covered a salary for a teacher one afternoon a week, supplies, summer camp fees, a speech therapist, and a small scholarship for a promising student to take courses to help train the retarded. Slowly, over the years, help arrived in many forms. One anonymous donor contributed two shares of IBM stock which was quickly converted to cash. Religious, civic, and fraternal organizations rallied to give support in time, skills, and money. Students from local colleges and high schools volunteered time and skills both

to train the retarded as well as repair and maintain the association's facilities. Labor organizations also gave talents and funds. Local businesses and industries lent trained management specialists to aid the association in solving many of its problems, both financial and administrative.

Last year, the budget was in excess of \$26,500. The association now owns a school and recreational facilities; employs a full time executive director who oversees the entire operation; maintains a halfway house for retarded adults plus a staff of specialists to aid retarded citizens. It is my contention that the spirit that motivated these people to form the association and the manner in which the community supports it represents Americanism in its finest and most typical spirit.

The association has become an old and respected member of the Greater Lowell community. I congratulate them on their fine record on this their 20th anniversary, and hope that the association will continue to ably serve the citizens of this area for years to come.

## WILLIE MAYS

## HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. FLOWERS. Mr. Speaker, when the 1973 baseball season ended in Oakland on Sunday, it also marked the conclusion of the active career of one of the game's most colorful players—Willie Mays. After 22 seasons, the "Say Hey Kid" has hung up his glove at age 42.

Willie Mays was an enthusiastic ballplayer and the spirit he aroused in his teammates is the real meaning of baseball. His retirement brings to a close an era of baseball the likes of which we will probably never see again.

Born in Westfield, Ala., on May 6, 1931, Willie was raised in nearby Fairfield in my congressional district. He was already a regular in left field for the Birmingham Black Barons in 1950 when the New York Giants acquired him at age 19.

He played one full season and a portion of another in the minors before being called up by the Giants just 19 days after his 20th birthday. The stories of the exploits and achievements of Willie Mays are many. It is interesting to note that his first hit in the majors was a homerun over the left field roof in the Polo Grounds. He went on to hit 19 more homers that first year and was named National League Rookie of the Year.

To list all of Willie Mays' career figures would take many pages. His name appears often in the record books of baseball. But these facts and figures do not tell the whole story. They cannot tell you about the type of player Willie was and the many hours of enjoyment and pleasure he gave the fans. Those of us who grew up watching and listening to the game of baseball as played by



Willie Mays can truly say we saw a great man at work.

There should be no doubt that when the mandatory 5-year wait expires the famous No. 24 of Willie Mays is a sure bet for inclusion in the Baseball Hall of Fame.

**DONALD R. NEWHOUSE, RECOGNIZED NATIONAL EXPERT IN NEWSPAPER AUTOMATION, AND SPRINGFIELD, MASS., CIVIC LEADER**

## HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. BOLAND. Mr. Speaker, my home city of Springfield, Mass., was stunned last Thursday night at the sudden death of Donald R. Newhouse, general manager of the Springfield Newspapers, and a widely respected community leader.

Mr. Newhouse was recognized throughout this country as an expert in newspaper automation, served as chairman last year of the American Newspaper Publishers Association's computerization and production management committees, and had been a consultant to newspapers making changes in mechanical departments.

Although he went to Springfield 6 years ago from Portland, Oreg., to supervise the design and construction of the new Springfield Newspapers building and plant, he soon became known for his civic involvement and leadership. As recently as 2 weeks ago, Mr. Newhouse led a group of 40 members of the Greater Springfield Chamber of Commerce to the Nation's Capital as chairman of "Operation Washington III," a biennial visit of community leaders for briefings by Federal agencies and members of the Massachusetts congressional delegation.

Mr. Newhouse was also a trustee of Springfield Hospital Medical Center, a trustee of Hampshire College and Springfield Community Technical Community College, a member of the executive committee of the Pioneer Valley United Way, chairman of the finance committee of the Metropolitan Springfield YMCA, a member of the Zoological Society board and publicity chairman of the Springfield Rotary Club. Early last week, Massachusetts Welfare Commissioner Steven A. Minter asked Mr. Newhouse to serve on the State welfare advisory board. He also served on the boards of Beth-El Temple and the Springfield Jewish Federation.

Mr. Speaker, in his eulogy at funeral services Sunday, Rabbi Jordan Ofsefer summed up the feelings of Mr. Newhouse's many friends and associates when he characterized him as—

An accomplished man combining in one person qualities of wisdom, courage, and a gentle sense of humor.

Mr. Newhouse began his newspaper career as a copyboy on the Long Island Press in New York, where he worked for

7 years, advancing to assistant Sunday editor before enlisting in the Army Signal Corps in World War II. He received an electrical engineering degree from Massachusetts Institute of Technology in 1950 and went to the Portland Oregonian as production manager and later became business manager. He was a cousin of Samuel I. Newhouse who owns the Newhouse group of newspapers.

Mr. Speaker, Mr. Newhouse represented the very best of what a newspaperman ought to be. His passing is a great loss to the newspaper profession and our community of Metropolitan Springfield. I join with many other friends of Donald R. Newhouse in expressing profound sorrow to his beloved wife, Mrs. Leila Newhouse, and their five children.

The loss of Donald R. Newhouse to employees of the Springfield newspapers was best summed up by Linda Siteman of the Springfield Union staff and Joseph W. Mooney, editor of the Springfield Union and the Sunday Republican. I insert their signed articles at this point with my remarks, together with an editorial printed in the Springfield Daily News.

### The material follows:

#### DONALD NEWHOUSE WAS JUST BEGINNING

Donald Newhouse came to us as a stranger six years ago, but now leaves many friends.

He came from Oregon to apply his knowledge and experience to the task of designing, erecting and equipping our newspaper plant, and to be our general manager.

To us and to himself, he promised that he would devote his full attention to the building project until it was finished. However, he found it difficult to decline any request for his time and talents in community service.

At the time of his death Thursday, the community had only started to feel the full impact of his generosity and leadership.

He was on the boards of several leading charitable institutions and was "going up the chairs" in the United Way, the Metropolitan YMCA and other organizations.

We who have benefited from his broad knowledge, good judgment and oversized capacity for work know that his community service was really only beginning.

If the community misses him, we will miss him more, and that gives us at least a dim realization of how much his family will miss him. Our community has lost a leader of great capacity, our newspapers have lost a capable and understanding manager, and our sympathy is with his wife and children who must sustain the much greater loss.

### THE QUIET MAN

Donald R. Newhouse, the general manager of The Springfield Newspapers, died Thursday night during lengthy heart surgery at the age of 54.

He is gone from Springfield as quietly as he arrived.

But the mark he left in six years is equal to most men's lifetime accomplishments. It will reverberate for a long time.

He has left a legacy to his adopted city in terms of civic performance, newspaper skill and family devotion. And for a man who touched adversity when a sniper shotgunned him in his former Oregon home during a newspaper strike, he bounded back without flinching. He surmounted the physical pain and distress. He achieved success without leaning on anyone.

He had the capacity for anything. If it was a broken newspaper part, he fixed it with

expertise. If it was a damaged employee's psyche, he mended it with logic and nurtured it with kindness. If it was humorous, he laughed. If it was conservative, he applauded.

He was stubborn when he felt he was right. He was tractable when he was wrong . . . and able to admit it.

He was a listener, not a talker. A doer, not a procrastinator. A giver, not a taker.

He was unassuming, yet for someone nearing the peak of community leadership his influence was catching. He made sense out of the intricate problems that stymied most. The conclusions of others were his beginnings.

He was a family man who worked devotedly to make the home he, his wife and five children lived in a happy and worthwhile place.

To those nearest him, we extend our condolences. And while theirs is the greatest emptiness, it has touched his friends and co-workers, too. His calm competence was appreciated by all.

These are the tangibles. The intangibles that made him a friend are missing.

What Don Newhouse gave his family, his profession and his community will remain. But the man was a little more unique and irreplaceable than most.

He is missed already.

### BECAUSE HE CARED, WE CARED, TOO

(By Linda Siteman)

You didn't have to make an appointment to see Donald R. Newhouse. You just walked in.

Employees at The Springfield Newspapers said yesterday they hadn't lost a boss in the death of their general manager. They had lost a friend, co-worker.

Newhouse had had several brushes with death.

The first was in October, 1960, when he was shot and seriously wounded by an unknown assailant during a bitter strike of the stereotyper's union at the Portland Oregonian while he was general manager there.

While recuperating, Newhouse was scheduled to be flown to a convalescent hospital in Florida for rest. He missed the plane, which crashed en route.

And later, while standing in the entry hall to the Oregon Museum of Science and Industry, which he helped found, he was nearly struck by a massive piece of machinery when a pulley rope snapped.

He never walked anywhere. He always zoomed. But he had time for his employees.

Mechanically-inclined and always tinkering with a piece of machinery or an electronic gadget, Newhouse was often in the composing room talking with "the guys."

"He was just one of the guys to them," a secretary recalled. "He viewed his employees as people, as individuals."

If "the guys" in the composing room had problems, he knew of them. He was easy to talk to. He listened.

He knew most of his employees by their first name. And they called him by his. He didn't like to be "Mr. D."

He liked to fish, and to talk fishing with other buffs of the sport. Recently, he purchased a new boat to get in some blue fishing. He offered it to an employee who had ruined his own boat in an accident, so a planned fishing vacation wouldn't be spoiled.

And when employees brought in broken radios and tape recorders—as they often did—he took them home and repaired them.

Don Newhouse was like that. He was witty and kind, innovating and intelligent. He was himself. And he didn't care what you were, as long as you weren't trying to be someone else. He cared, and because he did, we did, too.

# WHAT WE NEED IS HOUSING, NOT ANOTHER STUDY OF THE HOUSING PROBLEM

## HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. RANGEL. Mr. Speaker, the executive director of the National Urban League, Vernon E. Jordan, Jr., penned his reaction to the administration's long-awaited housing program in his weekly syndicated column which appeared in the October 12, 1973, issue of the New York Voice.

Mr. Jordan's reaction to the President's housing message is the same as that expressed by others who have been working to meet and overcome our Nation's housing crisis: that Mr. Nixon has suggested no solutions to the crisis that he has worsened because of his ill-timed, ill-advised moratorium on Federal housing subsidy programs. All he has done, after 9 months of study, is come forth with a proposal for further study of the housing needs of the Nation's poor. What the poor need is housing, not another study. This message comes through clearly in Mr. Jordan's column entitled "Housing Crisis Deepens."

The article follows:

### HOUSING CRISIS DEEPENS

(By Vernon E. Jordan, Jr.)

The Administration's long-awaited housing program has finally been unveiled and while it contains some constructive elements it falls far short of the kind of comprehensive building and subsidy package that would finally lick this country's ever-deepening housing crisis.

On the same day that it was announced, the Commerce Department reported that new housing starts fell again in August, as they have almost without a break since the start of the year. At the very least, this nation has to build two million new homes each year just to keep a bit ahead of a serious housing shortage. It is now doubtful whether as many as 1.5 million new homes will be built this year.

Part of the reason for this is the credit crunch. Interest rates have sky-rocketed, putting a damper on housing construction and pricing housing beyond the reach of most people. The Administration proposes to deal with this by extending a tax credit to lending institutions, primarily savings and loan associations, as a reward for investing in the housing market.

This may ease the credit crunch but it doesn't do anything to bring housing money into black neighborhoods or into many central city areas. The Urban League's study of Savings and Loans in Bronx County, New York, showed a persistent policy of disinvesting in areas where black and other minorities are residents. Elsewhere in the country too, there seems to be a pattern of pulling in deposits from ghetto areas and investing them elsewhere. It seems to me that along with further incentives to such institutions must go stricter regulation.

The Administration offers other suggestions aimed at increasing access to tight money by builders and developers but offers little new in the way of housing the millions who have been priced out of the market by spiraling costs, inflation and discrimination.

It seems to be leaning in the direction of a housing allowance—a rent subsidy that

would allow poor people to rent houses or apartments at the market rentals with the federal government picking up the tab.

As the President recognized in his message, this is an idea that needs a lot more testing than has been done to date. So he proposes the plan for the elderly, with its expansion to low-income families later, perhaps not until 1975. This means, in effect, that housing for poor and moderate income families will be placed in limbo for at least two years and maybe more. What are people supposed to do in the meantime: live in the parks?

The problems connected with housing allowances are serious ones. Unless a housing allowance program has a strong counseling element built into it, a lot of people are going to be cheated and the government will lose millions. Previous housing subsidy programs floundered on this very point as unscrupulous people took advantage of house-hungry buyers and left the government with unpaid mortgages running into the hundred of millions of dollars.

Any housing allowance plan must also be accompanied by rigid code enforcement or face the probability of exploitation by slumlords. We've had enough experience with welfare departments paying exorbitant rentals to landlords running slumholes to know the dangers.

And without a permanent high rate of building, a housing allowance scheme may just drive the market level of rentals up, leaving everyone in a worse condition. This is not to say the allowances won't work; they very well might work and further tests may show us how to overcome these problems.

But the basic flaw in the housing message is that it does nothing to overcome the critical housing shortage facing moderate income families and doesn't even promise anything to relieve their plight beyond an "iffy" proposal that may start two years from now.

### WELFARE MYTHS

## HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. HAWKINS. Mr. Speaker, the facts about welfare have been stated many times but some people still do not want the truth.

Others, often public officials, deliberately spread false information to cover up their own shortcomings.

The following "Dear Ann" letter states the case in a clear and unmistakable fashion. I am sure it will not stop the lies about welfare but it sure tells the facts as they are:

### ANN LANDERS: SOME FACTS ABOUT WELFARE

DEAR ANN LANDERS: I am 15 years old. Dad died four years ago of cancer. There are five children in the family younger than I. My dad didn't belong to a union, he was self-employed, had no social security, and his insurance just barely covered his medical bills. Three years ago Mom had to go on welfare.

When we buy groceries with stamps some folks in the store look at us as if we are taking money out of their pockets. Sure, people on welfare cost taxpayers money, but Dad paid his taxes when he was alive and Mom can't feed us kids on what she makes working in a bakery.

I read some facts about welfare in an article put out by The Committee on Political Education. Every American should see it. You

run the biggest billboard in America, Ann. Please print it.

Fact No. 1: People wind up on welfare not because they are cheats or loafers but because they are poor. They are poor not only in money, but in everything. They have had poor education, poor health care, a poor chance at decent employment and poor prospects for anything better.

Fact No. 2: Of the 15 million people on welfare, two million are aged, permanently disabled or blind. Three million are mothers.

Fact No. 3: Nobody is getting rich on welfare. At best, it allows barebone living. Maximum payment for a family of four ranges from \$700 a year in Mississippi to \$3,600 in New York, New Jersey, Massachusetts and Connecticut.

Fact No. 4: Cheating on welfare is not rampant, but minimal. No program involving 15 million people can be completely free of fakers. Probably less lying and cheating goes on in the Welfare Department than in the Internal Revenue Department.

Fact No. 5: Welfare mothers are not having babies just to collect extra money. Nearly 70 per cent of all children on welfare are legitimate, according to HEW.

Fact No. 6: The welfare rolls are not made up mostly of blacks. More than 48 per cent of the welfare families are white, 43 per cent black, the remaining are Orientals American Indians and other ethnic groups.

I hope this will help to reduce bigotry and clear up some misunderstanding—You Might Be Next.

### DEFEAT OF THE JAVITS AMENDMENT—A BLOW FOR POOR YOUNGSTERS

## HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. BADILLO. Mr. Speaker, I was deeply saddened and disturbed at the defeat of the Javits hold harmless amendment to the National School Lunch and Child Nutrition Acts. The amendment was designed to assure that no State receive less than it did last year under section 11 of the act, moneys of which go solely to pay for free and reduced price lunches.

The defeat will mean a crushing blow to children in New York State, 635,000 of whom received free lunches last year. Of these meals 477,600 were served in schools designated as "specially needy," meaning that over 60 percent of their students came from poor families. These institutions have designed their programs and planned their budgets in anticipation of the badly needed increases in reimbursement rates and will have a difficult time in absorbing instead a reimbursement cut.

Mr. Speaker, I would not and did not advocate that children in any one State receive preferential treatment at the expense of youngsters in other States. This was not the purpose of the amendment, and a perusal of the Senate colloquy makes this very clear. The language was designed merely to allow States with especially high procurement costs and unusually high populations of needy children to fulfill the mandate of Congress and provide the youngsters with a balanced, nutritious meal a day.

Food procurement costs in New York City have risen 20 percent over the



1972-73 level for this program, adding a total of \$7.6 million to the school lunch budget. Labor costs rose 9 percent, accounting for another \$3.2 million. Overhead expenses went up an unprecedented 10 percent, costing the city an additional \$1 million. Contrary to the impression created during the debate, this is no "free" program for the city of New York. Last year it earmarked an approximate \$20 million in municipal funds to assure the continuance of this effort and this year its contribution is expected to be commensurate. The \$1,852 differential the amendment would have secured would not have represented a windfall—it would merely have assured that all the city had to find additional funds for was the \$11.8 million in cost increases without having to absorb, in addition, a reimbursement loss.

Mr. Speaker, I feel certain that a majority of those voting against the amendment did not want to penalize poor youngsters—that they voted against the measure because of a misunderstanding of the prevailing situation. I hope that some way will be found and found soon to rectify this situation.

#### YEAR-ROUND DAYLIGHT SAVING TIME

#### HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. WHITEHURST. Mr. Speaker, I am introducing into the RECORD an editorial from the Ledger-Star of Norfolk, Va., one of the outstanding newspapers in the Old Dominion. It clearly states reasons for year-round observance of daylight saving time. The energy crisis facing the country this winter is fast approaching. Steps must be taken to reduce the amount of fuels consumed, and I believe the Federal Government can take action providing the opportunity to make a zero-cost reduction by passing the daylight saving time bill, H.R. 7647. The editorial follows:

##### FAST TIME ALL THE TIME

Tidewater's Rep. William Whitehurst and Rep. Craig Hosmer of California, an early-rising former admiral, have taken a good opportunity to propose switching the United States' clocks and clock-watchers to year-round Daylight Savings Time, which the country now runs on from the last Sunday in April to the last Sunday in October.

As Mr. Whitehurst reminded West Virginia Congressman Harley Staggers, whose House Commerce Committee has present custody of the Whitehurst-Hosmer legislation, year-round DST was employed during World War II as an energy conservation measure. It reduced evening-hour peaks in electrical power consumption, which are even higher in winter than summer.

At this juncture, as everyone knows by now, the United States is confronted by the possibility of not having enough fuel oil to get through the winter. Already Washington has initiated distributor-level rationing and a public information campaign to reduce consumption, steps reminiscent of World War II. And the situation may get worse.

The Middle East war and the Arab oil-producers' attempts to blackmail the West add to the uncertainty. Thus, the U.S. cannot

afford to overlook any practical precautionary measure. The one Reps. Whitehurst and Hosmer are suggesting is not only practical, it also would offer the country an opportunity to try out a further extension of Daylight Saving Time, which has steadily gained favor since its year-round use was dropped at the end of World War II.

The proposal is "timely" also in that quick action by Congress, as urged by Rep. Whitehurst, would permit sliding into the new system without the scheduled Oct. 28 clock-resetting exercise. This should lessen the impact even if it does not remove all the controversy.

There certainly would be some opposition, for the uniform time system in use now, though a vast improvement over the crazy-quilt of DST areas and varying DST periods once prevailing during the summer, is actually a compromise designed to split the year 50-50 between the Standard Time advocates and the DST proponents.

Many of the "slow time" defenders are farmers who labor by the sun, transact their business by the clock and value an extra hour for morning chores before the stores open. They would be loath to give up their half-year. But their number dwindles, and there are cogent arguments on the other side.

Bit by bit for a generation, rural America has been adjusting to a trend favoring the city's and the suburb's clock-punchers, who like the extra hour of sunlight at the end of the work day—for recreation, lawn ministrations, or as protection against being mugged. The urgency now to conserve fuel just might prove to be the decisive factor in placing the country, clocks, cows and all, on "fast time" all the time.

#### GERMAN DAY

#### HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. COLLINS of Texas. Mr. Speaker, each year in Texas we honor our citizens of German descent by celebrating German Day. Our German population has long played a vital part in the history of our State by contributing to our heritage their outstanding cultural, educational, and scientific achievements. This year, German Day was especially dedicated to Gershon Canaan, a prominent architect and civic leader in Dallas. Gershon typifies the characteristics of hard work and dedication which have made our German-Americans valuable as leaders in our State and our country.

I would like to include an editorial from the October 13, Dallas Morning News concerning Gershon Canaan and German Day:

##### GERMAN DAY

Back in 1963, German Day was initiated in Texas, honoring the large part played in building our state by the pioneers of the mid-19th century and subsequent constructive immigrants. No people other than our U.S.A. forefathers have played as important and continuing role in Texas development as the Germans who founded several towns and were great citizens in others. The start 11 years ago of signaling a German Day was the inspiration of Gershon Canaan, Dallas architect and native of Germany. Canaan brought to this country his sense of fervid patriotism nearly a quarter century ago.

German Day will be fittingly celebrated in Texas, Dallas and notably at the State Fair

Sunday, Oct. 14, by making Gershon Canaan the official honoree of the occasion. The start will be made Saturday night in the eleventh annual pre-German Day banquet but will continue on through the always interesting program on the day itself.

Although now an American citizen, Canaan represents the Federal Republic of Germany as its honorary (and active) consul here and has been awarded his native country's Distinguished Order of Merit for exceptional service. He was also awarded in 1964 our own Presidential Citation for outstanding contribution as Design Consultant to the U.S. Public Housing Administration.

German Day symbolizes honor to whom honor is due, most of all this is to the generations of Texas Germans who have done so much for us both as citizens and as soldiers in our two world wars. A similar debt of gratitude is owed in other states to a great people who have helped build America since the first German colony landed in this country 290 years ago in 1683.

Presidential, gubernatorial and mayoralty proclamations greet the day. It is fitting that every Texan join this weekend in commemorating service, achievement and superb loyalty, all exemplified by our German Americans.

#### BUSINESS AND PROFESSIONAL WOMEN'S CLUBS, INC., OF AMERICA, OCTOBER 23, 1973

#### HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mrs. MINK. Mr. Speaker, when the equal rights amendment is ratified next year, it will mark the culmination of more than 30 years of struggle on its behalf by the Business and Professional Women's Clubs, Inc., of America.

Long an active organization interested in seeing women "counted as people," this week the BPW is marking another milestone of growth since its formation in 1919 with the celebration of National Business Women's Week, October 21 to 27. The form of excitement they are generating over this event is a concerted drive for ratification of the equal rights amendment. In line with this effort the BPW, no stranger nor token contributor to the struggle for equality for women, has set a goal of \$250,000 for its equal rights amendment ratification fund.

Their ratification drive began last Saturday with their national federation president Ms. Jean McCarrey's press conference in Springfield, Ill. Her stop was the first to 14 States that have not yet ratified the equal rights amendment and which have State legislatures meeting in 1974. Her objective is to clarify the benefits of the equal rights amendment and to urge its passage. President McCarrey's National Business Women's Week tour will see her meeting people at press conferences, banquets, receptions, rallies, and a multitude of other activities. She will often be eating breakfast in one State, lunch in another, and sitting down to dinner in yet a third State. In air miles, President McCarrey will have crossed the country at least twice over by the end of National Business Women's Week.

The BPW's efforts will certainly form an important and valuable contribution

to our struggle for "8 More in '74!" Congratulations to the National Federation of Business and Professional Women's Clubs of America as they celebrate National Business Women's Week with the struggle for equal rights.

# FDA REGULATION: HOW MUCH PROTECTION CAN WE STAND?

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. CRANE. Mr. Speaker, at the present time the United States is lagging seriously behind Great Britain and other countries in the introduction of new therapeutic drugs.

In the 10 years before the 1962 drug regulations, the pharmaceutical industry produced and marketed an average of 43 new medicines each year. Between 1963 and 1970, this figure dropped to 17. In the last 5 years, the average has fallen to 13.

A recent study shows that nearly four times as many new drugs became available during the last decade in Britain as in the United States. When examined by therapeutic category, this drug lag was found to be most marked in the areas of cardiovascular, gastrointestinal, and respiratory medicine, and diuretic, and antibacterial therapy.

Writing in the September 1973 issue of *Private Practice*, the journal of the Congress of County Medical Societies, Allan C. Brownfeld, newspaper columnist and recently named that journal's editor, discusses the impact of FDA regulations upon the Nation's health.

Reviewing a study conducted by Prof. Sam Peltzman of UCLA, Mr. Brownfeld writes that:

He found that the cost of delaying a beneficial innovation is approximately 10 to 100 times the value of avoiding a mistake. Peltzman estimates that delaying the drugs that conquered tuberculosis by 2 years would have meant about 45,000 additional deaths, and twice that number of additional persons with the disease.

In addition to keeping new drugs off the market, Mr. Brownfeld points out that the FDA has also been—

Removing old remedies—such as combination cough medicines and vitamin combinations—which it now deems to be in violation of rules concerning "safety" and "efficacy".

Part of the problem, he writes, is that—

The governmental bodies regulating drugs are almost totally devoid of practicing doctors who base their judgments on daily clinical evaluation in routine settings. The FDA has only 4,500 employees and of these there are only approximately 200 physicians, 80 pharmacologists and 100 pharmacists. What we face, more and more, is medical regulation by bureaucrats, something which is unprecedented even in countries with socialized medicine.

It is time for the Congress to assert its authority in this area, to carefully review the manner in which the Food and Drug Administration has kept new drugs from the American market, and has re-

moved remedies long believed to be effective. Such agencies are not meant to be autonomous, but to follow carefully developed guidelines developed within the Congress. In many respects, we in this body have neglected our responsibilities in this field.

I wish to share with my colleagues the article, "FDA Regulation: How Much Protection Can We Stand?" by Allan C. Brownfeld, as it appears in the September 1973 issue of *Private Practice*, and insert it into the *RECORD* at this time.

The article follows:

## FDA REGULATION: HOW MUCH PROTECTION CAN WE STAND?

(By Allan Brownfeld)

The role of the Food and Drug Administration in approving new drugs for use by Americans, and withdrawing drugs from the market when they are deemed unfit for use, has stirred increasing controversy in recent months.

There is mounting evidence that the FDA, rather than helping to improve the nation's health, has hindered the development of new drugs and kept many important new medications from the American market. Critics have argued that if penicillin were developed today, it would be ten years before Americans would have the legal right to use it. The FDA, in addition, has arbitrarily removed from the market many drugs which have been used effectively for years in treating a variety of health problems.

The FDA was created in 1906 with the protection of the public its primary aim. Since that time, the powers of the agency have been strengthened considerably. Today it is a huge bureaucracy which has the power to determine which drugs can—and which cannot—be used.

The two following examples illustrate the problem faced in making new drugs available for use.

One drug which the FDA has effectively kept from the American market is Dimethyl sulfoxide (DMSO). Originally synthesized in 1866, it remained a laboratory curiosity for more than three quarters of a century. The medical applications of this drug sprang from a collaboration in the early 1960s between chemist Robert Herschler of the Crown Zellerbach Corporation and Dr. Stanley Jacob of the University of Oregon Medical School.

Herschler had been experimenting with DMSO, until then used primarily as a liquid solvent for industrial purposes, and told Dr. Jacob that the solvent could carry other substances deep into the interiors of plants and trees. If it could penetrate plant membranes, he wondered, could DMSO have similar effects within the human body?

The two men set up an experiment on rats, scald-burning them while the animals were under anesthesia. When the anesthesia wore off, the rats treated with DMSO sat more quietly in their cages than did the others. Herschler and Jacob surmised that the DMSO might have acted as a painkiller.

Some time later, Herschler accidentally suffered burns of his hand and forehead. He phoned Jacob. "I want to be a human guinea pig for DMSO," he said. Jacob then daubed the drug on Herschler's left hand, but left the other burns untreated. Within minutes, the pain and swelling disappeared from the treated areas and remained in the untreated spots.

Working with animals, the two men demonstrated that DMSO could pass through tissues, taking other substances along; that it would reduce inflammation; that it could block nerve conduction (which would explain DMSO's effect as a painkiller). Later on, Dr. Jacob and Dr. Edward Rosenberg, associate clinical professor of medicine at the Oregon Medical School, had almost 100 per cent success in their use of DMSO on 20

patients with bursitis. Other research turned up encouraging progress in treating the common cold. Rubbing DMSO on the skin of the nose, for example, relieved congestion and drainage problems for several hours. Using DMSO for sinusitis removed pain and symptoms for several days.

During the summer of 1965 a major German drug manufacturer sponsored the first international symposium on DMSO and 140 German and Austrian physicians attended, as did Dr. Jacob and Dr. Rosenberg. The exchange resulted in the sanctioned use of DMSO as a prescription drug in Germany and Austria as of September 1, 1965.

Despite its overwhelming success, DMSO was banned in the United States by the FDA. The ostensible reason: "Certain species of animals treated with DMSO had developed changes in the lens of the eye." Discussing the FDA action, Senator Mark Hatfield (R-Oregon) declared that, "There was no proof that DMSO had any deleterious effect on the eyes of a single human being. The FDA action was premature . . . Dr. James Goddard, then chief administrator of FDA, is a very aggressive, very dogmatic man, and he was determined to rule in all areas of medical drugs. The tragedy of thalidomide . . . was fresh in everyone's minds, and the FDA was anxious not to let anything like that happen again. So they got over-cautious without being at all scientific. It was a political reaction."

DMSO is now used safely and effectively throughout the world—but not in the United States, where it was developed.

Another drug therapy kept from the American market is the "U" series developed by Dr. Henry Turkel which, experts state, can effectively remove accumulations in such diverse genetic disorders as Down's syndrome, arteriosclerosis, the adult form of diabetes, ataxia telangiectasia, certain forms of arthritis produced by accumulations, various allergies, angioneurotic edema, and those forms of leukemia in which the patient has the Philadelphia chromosome.

Primarily used in therapy for mongoloid children, the "U" series is now effectively being used in England, Israel, West Germany, Switzerland, and many other countries—but not in the U.S. where it was developed, except for the city of Detroit. Before the 1962 amendments to the Food and Drug Act, more than 40 doctors in the United States were improving the health and outlook of mongoloid children by using the "U" series to remove the internal pollutants responsible for the artificial starvation and consequent retardation on the mongoloid child. Today, interstate shipment of the drugs in the "U" series have been made illegal.

Part of the problem are bureaucratic regulations demanding proof of the "safety" and "efficacy" not only of the drug, but of every ingredient in it. Dr. Turkel declares that, "Very few substances can be guaranteed to be safe for all human beings, because of our individual idiosyncrasies and allergies. Very few medicines can be guaranteed to be effective for all patients, for the same reasons. Congress opened a Pandora's box when it permitted bureaucrats to determine 'safety' and 'efficacy' of substances for purposes of interstate shipment. Congress added to the possibility of abuses by not demanding guidelines for new drug applications—so that the FDA could always respond with the words 'incomplete' or 'incorrect' regardless of the data on the application, without supplying any further information about the data required. This . . . can make it possible for those officials to approve or disapprove any application almost at their whim."

In his book *New Hope For Mentally Retarded—Stymied By The FDA* (Vantage Press, 1972, Dr. Turkel writes that, "Until the 1962 law, when making proof of safety and efficacy a necessary preliminary was passed, the FDA intimidated companies whose drug they did



not wish to approve by rejecting the labeling. In the case of the 'U' series, the medications must be taken as a series and not as individual drugs. Just as a pile of bricks, a stack of lumber, and some window glass do not make a suitable habitation, but first must be put together with mortar, nails, and other material to make a house, the individual ingredients of the series do not make a suitable medication for the removal of excessive metabolites. I stated that it was impossible to write labeling for the individual ingredients—that the labeling would have to be for the entire series."

Dr. Jean Lockhart of the FDA told Dr. Turkel that, "It is our opinion that it may be impossible to write suitable labeling for efficacy of this product; in view of the cytogenetic basis of Mongolism we recommend that you abandon work on this application." This "recommendation" was more strongly worded by the Commissioner of Food and Drugs in a letter dated November 26, 1963: "Discontinue administering it to human beings. You may submit additional information when available . . ." This, noted Dr. Turkel, "is a neat trick: stop investigating the action of the drug and submit more information regarding the action of the drug when available. This agency decides who shall be treated and who shall not; who shall live and who shall die. This agency is symbolic of power abused, power given because of an accident of judgment by politicians."

Opposition to the FDA is becoming increasingly vocal. Economist Milton Friedman recently urged repeal of the 1962 amendments to the Food, Drug and Cosmetic Act because the "unduly stringent" requirements were delaying the approval of new drugs.

Testifying before the FDA's National Advisory Drug Committee, Dr. Robert D. Dripps, vice-president for health affairs of the University of Pennsylvania, declared that, "Our present system has shortcomings in concept and application that may be adversely affecting pharmaceutical progress, medical practice, and the health of our people."

Dr. Dripps cited these "concerns": (1) "Extraordinary lengthening of time for the development and approval of new drugs in this country; (2) . . . continued discontent with the U.S. system of drug regulation among various sectors of our society . . . ; (3) . . . increasing bureaucratic involvement in the research process itself . . . ; (4) . . . unnecessary delay in the introduction of useful agents . . . ; (5) . . . potentially useful compounds are being prematurely discarded because of extreme caution in the interpretation of animal toxicity data that science may some day learn are inapplicable to man."

In a recent economic study to determine whether a drug was "good" or "bad," Sam Peltzman of U.C.L.A. used the decisions doctors make in the marketplace as his basic criterion. If over a long period of time they continue to prescribe a medicine, if it withstands the "ultimate test" of time, then Peltzman categorized it as "good." He stated that, "I wouldn't feel disturbed if a doctor relies on that information which he thinks is most reliable."

The basic question addressed by Peltzman was whether the public had benefited by the 1962 amendments to the drug law. For the most part these amendments required manufacturers to provide substantial pre-marketing evidence of efficacy, in addition to the pre-marketing evidence of safety required by the existing law. The amendments also tightened the requirements for safety and empowered the FDA to act against false and misleading promotion of drugs to physicians.

Peltzman concluded that the amendments have done far more harm than good and that the public would be well served by their re-

peal. Milton Friedman, citing the Peltzman data, went even further. To comply with the amendments, "FDA officials must condemn innocent people to death. Indeed, further studies may well justify the even more shocking conclusion that the FDA itself should be abolished."

Citing the Peltzman data, Dr. Friedman noted that, "The stiffer standards had a spectacular effect on the rate of innovation. In the 12 years prior to 1962, 41.5 'new chemical entities'—that is, really new drugs—were introduced on the average each year; in the next eight years, 16.1. And their introduction was delayed by two years on the average."

Friedman expressed the view that, "Peltzman used highly imaginative techniques to assign dollar values to the benefit from suppressing harmful drugs or postponing the introduction of useful new drugs . . . To make sure that his results would hold up, he leaned over backward, overstating benefits from the stricter standards, and understating costs. And of course, he recognized full well that dollar estimates are a pale reflection of the human benefit and harm in terms of lives saved and lost. But that seems the only feasible way to get a numerical measure that combines the value of comfort gained by relief of a minor distress, days gained by avoiding or shortening illness and lives gained by curing a hitherto deadly disease."

According to Peltzman's estimates, the 1962 drug amendments cost consumers of drugs over and above any benefits—\$200 to \$500 million per year at a very minimum. This is 5 to 10 per cent of the money spent annually on drugs. It is as if a 5 to 10 per cent tax were levied in drug sales and the money so raised was spent, writes Friedman, "on invisible monuments to the late Senator Kefauver."

To discover the effects of regulation on the more dramatic mistakes and discoveries, Peltzman examined the costs to society of a thalidomide type mistake, the benefits to society from a penicillin type success, the frequency of such occurrences prior to 1962, and the areas, notable heart disease and cancer, where major discoveries are needed for the future.

Making the assumption that no discoveries would permanently be kept from the market by the post-1962 procedures, and that their only effect would be to delay an innovation by two years, he found that the cost of delaying a beneficial innovation is approximately 10 to 100 times the value of avoiding a thalidomide mistake. Peltzman estimates that delaying the drugs that conquered tuberculosis by two years would have meant about 45,000 additional deaths, and twice that number of additional persons with the disease.

The FDA has been exercising its authority not only in preventing new drugs from reaching the market, but in removing old remedies—such as combination cough medicines and vitamin combinations—which it now deems to be in violation of rules concerning "safety" and "efficacy."

Commenting upon the FDA's regulations concerning vitamins and food supplements, syndicated columnist Nicholas von Hoffman noted that, "The FDA, an outfit that has as poor a record as any regulatory agency around, has at length succeeded in scoring one triumph. It has brought about a marriage between Rep. Bella Abzug . . . and Craig Hosmer, the right wing Republican . . . Rep. Abzug has joined with about 150 other members of the House in sponsoring a bill authored by Hosmer which would prevent the FDA from putting into force a series of regulations making vitamins and food supplements less convenient and more and more expensive to buy."

Discussing the FDA's lack of responsiveness to the very real criticisms leveled against it, Von Hoffman declared that, "The FDA has mounted a campaign that suggests that any one who opposes it, the medical cartels and the drug companies, are kooks, faddists and secret sympathizers with the John Birch Society. People once thought much the same of Pasteur, for it has been the peculiar tradition of medicine in the last 200 or 300 years to prefer exorcism and excommunication of new hypotheses to the scientific testing of them. The non-MDs, and even some of the doctors of this era will not be intimidated by old dogmas and old dogmatists, even if they are enforced by the power of the state. People want more and better than the FDA can give them. . . ."

Members of Congress are showing renewed interest in the role being played by the FDA. Rep. Jerry Pettis (R-Cal.), a member of the House Ways and Means Committee, said that "a convergence of dissatisfaction with food, drug, biological product and other regulatory programs" indicates that changes in the law are needed.

Discussing the action of February 9, 1973 in which the FDA, through the Federal Register, declared its intention to remove 23 cough mixtures from the market, Rep. Philip M. Crane (R-Illinois) noted that, "This action is only part of a continuing effort by the FDA to eliminate the use of standard-dose combinations. The decisions made in this field are the result of bureaucratic determinations from within the FDA and its advisory panels . . . It is essential that we carefully review the extensive and often arbitrary authority which has been given to the Food and Drug Administration."

The fact is that the governmental bodies regulating drugs are almost totally devoid of practicing doctors who base their judgments on daily clinical evaluation in routine settings. The FDA has only 4,500 employees and of these there are only approximately 200 physicians, 80 pharmacologists and 100 pharmacists. What we face, more and more, is medical regulation by bureaucrats, something which is unprecedented even in countries with socialized medical systems.

In a letter to the House Commerce Subcommittee on Health, some of the nation's leading scientists and physician-researchers declared that the FDA has been too strict and arbitrary in its use of power. They noted that, "We believe a change in the drug regulatory system is badly needed. The system too often stifles creativity and escalates costs of research; perpetuates a continuing decline in the number of new drugs entering the market in this country; and may be depriving the practicing physician of agents beneficial to patient care."

Efforts to challenge this arbitrary power through the Courts have not been successful. In June, 1973, the FDA won a major victory in the Supreme Court which frees it to proceed with a four-year timetable for removing what it calls "ineffective prescription medicines" from the marketplace.

Agency counsel Peter Hutt believes that the Court's 7-0 decisions in three related cases have implications reaching far beyond prescription drugs. By incorporating a rare advisory opinion on the estimated 100,000 to 500,000 over-the-counter medications, the rulings validated the agency's efforts to halt the marketing of such drugs if they are "ineffective, unsafe, and misbranded."

In addition, said Hutt, the court has implicitly removed doubts about the legality of FDA's industry-wide approaches to regulation of food, food additives, and medical diagnostic products.

Common questions run through all of the FDA's regulatory efforts in each field: is the agency limited to merely acting on market-

ing and other proposals submitted by regulated industry generally contends? Or can the FDA label companies and to suing violators, as make rules that deal comprehensively with each basic regulatory issue?

In the June rulings, the Court dealt with industry challenges to the FDA's across-the-board approach to the 1962 amendments requiring manufacturers to provide, within two years, substantial evidence of efficacy for thousands of prescription drug products marketed in the previous twenty five years. Justice William O. Douglas said that case-by-case regulation may be "the way best to serve the public's needs" but said the public's needs are "opposed and paramount." Consequently, "the comprehensive rather than the individual treatment may indeed be necessary for the quick effective relief" from medicines sold with unsubstantiated claims, Douglas said.

If forbidden to proceed on a comprehensive basis against "ineffective" prescription drugs it wanted to bar from sale, the FDA would have to hold possibly 3,500 separate hearings, "each one lasting probably for weeks," Douglas said.

The Supreme Court has, in effect, said that drugs may be removed from the market without a hearing. This is consistent with the FDA's view of its own authority. Counsel Peter Hutt stated, at the Food and Drug Law Institute Conference in December, 1972, that, "Except where expressly prohibited, I believe FDA is obligated to develop whatever innovative and creative regulatory programs are responsible and most appropriate to achieve fundamental objectives laid down by Congress. I am not at all certain that FDA has yet begun to explore the full reaches of existing statutory authority."

Mr. Hutt's former law partner, Mr. H. Thomas Austern of Covington and Burling law firm in Washington, D.C. describes this interpretation of agency authority in his reply to Mr. Hutt: "It is no distortion of his (Mr. Hutt's) basic approach to read it as meaning: Everything we want to do that is not specifically prohibited can be made mandatory, if we think it is in the public interest."

Commenting upon this formulation of the FDA role, the National Ethical Pharmaceutical Association declared that, "If every attorney of every government agency took a similar position, there would be very little need for a Congress to enact laws. Mr. Hutt further believes that the FDC Act may be regarded as a constitution granted to FDA by the Congress. This General Counsel of FDA incredibly states further that judgment and discretion play an even more important role in the administration of the Act than does the statutory language itself: This not only violates legal principles, but also ignores the actions and intent of Congress."

Unfortunately, the FDA is much like other administrative agencies in that it has become, more and more, a law unto itself, outside of the effective control of the Congress. Rather than having laws passed by the men and women they elect to Congress, and who must return to them at stated intervals for their approval or disapproval, Americans are now subjected to a maze of rules and regulations and policy decisions which are made by non-elected government administrators—"bureaucrats."

Our government was created as one of strict checks and balances. In *The Federalist Papers*, James Madison states plainly: "In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself." Today, many of these controls are gone.

The first thing that is needed with regard to the Food and Drug Administration is the

reassertion of Congressional authority over what that organization is, in fact, doing. In addition, Congress needs to state quite clearly what it means by such broad terms as "safety" and "efficacy." To permit non-doctors in the Congress and non-doctors in the bureaucracy to determine which drugs can be used and which cannot is a dangerous manner through which to "control" the drug market.

Dr. Warren D. Smerud of Concordia College has made a suggestion which merits consideration. He writes that, "One alternative which may be worth considering would be to allow the FDA to require labeling of all medications which FDA 'experts' are not convinced are effective with a label simply notifying the physician that the medication although recognized as 'safe' is not recognized as efficacious, or some equivalent in acceptable bureaucratese. Possibly some physicians would take such a notice as a quasi-divine verdict; others, one suspects, would be capable of an independent appraisal."

Beyond this, in a free society should not men and women have a right to take drugs which all admit are "safe" but which some doubt are "efficacious?" Does freedom stop at the door to the doctor's office, or should it go beyond?

Hopefully, these questions and others concerning the FDA will be asked—and answered. The current dilemma can be permitted to continue only at great risk to the health of the American people and to their freedom. Though few seem aware of it, the two—health and freedom—may have a relationship that also is worthy of consideration.

#### AMBASSADORS OF GOOD WILL

### HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. COHEN. Mr. Speaker, today we welcome Washington's own Arena Stage Theater Company back from a tour in the Soviet Union. These ambassadors of good will truly represent the most sincere efforts to bring the peoples of the Soviet Union and the United States together.

Their expression of détente was not political nor economic, but a détente of the spirit. Through their portrayal of "Our Town" and "Inherit the Wind," they reached out and lessened the gap of understanding in a way that politicians and tourists cannot do.

As a strong supporter of the recently authorized extension of the National Foundation for the Arts and the Humanities, I believe the fine arts are the medium through which all can find understanding.

As I said in a statement I made at the time the foundation was extended, the song of a bird may have no monetary value, no cost-benefit ratio, and perhaps no moral purpose, but its influence is nonetheless humanizing. In this sense, the same must be said for the arts and the humanities, for they reach the highest form of expression, of history and prophecy. And I would respectfully suggest that we do not measure the success of a society or a civilization in terms of its gross national product, but in the quality and the character of the men and women it produces.

The arts and humanities give us inspiration and the impetus to reach for the ideal. And, given the times in which we live, there can be no greater need. As a recipient of support from the foundation, the Arena Stage Theater Company has certainly manifested Congress legislative intent. I applaud its success.

#### DÉTENTE DELUSION DEBUNKED

### HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. DRINAN. Mr. Speaker, a very perceptive editorial entitled "Détente Delusion Debunked" by Joseph G. Weisberg, the distinguished editor of the *Jewish Advocate*, an extraordinarily fine weekly published in greater Boston and read throughout the Nation.

Mr. Weisberg makes the point that it has been Russia which has planned and precipitated the war in the Middle East. He notes that Russia has had designs on the Middle East since Czarist days and that an Arab victory would serve Russian purposes.

I commend this very thoughtful and persuasive editorial to my colleagues:

#### DÉTENTE DELUSION DEBUNKED

(By Joseph G. Weisberg)

It is ironic that the announcement Tuesday of the Nobel Peace Prize to Dr. Henry A. Kissinger should have come on the morning after the pledge by Russia to "assist in every way" the Arab war on Israel. The cynical Soviet decision not only dashed hopes for an immediate joint superpower move to halt the hostility in the Middle East, but threw cold water on the Nixon Administration's passionate pursuit of détente.

Yet Moscow's determination should come as no surprise, for, if the truth be recognized, there has been no Russo-American détente, only the delusion of one. A look at the record of the past year will show that the United States is held by the Soviet Union as a teabag to be dipped to satisfy its thirsts. The craving for grain and favored nation status may have induced the USSR to speak softly, but it still speaks out of both sides of the mouth.

If détente were in Moscow's mind, it would not have been laid low by the pledge to give all-out support to the Arab cause in naked defiance of Secretary of State Kissinger's warning that "détente cannot survive irresponsibility in any area, including the Middle East."

The Soviet Union is pragmatic. It is also mendacious and treacherous, as past actions prove. It broke through on MIRV weapons despite the SALT talks. It went back on its promise not to move up or install new missile sites on the Egyptian side of the Suez Canal exacted as a condition precedent to the 1970 Ceasefire. Now it has reneged on its recent agreement with the United States not to exacerbate the situation in the Middle East.

Russia has a number of designs in the Middle East: a desire since Czarist days for a warm port, a short trade route to the Far East, control of oil supply as control over the West, availability of Arab billions for her own economic development, and the spread of communism, among other objectives.

Most of these goals conflict with U.S. interests and those of its allies. While, there-



fore, it will serve Russian ends to have an Arab victory, such victory would be a defeat not only for Israel, but for the U.S.

This war and that of 1967 would not have occurred had not Russia seized upon Arab hostility against Israel to entrench herself in Arab lands through the supply and re-supply of billions of dollars worth of sophisticated weapons. It can be assumed that Russian adventurism in the Middle East will stop short of actual physical participation in combat because of the risk of military confrontation with the United States. It is obvious, however, that the Soviet Union is prepared to fight to the death of every Arab and Jew to gain dominion over that part of the world. Let's face it, this is more Russia's war than it is Arabdom's.

In a display of hypocrisy that exceeds even the hyperbole of "chutzpah," Russia has branded Israel in the United Nations as an "international gangster" and an "aggressor nation" and demands that she draw back to her vulnerable 1948 borders, conveniently overlooking her own enlarged frontiers drawn over land formerly Finnish, Latvian, Estonian, Lithuanian and Polish.

Russian involvement in the Mideast conflict was assailed by Israeli Premier Golda Meir in a heart-rendering state of the war message to the Knesset this week deploring the toll of casualties. She was also scathing in her attacks on Britain and France. Britain, she said, has put an "embargo on the shipment of arms to Israel at a time when we are fighting for our very life" and the shooting down of Mirage jets by Israeli forces proves that "Israel's repeated protests against French sales of these fighters to Libya has been justified."

In contrast, she paid tribute to the United States saying, "Its people and its government are dear to us."

Mrs. Meir concluded: "I am certain that when we have succeeded in bringing our enemies to the verge of collapse representatives of various states will not be long in volunteering to try to save our attackers by means of a ceasefire and then there will be considerable activity at the Security Council of the United Nations. At any rate, now as in previous wars, the ceasefire depends first and foremost on the strength of the Israeli armed forces."

Israel has made it plain that she seeks not troops from America. What she needs is planes, tanks and armaments to replace her heavy losses and electronic equipment to counter missile strikes.

In helping this doughty little nation America helps herself.

### THE WORLD LOSES ITS GREATEST CELLIST

#### HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. BADILLO. Mr. Speaker, in the death of Pablo Casals the world has not only lost one of its greatest musical geniuses but also a great humanist and a staunch defender of democratic institutions. Also, the people of Puerto Rico have lost one of their most distinguished and beloved adopted sons.

A man of deep compassion and feeling for his fellow man, Casals was a forceful and effective spokesman for the cause of peace and opposition to tyranny, whether of the right or left. Both his personal and professional lives were dedicated to the cause of peace and better understanding among the peoples of the world. Pablo

Casals held deep convictions and, at times, spurned awards and honors which might compromise his personal beliefs—a quality which we have seen sorely lacking in recent months.

This great musician, composer, conductor, and world citizen chose to spend his latter years in Puerto Rico and during the remainder of his life he made many significant contributions to the quality of life on the island—foremost of which is the annual Casals Festival which attracts musicians and audiences from all parts of the world. It is most appropriate that his last composition—A Hymn to Peace—was commissioned by the United Nations as this so accurately reflected his thoughts and background.

The esteem and respect in which Pablo Casals was held by all peoples was aptly noted by the late philosopher Thomas Mann when he declared that Casals "is one of those artists who come to the rescue of humanity's honor." Pablo Casals was certainly an outstanding musician because he was personally a great man. I deeply lament his passing—both for myself and for future generations in this land and others.

### THE NATION CAN SURVIVE MR. NIXON'S IMPEACHMENT; BUT CAN DEMOCRACY SURVIVE MR. NIXON?

#### HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. ROSENTHAL. Mr. Speaker, I have today filed a resolution of impeachment against President Richard M. Nixon.

Although impeachment is an extraordinary remedy to invoke against a sitting President, Mr. Nixon has made it clear that he will not answer to any other process. He has proclaimed himself above the law—above the courts, the Congress, and the Constitution.

When the President fired Special Watergate Prosecutor Archibald Cox, he did much more than dismiss a "disobedient" subordinate employee, as Mr. Nixon's apologists would have us believe. Mr. Cox's appointment was a response, in the first instance, to a widely held belief throughout the country that the executive branch had been tarnished by extreme corruption and that only a special and independent prosecutor could ferret out this corruption and restore the Nation's faith in its Government in Washington.

Archibald Cox stood for the rule of law and the preeminence of constitutional government in a democratic America. His appointment by former Attorney General Elliot Richardson with the concurrence of Mr. Nixon, was a sacred contract entered into by the President with the Congress and the American people. Mr. Nixon has now deliberately breached that contract; he has gone back on his word; he has violated his oath of office.

Mr. Speaker, there are a number of tragic ironies surrounding this terrible crisis:

It is ironic that the man who promised the Nation "law and order" has wrought only disobedience to the law and disrespect for the Government;

It is ironic that the man who said that the Watergate affair belonged in the courts and not in the public arena, flaunted the unmistakable order of the U.S. courts until impeachment pressure from Congress forced an apparent reversal of that decision.

Mr. Speaker, I view my action today in filing this impeachment resolution as an affirmation of my faith in America and my trust in the American people. This great Republic can survive the impeachment of its President; but it cannot I fear survive 3 more years of doubt, cover-up, and Presidential disrespect for the law.

### THE AGNEW DISGRACE

#### HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. MOSS. Mr. Speaker, much has been written by journalists about the varied performances of former Vice President Spiro Agnew, but none has described his machinations more tellingly than Charles McCabe, in his popular column, the Fearless Spectator, appearing in the San Francisco Chronicle on October 17, 1973. The column follows:

### THE AGNEW DISGRACE

Among the ceremonial duties delegated by Mr. Nixon to his Vice President, Mr. Spiro T. Agnew, was the presidential neurosis about the press. When Mr. Agnew took after us here "effete snobs" of the media, he was as surely Charlie McCarthy as Mr. Nixon was Edgar Bergen.

That was before the summer of '73, when Mr. Nixon got in deep trouble, and Mr. Agnew allowed, a little less privately than proved to be useful, that he could don the purple without so much as an altered hem. That, too, was before Agnew got dumped and confessed to a felony, and before his 19-minute free TV whine of Monday.

That the political air is corrupt these days we do not have to be told. If your breakfast has fully settled, let us consider the way Mr. Agnew used the press, and by extension everyone who was affected by what the press disclosed, in his shameless public plea bargaining to save his skin from going behind prison bars.

In his first plea bargaining sessions, which were admittedly set in motion by Mr. Nixon, a sentence in the slammer was apparently a condition insisted upon by Assistant Attorney General Henry E. Peterson, representing Justice. Mr. Agnew apparently figured he could do better than this; but not in the office of Mr. Peterson.

After these bargaining sessions, late in September, Mr. Agnew entered upon as conscienceless a program of hype as has been seen in many a day. He yelled some more about his "purgatory," knowing he was guilty as Cain. He put the heat on the White House. "I will not resign if indicted! I will not resign if indicted!" He waltzed into the House demanding an impeachment hearing.

He began leaking portentous quotes to the weeklies. "I have been completely destroyed, in my judgment. My political future

is zero . . . I am fighting for my integrity and my reputation. That is more important now than any political office." Those words were spoken when Mr. Agnew knew he was guilty as Cain.

He attacked Henry E. Peterson directly if not by name as one of those who were ineffectual in getting to the bottom of the Watergate scandal and "are trying to recoup their reputations at my expense. I am a big trophy."

The big trophy, in a super grandstand play, had his lawyers sue a group of newsmen to reveal their sources, especially of a quote attributed to Mr. Peterson: "We've got the evidence. We've got it cold." When he made his play Mr. Agnew knew this statement to be the bald truth, whether Mr. Peterson said it or not.

All these deviousities, all those brave grand speeches to adoring groups of Republican women, can now be seen as the efforts of a not-very-smart crook to keep out of jail at any cost.

The tactic worked, as we know. Mr. Nixon's top political and personal priority had become the dumping of his Vice President. The President would have paid anything to achieve this. He just about did. Mr. Agnew may see the inside of a slammer yet; but it will not be the doing of Mr. Nixon.

The whole scheme is a mighty depressing story. Brother Agnew went out with a whimper. Not, however, without making a lot of bang bang noises. I, for one, feel ever so slightly had by the whole performance.

Try as one might, you can't blame the press or the telly in this instance. If the Vice President of the Republic decides to lie himself blue in the face about his probity, what the hell can the press or anybody else do? Public lying of this stripe is a serious crime, but it's not on the books as such.

I'm far from suggesting that Democrats or Tories or Prohibitionists do not lie. They most certainly do, since mendacity is the high road to public office. But few have used the public with such cynical brutality as this desperate man. As the man said in the North Beach bar, "There's no way you can libel that guy."

JOE CREASON

### HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. CARTER. Mr. Speaker, just recently I read this poignant story from the pen of Joe Creason in the Louisville Courier-Journal. I submit it for perusal of the Members.

The story follows:

JOE CREASON

How does one go about separating fact from fiction—or, perhaps better put, should one even attempt to separate fact from fiction—in what undoubtedly is a real, All-American folk tale?

Today being Veterans Day, let me pass on a simple little tale that comes encased in the barest framework of fact and you judge if the absence of exact names, dates and places are important.

The tale comes to me from a Louisville friend, Herbert F. Hillenmeyer, and was told to him many years ago by his mother. When you read it, I think you'll understand why, after all the years, he never sees a yellow butterfly without thinking of the story.

The time is prior to World War I; the place a Midwest farm; the main character is a laughing, blond-headed little boy. As she

watches him playing in the summer meadows, his doting mother always notices a cluster of yellow butterflies dancing almost like a vapor above his head. They move with him wherever he goes, accentuating his sunny disposition.

The boy grows up, is drafted into WW I service and is sent to France. Eventually his mother receives the dreaded telegram—missing in action. He is never found.

Comes the day for the burial of the Unknown Soldier in the heroes grave at Arlington National Cemetery. The boy's mother is present for the ceremony. Sorrowfully, she wonders if the soldier being honored could possibly be her missing son. Against all odds, could it possibly be he?

Then suddenly she has her answer. For over the head of the casket, dancing like a vapor as it is borne toward the tomb, is a cluster of yellow butterflies.

### VETERANS' AFFAIRS CHAIRMAN DORN ADDRESSES AMERICAN LEGION EXECUTIVE COMMITTEE MEETING

### HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. TEAGUE of Texas. Mr. Speaker, the distinguished chairman of the House Veterans' Affairs Committee recently addressed the National Executive Committee of the American Legion in Indianapolis, Ind. Chairman Dorn spoke about a number of important veterans' issues which are the subject of very serious consideration by the Veterans' Affairs Committee of the Congress.

For the benefit of my colleagues, I include the text of the press release covering Chairman Dorn's remarks:

#### PRESS RELEASE

In his report to the Legion's National Executive Committee, Dorn said that the Congress is presently engaged in processing two important pieces of veterans benefit legislation that, when enacted, will improve benefits for several million veterans. Chairman Dorn said that following lengthy hearings the Subcommittee on Education of the Veterans Affairs Committee has reported a bill which would grant a 13.6% increase in education and training allowances. Under this formula, the rate for a single veteran would go from \$220 to \$250 per month for the full time trainee with the same percentage increase across the board for all other classes of trainees and types of training. In addition, Chairman Dorn said that the Education Subcommittee had recommended an extension of two years for the period in which the veteran may take training. Under existing law, a veteran must complete all his training within a period of eight years. The Veterans Affairs Subcommittee has recommended an additional two years.

Dorn said that the Subcommittee had also recommended that the vocational rehabilitation program for disabled Vietnam veterans be made identical to the World War II program which was more liberal. The additional first year benefit cost of the legislation recommended by the Subcommittee was estimated at \$555 million. Chairman Dorn said that he expected the full Committee to act quickly and that he is striving to gain passage of the bill by the House as soon as possible and hopes that the bill can become law before the Congress adjourns.

Chairman Dorn briefed the Legion Exec-

utive Committee on the status of nonservice connected pension legislation and told the body that a bill raising pension rates for about two million veterans and widows is in the final stages of consideration and that the bill had passed both the House and Senate, and that the Committees were in the process now of working out the differences between the two bills. Chairman Dorn predicted that agreement will be achieved soon and expressed the hope that this bill could be signed by the President in time for the veterans and widows to receive a raise in their pension checks at least by January 1 of next year. Chairman Dorn said that the pension bill would provide about \$246 million in additional pension benefits for veterans and widows.

Chairman Dorn referred also to a bill which the House of Representatives passed in May of this year that is aimed at making more attractive service in the Reserve and National Guard. This bill, which is presently pending in the Senate, would provide 365 day insurance coverage under the Servicemans Group Life Insurance Program for members of the Reserve and National Guard in amounts up to \$15,000. At the present time, these individuals are covered only while they are actually engaged in training or on active duty. The bill contains a provision which would permit the reservist who has completed at least twenty years service to retain his insurance coverage after separation until he reaches age 60 and becomes eligible for retirement. Dorn said that this is one of several provisions supported by the Department of Defense and the Congress aimed at making Reserve and National Guard service more attractive. The Senate has not yet acted on this bill, but Chairman Dorn said that he expected them to do so in the near future.

Chairman Dorn lauded the American Legion for its cooperation with the Congress and commended the practical approach and restraint of the organization. Chairman Dorn said, "Legislation practically conceived and executed with consideration for the other citizens of the nation who pay the tax bill is the correct way to benefit veterans. Under these guidelines we have been able to produce a very good legislative program for veterans and their dependents this year. Upon completion of the education bill and the pension bill, which are presently being considered, Congress will have achieved for veterans additional benefits exceeding \$800 million."

"Execution of a program such as this is not easy," said Congressman Dorn, "particularly when we must give careful consideration to the level of Government expenditures. Success of this kind is dependent on a cooperative approach between the veteran organizations, the Congress and the Administration."

REMARKS BY ADM. E. R.  
ZUMWALT, JR.

### HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. HAMMERSCHMIDT. Mr. Speaker, in view of recent weeks of debate and scrutiny over authorizations and appropriations for our national defense needs, I would like to share with my colleagues some timely remarks made by Adm. E. R. Zumwalt, Jr., Chief of Naval Operations.

Admiral Zumwalt, on October 11, addressed the National Newspaper Association's 88th Convention in Hot Springs, Ark. Since he delivered this speech in my



congressional district, I am inserting it in the RECORD. In my judgment, his discussion of military responsibility and the need for a more rational debate of issues merits attention and serious consideration.

REMARKS BY ADM. E. R. ZUMWALT, JR.

I am delighted to have this opportunity to be with you and to talk briefly about the Navy, but equally important to me, to express a few of my thoughts on the matter of communicating with people from the perspective of my office and some of the experiences I have had in this area over the years.

It would be presumptuous and naive of me to attempt to lecture this group on the subject of how to, or for that matter, how *not* to communicate with people. You have forgotten more about the technical nature of this subject than I, as a military officer, will ever begin to know. I do believe, however, that I might possibly contribute something to this evening's discussion by passing along a few observations from the perspective of an observer and often a participant in the daily, and often confusing, debate on national military priorities.

Before setting sail into those troubled waters, however, let me first touch lightly upon what it is that we in the Navy have been up to in the past few years in order to set some frame of reference and perhaps explain how I found myself the subject of and a participant in that debate on military priorities.

As I am sure all of you know, the question of our military and, in turn, our naval budget has been the subject of considerable discussion of late. The fundamental question seems to break down to the simple matter of whether or not we are spending too much for defense.

As I enter the final nine months of my tour as Chief of Naval Operations, and look back at what has transpired in the preceding three and a quarter years, I am more than ever convinced that my original assessment of where we were in 1970—and what lay ahead for the Navy—was correct. In my approach to the job, I attempted to identify the major problem areas that I felt were the most pressing and most influential on our future Navy.

It seemed to me then, as we wound down the war in Vietnam, that our people were beginning to go through the same type of psychological rejection of things military as we have seen after every war. A major difference, however, was that disenchantment with Vietnam formed only a fraction of the sociological forces involved. The American people also are more than ever determined to influence the direction of their own lives; more quick to question those established institutions that those of us of the older generation took for granted, and more eager to turn to social ills of the community.

Technological advances in modern communications helped provide the instant translation of these ideas and attitudes as never before, and from these came new factors that had to be considered in leading our military services:

We would soon see an end to the draft and an all-volunteer armed force.

There was, and would continue to be, severe questioning of military service as a suitable career for our young men and women.

The nation's desire to turn swords into plowshares needed to be recognized as a sincere desire to do what is right, but at the same time should be considered in the light of an undeniable need for maintaining credible military forces for our nation's defense.

We have now reached that era of an all-volunteer Navy, and while we have gone through some growing pains in gearing up our recruiting effort to meet the challenge, I am pleased to report that we are making good progress in obtaining both the numbers

and quality of personnel that we believe are necessary to keep the Navy a viable force. We still have a difficult and demanding job to do in this area, and we are going to need your help in getting across the very important message that a career in our nation's armed services still is an honorable one. That it offers our young people as fine an opportunity for career satisfaction as any other profession you might name.

We have also made considerable progress in retaining those people who were already on active duty in the Navy. Our reenlistment rates for first-tour sailors have increased each year for the past three years, from about 10% in 1970 to a current rate of about 23%. As you are probably aware, we have introduced a host of changes designed to make service in the Navy a more desirable career. These changes, coupled with recent pay increases, have, I believe, contributed in large measure to these increased reenlistment rates.

It was also, I might add, these series of changes—which, for your information, amounted to more than two hundred actions—that have been the subject of considerable controversy both within and without the Navy. I shall return to that later.

Finally, as to the matter of swords and plowshares, it was here that I found a combination of forces at work that appeared to me to require the greatest attention.

First, it was apparent that the mood of the country was such that it would demand reductions in defense expenditures. At the same time, however, I was faced with the prospect of a rapidly aging U.S. Fleet and a rising Soviet Navy, one which, for the first time since World War II, has become able to seriously challenge our ability to maintain our maritime alliance, an alliance which has been fundamental to the security of this island nation of ours from more than three decades.

I am deeply concerned about this growing Soviet Navy, but not because I believe that the Soviet Union will attack us, either with their substantial nuclear arsenal or their conventional land and sea forces. I am concerned, rather, with our known ability to respond in a meaningful and convincing manner to any threat of possible military confrontation by the Soviets—a response that is credible, believable and convincing enough that friend or foe, alike, will clearly recognize that we have the military might to take any stand we perceive to be in our vital national interest.

The problem, then, was how to be responsive to this obvious desire to reorder our national priorities and at the same time reconstruct a Navy that had reached a point of near obsolescence in many areas in the face of the growing Soviet fleet.

I elected to go at this in two ways. First, to ruthlessly cut back on the number of aging ships and aircraft still in active service in order to redirect the money used in keeping them going into the construction of new equipment. Toward that end, your Navy has, in the past five years, reduced in size by nearly 47%—down from 926 ships in 1968 to a projected 522 ships by the end of this fiscal year. We have also come down some 22% in the number of our aircraft and some 17% in the number of personnel.

At the same time, we have begun design and construction of a number of new ships which I like to refer to as a Hi-Lo mix. Simply put, this consists of a few high cost, highly effective ships such as our fourth nuclear-powered aircraft carrier, the CVN-70; our Trident submarine and its long range missile system; the F-14 aircraft, the most advanced aircraft weapons system in the world today; and the SSN-688 nuclear-powered attack submarine. The low end of the mix would be made up of larger numbers of less costly ships. In this area we are planning on a new ship known as the Sea Con-

trol Ship, in effect a small carrier which can handle up to 17 helicopters or vertical take-off aircraft; a new class of patrol frigate to give us the redundancy in weapons platforms we need to carry out our anti-submarine and anti-air requirements in fleet defense, and a new class of patrol hydrofoil equipped with surface-to-surface anti-ship missiles to operate in the narrow seas areas against large surface ships. Finally, in the area of research and development, we are working on a Surface Effect Ship which rides on a cushion of air and can travel at speeds up to 80 or 100 knots. It has the potential for revolutionizing war at sea with its ability to outrun submarines and even their torpedoes.

I have greatly oversimplified the foregoing objectives, in the interest of not making this address run on all night. It is important for you to keep in mind, though, that I thought these objectives, however simple in concept, nevertheless proscribed the direction in which we should proceed, considering the mood of the country at the time. I still do.

Very soon after assuming my present post, I began to learn some very interesting things about communicating with people, both within and without the Navy. Let's look first at the matter of the personnel initiatives.

When I assumed my present post in the summer of 1970, I was, of course, familiar with something called a "NAVOP" message—in essence, a telegram from the Chief of Naval Operations to all ships and stations. "NAVOP" messages were the primary vehicle for periodically passing the word to all hands on matters of individual concern ranging from, say, advisories that a certain type of canned fruit was spoiled and it might be well to deep six it or risk food poisoning, to matters of policy or other topics of Navy-wide importance and interest.

It seemed to me a good idea to use this form of communications to get out the word on our personnel changes. However, I had had enough experience to know that, by and large, most people in the Navy knew that NAVOP messages, while theoretically the exact words of the CNO himself, were, in fact, more likely those of a junior action officer whose job it was to look after canned fruit. Since I felt so strongly about the need for personnel changes, and having once been a CO myself on the receiving end of those NAVOPS, I decided that I would number each that I personally put out starting with Z-1, Z-2 and so on up the ladder, so that all of our people would know that it was indeed the CNO who personally put out the word. Thus began, as the NAVY TIMES named them, the now-famous Z-Gramps.

I quickly learned several important lessons. There was no doubt who was sending the message, but there were a lot more people reading them than I thought would do so. Parenthetically, there also was an even larger number who were not reading them but thought they knew what was in them, anyhow. Third, despite the fact, as I mentioned earlier, that more than two hundred separate personnel actions have been initiated by the 118 Z-Gramps, only one really caught the eye of the public and this one was immediately and widely misunderstood.

It was at this point that I learned another lesson, one that no public official should ever overlook: It is folly to presuppose that whatever makes sense to you will be equally clear to everyone else. As a case in point, my "notorious" directive which changed hair standards was greatly misunderstood by the press, and within and without the Navy, because we did a poor job in explaining it at the very beginning by not spelling out clearly and exactly what the new standards were. Many were left with the impression that it was now permissible for sailors to let their hair grow down to their shoulders if they wished. In fact, a sailor's hair must still present a

tapered appearance in the back, may not hang over his collar, and his sideburns may come only to the bottom of his earlobe.

Thus it was I quickly learned that if you want to get the message out you indeed can do it, but you had best be sure you know who is receiving it and you have made your point clearly.

This, then, leads me to my final points on the matter of communicating with people. My first, in-depth experience with the press came during my time as Commander of our Naval Forces in Vietnam, where for some 20 months I was exposed to the Saigon press.

During that time I believed I talked to just about every newsmen and woman who covered the war while I was there. Much has been written and said about the job they did in reporting on Vietnam. Opinions range from S. L. A. Marshall's strong criticism of the quality of press coverage of the war to charges by a number of Saigon bureau chiefs in 1969 that the military "... is deliberately withholding information from the news media."

I suspect the truth, as usually is the case, lies somewhere in between and that Peter Braestrup of the WASHINGTON POST put it best: "We were right, I think, more often than we were wrong," he said. "Whether that is a sufficiently good collective batting average on a crucial story remains a question."

Regardless of one's opinion of the coverage of the war, I can report that I never once had my faith in a reporter betrayed and, so long as the ground rules were clear on both sides, was never deliberately misquoted or taken out of context. This had also been my experience in my present job.

This is not to say that I have not been criticized by the press nor that I do not expect to come under fire from you or your colleagues again. I have, and I do, and I hope that I have the good sense and grace to realize that this is what the game is all about. After all, even Thomas Jefferson, despite his claim that he preferred a nation without government to a nation without newspapers, was accused by the press of being an atheist, keeping a mistress, trying to seduce a friend's wife and padding his expense account.

At this point, you might well conclude either that I am pandering to your good intentions or that my relations with the press, as far as I am concerned, have been delightful and I am satisfied with the status-quo.

Neither of these conclusions would be correct. The fact of the matter is, I am greatly disturbed by what I perceive to be a dangerous and unnecessary but continuing gap between public officials and you of the fourth estate. By this I do not mean to suggest that the press and government should hold hands together and agree, as the song goes, that everything is beautiful. It is not, and it probably never will be. Keyes Beech of the Chicago Daily News, whom I got to know in Vietnam, said, "The relationship between the information officer and the press should be one of mutual suspicion." I agree completely.

What worries me is that the gap has become a gulch and, in too many cases, suspicion has become contempt. I think this is a very dangerous state of affairs for the American public—the people both of us claim to represent. I see examples of this almost every day in carrying out my responsibilities as Chief of Naval Operations. I believe that we in uniform are at fault and I believe that some of the fault lies with the press.

In the case of the military, there is simply no question of our responsibilities to the American people and one of the most important of those responsibilities is keeping them informed of what we're doing and why—insofar as security will allow. We must be accountable to that public for our actions in doing so. Much less understood among my fellow officers, however, is the role

of the press in representing the public in its quest for that accounting.

I believe that the press also has a responsibility to educate themselves on current defense issues as fully as they can. There are, of course, many reporters I could name whose knowledge of the Pentagon is greater than my own. There are many others, however, who have a tendency to "tune out" when the man in uniform speaks, or to discount his 30 or 40 years of military experience when stacked up against that of the non-governmental "military analyst" who has never flown a plane, never carried a rifle or never been the target of enemy fire, and uses his lack of experience to qualify himself as being objective.

Let me go on record for you, now, as I have for your colleagues elsewhere, as stating firmly that I believe completely that our military defense needs are a legitimate and vital subject for intense discussion and debate.

What I find difficult to accept, however, is the growing tendency to assume that the man in uniform is overpaid, underworked, not too bright and, therefore, is not to be trusted in what he says. I just cannot buy that, and neither should you.

Only in the heat of combat is unquestioning obedience an inviolable rule. But in your own business, don't let yourselves be snowed by those who only ask questions, without putting forth rational solutions to the problems they like to discuss.

No rational military man will object to criticism based upon knowledge, or questions stemming from a genuine desire to learn. What he does object to is polemics based upon ignorance and bias. Doubtless you feel much the same.

In summary, I would like very much to see a more rational debate of issues that need discussion. We have had enough polemics during the past ten years and it is time that we get back to that utopian world of Keyes Beech, one of "mutual suspicion."

I await your questions.

#### PROTECTING THE BIG CYPRESS

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. ROGERS. Mr. Speaker, on October 3, the House took one of the most significant environmental actions of the 93d Congress by passing legislation to establish the Big Cypress National Preserve in Florida.

I have worked with my colleagues in the Florida delegation for several years to bring this matter to the attention of the Congress and I am certainly gratified by this recent House action. I represented most of the area known as the Big Cypress for 18 years until congressional redistricting took this area out of my district in 1973, and I am convinced that there is not a more unique, unspoiled area in the Eastern United States than the Big Cypress.

Equally significant is the recent action of the State legislature and the Governor of Florida in approving \$40 million of State money for acquisition of lands in the Big Cypress. I am certainly hopeful that the Senate will follow the lead of the House and give this legislation speedy consideration.

At this point in the RECORD, I would

like to include the text of an editorial from the October 20 edition of the Washington Post entitled "Protecting the Big Cypress." This is an excellent summary of the needs and goals of the House passed legislation and I commend it to my colleagues in the other body.

#### PROTECTING THE BIG CYPRESS

Despite the daily abuses to the land by strip mining and continued neglect of such national shorelines as Fire Island, occasional notes of triumph are sounded. One of these recently came when the House of Representatives approved legislation to establish the Big Cypress National Preserve in Florida. The Big Cypress Watershed—a true watershed, not the metaphorical kind—is a sub-tropical land area of about 2,450 square miles in southern Florida. A significant part of that is a central subbasin not yet exploited by man. It is this subbasin—570,000 acres—that is proposed for preservation.

In few other places is nature so delicately balanced. The flat land of the Big Cypress ecosystem slopes seaward at a barely perceptible two inches per mile and any variation in the water level—due to man's tampering—can change the ecology of several thousand acres of land. The Big Cypress lies north of the Everglades National Park, and more than half of the waterflow into the bays and estuaries of the park comes from the natural drainage systems of the cypress swamp. The House Committee on Interior and Insular Affairs did not exaggerate when it noted that "it is difficult to imagine an area with more outstanding scientific values than (the) Big Cypress-Everglades ecosystem. Students of the evolution of life and the biologists will find the resources of this area almost unequalled. It is equally important as a wildlife sanctuary. In addition to the thousands of migrating birds which utilize the area as a feeding, nesting and resting place, it provides the proper habitat for more than 20 animals whose status has been listed ... as rare, endangered, or otherwise in jeopardy."

Politics at its creative best has helped protect this national treasure. Florida's state legislature, persuaded by Gov. Reubin Askew, has put up \$40 million for land purchases. Committee chairman, Rep. James A. Haley (D-Fla.), combined both local and national interests when he worked energetically for the bill. In addition, the Interior Department has given solid support to the preserve and agrees to the proposed \$116 million share of federal money. What is now needed is immediate Senate action to pass similar legislation. Opportunities for enlightened policies toward the environment do not come along every day.

#### MCCLOSKEY RESOLUTIONS ON IMPEACHMENT AND THE COX INVESTIGATION FILES

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. McCLOSKEY. Mr. Speaker, I have filed today two resolutions, the first seeking to protect the integrity of the files of the Watergate special prosecution force abolished by the President last Saturday, and the second a resolution of impeachment specifying five instances of high crimes and misdemeanors which have been admitted in Presidential speeches and news releases.



The impeachment resolution does not include the President's refusal thus far to comply with the order of Chief Judge Sirica of August 29, 1973, as modified by the decision of the Court of Appeals for the District of Columbia Circuit dated October 12, 1973. I am hopeful that the President will yet elect to comply with Judge Sirica's order, as modified.

The resolutions are set forth in full below:

#### H. RES. —

*Resolved*, That the Acting Attorney General of the United States, to the extent not incompatible with the public interest, is directed to furnish to the House of Representatives, not later than fifteen days following the adoption of this resolution, true copies of all papers, documents, recordings, memoranda, and items of evidence in the custody of the Special Prosecutor and Director, Watergate Special Prosecution Force, Archibald Cox, as of noon, Saturday, October 20, 1973.

#### H. RES. —

A resolution for the impeachment of Richard M. Nixon

*Resolved by the House of Representatives*, That a Committee be appointed to go to the Senate and, at the bar thereof, in the name of the House of Representatives and of all the people of the United States, to impeach Richard M. Nixon, President of the United States, of high crimes and misdemeanors in office, and acquaint the Senate that the House of Representatives does hereby exhibit these particular articles of impeachment against him, and make good the same.

Articles exhibited by the House of Representatives of the United States, in the name of themselves and all the people of the United States, against Richard M. Nixon, President of the United States in maintenance and support of their impeachment against him for high crimes and misdemeanors in office.

#### ARTICLE I

Richard M. Nixon, President of the United States, commencing on or about June 18, 1972, and continuing through October 23, 1973, committed high crimes and misdemeanors in that he wilfully and knowingly violated Title 18, Section 3 of the United States Code in that knowing that offenses against the United States had been committed by G. Gordon Liddy, E. Howard Hunt and others during their employment by the United States Government or by the Committee to Re-elect the President, the said Richard M. Nixon assisted the said G. Gordon Liddy and E. Howard Hunt and others in order to hinder and prevent their apprehension, trial and punishment.

#### ARTICLE II

The said Richard M. Nixon, commencing on or about June 18, 1972, and continuing through October 23, 1973, committed high crimes and misdemeanors, in that he wilfully and knowingly violated Title 18, Section 4 of the United States Code in that having knowledge of the actual commission of a felony cognizable by a court of the United States on the part of G. Gordon Liddy, E. Howard Hunt and others, the said Richard M. Nixon concealed and did not as soon as possible make known the same to some judge or other person in civil or military authority under the United States.

#### ARTICLE III

The said Richard M. Nixon, commencing on or about June 15, 1971, and continuing until on or about May 11, 1973, committed high crimes and misdemeanors in that he wilfully and knowingly violated title 18, section 1505

of the United States Code in that in a proceeding pending before the United States District Court for the Southern District of California, entitled, *United States v. Ellsberg*, the said Richard M. Nixon corruptly influenced, obstructed, impeded and endeavored to influence, obstruct and impede the due and proper administration of the law under which such proceeding was being had before such Court.

#### ARTICLE IV

The said Richard M. Nixon, commencing on or about June 18, 1973, and continuing until October 23, 1973, committed high crimes and misdemeanors in that he wilfully and knowingly violated title 18, section 1510 of the United States Code in that he wilfully endeavored by means of bribery, misrepresentation and intimidation to obstruct, delay and prevent the communication of information relating to a violation of criminal statutes of the United States to criminal investigators employed by the Department of Justice of the United States and by Archibald Cox, Special Prosecutor and Director, Watergate Special Prosecution Force.

#### ARTICLE V

The said Richard M. Nixon, on or about July 15, 1970, committed a high crime and misdemeanor by issuing an order entitled Top Secret Decision Memorandum, The White House, Washington, D.C., July 15, 1970, authorizing and directing agencies and employees of the United States Government to violate the constitutional rights of American citizens to be secure in their persons, houses, papers, and effects from unreasonable search and seizure; such order specifically authorized and directed searches and seizures by means of burglary, breaking and entering of the mails and by wiretapping without proper order of the Court; that at the time of issuing such order, the said Richard M. Nixon knew the actions he was authorizing and directing to be unconstitutional, illegal, and in violation of his oath of office as President of the United States.

### PEACE CORPS CONTINUES TO WIN FRIENDS

#### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. DERWINSKI. Mr. Speaker, at a time when many people in this country are doubting the validity and effectiveness of our foreign assistance programs, it is encouraging to see that the Peace Corps continues to win friends not only in the United States but, most important, in the countries that it serves, thereby proving to be one of our most effective foreign programs.

In working toward and achieving the three goals mandated by its enabling legislation: To help developing nations meet their needs for trained manpower; to promote better understanding of American people on the part of the people being served; and to promote better understanding of other peoples among Americans, the Peace Corps is, indeed, proving that there is still a spirit of dedication and service among the American people.

I have recently received a copy of a speech delivered by Dr. Robert K. A. Gardiner, Executive Secretary of the Economic Commission for Africa, during

a recent Peace Corps country directors conference in Monrovia, Liberia.

Since 1962 Dr. Gardiner has been Executive Secretary of the United Nations Economic Commission for Africa headquartered in Addis Ababa, Ethiopia.

A native of Ghana, he studied at Cambridge and Oxford Universities and has been a lecturer at various universities throughout the world. A career civil servant both in the national and international fields, Dr. Gardiner is a worldwide recognized authority on Africa.

It is, indeed, a great satisfaction for those of us who have supported the Peace Corps to have this man who is so involved in the development problems of Africa speak so highly of the Peace Corps and pay tribute to the work the organization and its volunteers are carrying out in Africa.

At this point I would like to share with my colleagues some excerpts from Dr. Gardiner's speech:

#### EXCERPTS FROM DR. GARDINER'S SPEECH

It is, however, most unrewarding to concentrate on worldwide and regional negotiations without preparing the domestic base. For instance, in the commodity market only those who produce efficiently and at reasonable costs can compete successfully in the sale of their products. It is only those countries which produce semi-manufactures and manufactures who can hope to gain access for their products into the markets of the industrialized countries. This has actually happened. At present, only about 12 countries are responsible for about 80 percent of the export trade of developing countries in semi-manufactures and manufactures. Benefits from Africa's relations with Europe are also dependent on productivity and ability to take advantage of opportunities offered in a competitive market. This is why the grassroots activities of voluntary agencies are so important. The approach of these agencies is realistic and of the population by the generation of new ideas; the imparting of new skills; the provision of water; the improvement of farming methods, storage, marketing and credit facilities; the increase in food production; and better nutrition and health, etc. In 1970, ECA took a count of the activities of voluntary agencies and realized that they were sponsoring about 20,000 projects. Thus these agencies with their seemingly modest resources, reinforced with commitment and dedication, are fostering fundamental changes.

On close examination one discovers that the international voluntary agencies, the United Nations system, bilateral donor institutions and volunteer services such as the Peace Corps and IVS, are all tackling socioeconomic problems in Africa from different angles. It is therefore necessary for us to be familiar with what each member of this very mixed group is doing, not merely in the negative sense of avoiding duplication but rather more positively, to enable the members of this group to complement each other's effort.

Already Peace Corps is involved in a growing number of multilateral programmes in connection with river blindness, rural health, urban planning, smallpox eradication and rural development. This trend has the support of OECD and the World Bank and some of the countries involved include Canada, the Netherlands, Germany, Japan and Austria. Some of the agencies working with the Peace Corps such as CARE, Catholic Relief Service and OXFAM as well as the IVS, have made working arrangements with ECA. It is my hope that as a result of this conference, similar arrangements may be entered into between Peace Corps and ECA.

At the beginning of the First Development Decade, the general idea was that the rate of economic advancement could be measured in terms of increases in the GNP and per capita income. The generally accepted view now is that economic growth is necessary but more as a rough indicator than as a target.

The idea was that overall growth measured in quantitative terms would percolate through the community. This "trickle-down" notion of development does not appear to provide a satisfactory explanation of the persistent poverty of the masses of the population. The percolation of prosperity to all levels of society is not taking place rapidly enough to relieve the poverty and deprivation of a great majority of the community.

The international strategy for the Second Development Decade has shifted its emphasis from the quantitative approach as a measure of economic advancement to the material well-being of populations. In this respect, one may say that the UN system is beginning to catch up with the ideas and programmes of the international voluntary agencies. Agencies such as OXFAM have always placed special emphasis on agricultural development including the training of young farmers; improvement of rural health, water systems for irrigation, livestock and human needs; and basic vocational training in such skills as carpentry, welding and auto-mechanics. All these activities include not just production for one season or provision to satisfy an immediate need, but also the imparting of skills and knowledge which enable communities in developing countries to fend for themselves. A recital of the main topics in the programme of the Peace Corps, namely agriculture and rural development, formal and informal education, health, public works and business advisory services demonstrates how deeply involved the Peace Corps is in the development process in Africa.

I would like to single out certain significant features of the Peace Corps programme. The curricula of African schools are devoid of intensive programmes for the teaching of mathematics and science. African governments appreciate this shortcoming but the lack of teachers, laboratories and equipment has been a serious constraint. The most serious has been the lack of teachers. Peace Corps Volunteers are playing a vital role in meeting this need—over 500 volunteers are teaching these subjects in African schools and the demand is very likely to increase. In teaching these subjects, the Peace Corps is not merely serving the needs of the educational system, it is playing a significant role in laying the basis for the application of science and technology to economic and social development in Africa.

Low productivity is also the result of the general lack of skills. Most African countries have little or nothing in the way of vocational and technical education or even an effective apprenticeship system. True, indigenous tradition provided for some form of apprenticeship but this was mostly in connection with activities which approximate more to subsistence production than to production for a market economy. Moreover, the educational system has led to a structure of the labor force which consists of a large number of unskilled labor on the one hand, and a sprinkling of professionals, with little or nothing in between. In other words, the middle of the pyramid of skills consisting of technicians, craftsmen and ancillary personnel in agriculture, trade and industry is missing. This is where a radical socio-economic change in Africa must start. The masses of farmers and potential middle-grade personnel constitute a very powerful lever for economic expansion. They form the market for agricultural as well as industrial products.

The Peace Corps has been active in the field of vocational and technical training. The urban development and public works sector

is involving Africans in activities which were confined until recently, to a few expatriate supervisors in charge of banks of unskilled labourers in such areas as urban planning, housing, water and sewage systems, electricity, road construction and in general, the provision of the physical infrastructure or social capital. There is a training component in the public works programme which allows for formal instruction in organized classes and acquisition of skills on the job. I have cited the public works sector as an illustration, but training on-the-job in courses, seminars and workshops informs all the other sectors in which the Peace Corps operates. By working alongside African technicians and artisans-in-training, Peace Corps Volunteers are helping African States to build up a better appreciation of the middle-level personnel and also giving such personnel a sense of identity and inculcating in them a feeling of pride and work discipline.

Work in the technical field illustrates more than anywhere else, the increasing sophistication of the needs of the African countries. This has already been observed by the Peace Corps and the policy of programming from strength, to use the language of the Peace Corps Plan for 1973, illustrates the flexibility and pragmatic nature of the Peace Corps programme. To paraphrase the implications of the Peace Corps approach: some parts of the US have special skills in irrigation; American universities produce each year a large number of graduates in mathematics and science; the executives and managers of some of the most successful national enterprises and of powerful multinational corporations are products of American Schools of Business Administration; the US can also claim extensive and varied expertise in animal husbandry; in education, experiments in modern techniques of teaching have been carried on, on an immense scale in the US. All these are sources of strength of the Peace Corps and if I interpret the policy correctly, the Peace Corps offers to assist in areas where the US has established a reputation for competence and excellence. I believe that publicity should be given to this principle and if it were done, confidence in the Peace Corps which is already great, would increase and the value of a Peace Corps Volunteer would be more fully appreciated.

Vocational and technical training will unleash forces for development which are at present dormant. The masses of unemployed and underemployed persons are a drag on development. Their contribution to the national product is minimal. Their participation in the exchange economy is insignificant and their place as part of the market, namely consumers, assisting in the circulation of purchasing power is unfulfilled. With the spread of education, a rapid population growth and the exodus from the rural areas, there is no doubt that the most serious challenge to social and political stability as well as economic advancement in Africa, is the growing number of unemployed. This is an area where all agencies, bilateral, multilateral and voluntary, should explore and institute programmes to cope with the situation. Already, the ILO is taking a lead in this area and has undertaken studies in a number of countries including Kenya. About five other African countries are on the waiting list.

In at least three areas—agriculture, health and rural development—the Peace Corps is playing a significant role in checking what may be described as the "sucking under-tow" which drags down societies into poverty or at best, holds back development. Among the multiple causes of low productivity and poverty, hunger, disease and ignorance feature prominently. The underfed and undernourished African worker is often described as being lazy, sluggish and unproductive. The lack of water systems, sanitary and social amenities aggravate health

problems which further reduce the output of the debilitated rural worker. Rural communities suffer from ignorance of better techniques to increase their output. African governments have emphasized repeatedly the need to introduce modern ideas into rural areas and this is why most of them accord top priority to agriculture and rural development. The communities in rural areas participate actively in efforts to improve roads in order to break their isolation, and in the construction of clinics to facilitate the provision of medical care, and of schools and community centres to support formal education and literacy classes. At present, the rate at which new ideas seep through into the rural areas is very slow. Are there quicker ways of promoting change? Are our methods too cumbersome and expensive? These are some of the issues which we need to examine.

The drought in the Sahel has drawn our attention dramatically to the frailty of African economies, especially rural economies. There is a threat of a world-wide grain shortage. Up to now, a large number of African countries have been receiving food support under the PL-480 programme which is now likely to be modified because the surpluses have either already disappeared or are in the process of depletion. These developments put an extra emphasis on the need to increase food production, an effort which the Peace Corps has been supporting actively. In this regard, the Peace Corps operating in 23 countries in Africa can serve as a vehicle for the dissemination of the results of successful experiments. One can think of the possible effect of sharing experience from the minimum package programme of Ethiopia, the Ujama village scheme of Tanzania, the feed yourself campaign of Ghana, etc.

The business and industry advisory programme represents a peace building effort. Historical reasons have confined Africans to the role of small retail shop owners. In some countries, they did not attain even this modest role before independence. As a result, there is intense feeling against foreigners—even non-tribesmen who own and run enterprises. One should mention here the expulsion of aliens from Ghana and several other countries and the nationalization of foreign owned businesses, industries and banks. The feeling is understandable, but African economies are not likely to develop rapidly without the participation of outside skills and capital. Migration of skills has played and still continues to play, an important role in the advancement of economies in all parts of the world. The resentment against foreigners and the fear of economic domination will undoubtedly diminish when enough Africans enter business and industry as sole owners or partners of industrialists and traders already in the field. Moreover, relations between African states and multinational corporations are likely to improve when more Africans understand industrial operations and can negotiate effectively on behalf of their governments. It is therefore very necessary to have a programme which helps small businessmen and trains Africans to qualify as supervisors, executives and managers.

The language training programme of the Peace Corps is a unique service. Technical assistance in language teaching from the former metropolitan countries has been directed to schools in the ex-colonial territories—the United Kingdom to English-speaking countries and France to francophone countries. The Peace Corps, on the other hand, has been teaching English and training prospective teachers of English in French-speaking countries.

As you know, the continent of Africa is virtually cut up into anglophone and francophone segments. Under such circumstances, the teaching of English by about 380 volunteers in French-speaking Africa is a mission of reconciliation. African States have rec-



ognized the need to be able to share ideas in their principal working languages and have resolved that French and English be taught in their secondary schools—English in French-speaking States and French in English-speaking ones. There is another important aspect to the language teaching programme. A modern language is a key to the world beyond the confines of an African State. Sometimes, even within the nation-state in many instances, there is no national language and a foreign language serves as a medium of communication and instruction. Apart from solving the immediate problems, I believe that the techniques introduced by the Peace Corps, if well mastered, can be applied to the teaching of indigenous languages as well.

Peace Corps activities in the field of education, illustrate changes in the demand and the complexity in the requirements of African countries. Assistance has been provided for teaching in primary schools, in secondary schools and teachers training institutes. The pattern has more or less followed very closely the evolution and expansion of education in newly independent States. Provision has been made for specialist courses such as industrial arts, curriculum development, physical training, home economics, use of mass media, library science, audiovisual aids, the organization and operation of national archives and help to African universities to improve the qualifications of their lecturers. The trend has been from direct teaching to the training of trainers. This is as it should be; because the effort of the Peace Corps is expected to have a multiplier effect.

It seems to me that the Peace Corps has grown in stature and matured in ideas. An ideal volunteer is described as "a participant in the process of development, living with people in rural areas, working with them, talking their language". The qualities expected of a volunteer are very exacting and are in this respect, in keeping with the high ideals of the late President Kennedy whose administration created the Corps. The volunteers' methods of working with people is a key factor in development. It makes it possible for people in rural areas to observe change taking place before their very eyes. This in itself, will influence and change attitudes.

The importance of this is summed up in the observation "Money (all forms of aid) can narrow the gap. Only people can bridge it." We may not all be good linguists, but when the people amongst whom we work notice that we are trying, it increases their confidence in us. I notice that the Peace Corps disavows all claims to being "an economic planning and development agency." Perhaps they do not wish to be mistaken for bodies like the Economic Commission for Africa. I do not blame them. But the important principle which emerges from this disavowal is the recognition of the fact that rural communities have some ideas of their needs even if they are unable to satisfy them. On the other hand, the Corps is not obliged to respond positively to every request. This is a basis for mutual respect and trust. In this sense, a volunteer is essentially a skilled person who responds to a request to perform a specific task.

In the documents concerning the Corps, there are references to bi-nationalism which I interpret to mean that the Corps attempts to find a local base so that it does not appear or act as an alien imposition on host countries. In many parts of Africa, there are signs of the beginnings of local volunteer organizations, work camps as well as national service corps organized by governments. If there is any possibility of some links being established it is possible to find a formula which will enable the youth of the countries which the Peace Corps and other Volunteer

organizations serve to emulate the sentiments which inspire them.

### NACOA FINALLY HOLDS A PUBLIC MEETING

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. OBEY. Mr. Speaker, the National Advisory Committee on Oceans and Atmosphere—NACOA—will hold a public meeting this Friday and Saturday—at least "to the extent of the very limited seating available on a first come, first served basis"—and it is about time that NACOA did so.

Last May, NACOA gave unlawfully scant 1-day notice that it was going to hold a closed meeting—such brief notice that anyone wishing to challenge the closure decision under the Federal Advisory Committee Act was precluded from doing so. A representative of Science Trends wanting to attend the meeting then challenged in the only way left—by refusing to leave—and was escorted from the premises by four uniformed Federal guards.

On September 18, when NACOA announced in the Federal Register it would be meeting September 27 through 29 and that the first day's session would be closed to the public for "discussion of pending legislation," I inserted the meeting notice in the RECORD and pointed out that—

First. The proposed closure did not appear to comply with the Federal Advisory Committee Act;

Second. NACOA's eagerness to retreat behind closed doors to discuss pending legislation did not square with the tough talk it had used in the annual report to the President and the Congress it filed on June 29.

To provide a detailed account of that NACOA meeting last May, highlight related problems, and indicate what the Federal Advisory Committee Act's open-meeting requirement has meant in terms of the greater availability of health and science news, I should like to insert items from the issues of Science Trends for May 14 and October 8, sent to me by its editor, Art Kranish, as well as NACOA's notice of public meeting from the Federal Register of October 19.

The material follows:

#### COMMERCE BARS PRESS

Four uniformed Federal guards ejected a representative of Science Trends from a government agency this past week to prevent press coverage of an advisory group drafting a national report on marine and atmospheric policies and programs.

The action was ordered by Commerce Department officials despite a Congressional mandate opening such meetings to members of the press and public, under the Federal Advisory Committee Act of 1972.

Chairman W. A. Nierenberg of the National Advisory Committee on Oceans and Atmosphere (NACOA) refused to open the scheduled meeting at Commerce Department headquarters until the Trends representative agreed to leave.

The request was declined on the basis of

the Advisory Committee Act and the Freedom of Information statutes. In addition, it was pointed out that the Committee had failed to provide the advance notice required by statute and by White House guidelines.

After a delay of almost one hour, four police guards were called in to escort the Trends representative from the building.

Nierenberg is Director of the Scripps Institution of Oceanography and a member of the Informal Science and Engineering Council (SEC) organized by supporters of President Nixon in the last campaign. (Science Trends, April 30-May 7, 1973).

NACOA is composed of 25 members appointed by the President from state and local governments, industry, science and other interests. The group is preparing a report requested by Congress, covering such topics as coastal zone management, energy, minerals, living resources, ocean science, atmospheric programs, engineering support and operations.

Trends Publishing has covered a number of similar advisory committee meetings since the Advisory Act went into effect, without encountering any opposition from Departmental or committee officials.

Opening the committees to press coverage in this manner has resulted in news stories on such topics as the artificial heart program, coal/gas conversion, National Science Foundation summer faculty support, cadmium emissions, science information programs, radiation/drinking water standards, energy programs, and other matters of scientific and technical interest.

Committee members have ordered, and Trends has not contested, a policy which closes such meetings when competing grant applications are under discussion, or when classified national security matters are involved.

However, the NACOA action was the first instance in which Trends has been barred on other grounds, which would appear to violate the Congressional mandate that advisory committee meetings "shall be open to the public."

NACOA and Department officials based their action on the grounds that the Committee would discuss "working documents" and "exchanges of opinions and discussions which, if written" would be exempt from Freedom of Information statutes.

The "if written" clause is being viewed by the press as a major loophole which permits agencies to close advisory sessions, virtually at will.

A similar opinion is being pressed in Washington by the Institute for Public Interest Representation, which is affiliated with the Georgetown University Law Center.

Jane Dolkart, an attorney-member of the group, which is preparing several court challenges, said that there is nothing in the legislative history of the Advisory Committee Act or the Act itself pertaining to an exchange of views.

"Such committees," she said, "almost by definition, exist to give advice to an agency, and there will almost always be an exchange of views. This kind of rationale could be used to close virtually all advisory meetings."

In their discussions, before the Trends representative was forced to leave the NACOA meeting room, officials generally conceded that they had failed to follow statutory requirements of reasonable advance notice of such meetings, which has been interpreted by the White House Office of Management and Budget as requiring at least ten days advance notice in the "Federal Register."

NACOA did not file its notice with the Federal Register until Tuesday, May 8, for publication in the edition of May 9. The meeting was held Thursday, May 10, as had been planned several weeks ago.

A Committee member suggested that this delay was inadvertent, and added that news

media representatives were probably too sensitive as to such matters as the result of the Watergate scandals.

According to a report released this past week by the Office of Management and Budget, there were more than 1400 advisory committees in existence in 1972; representing a substantial growth from the time when George Washington appointed the first such group, to assist him in dealing with the Whiskey Rebellion.

Officials estimated that such committees cost the government approximately \$25 million per year, in addition to the time spent by Federal employees involved in committee efforts.

#### AGENCIES OPEN ADVISORY MEETINGS

Three Federal agencies decided this past week to open previously-closed advisory committee meetings, following protests by Trends Publishing, Inc., that they were failing to follow laws and regulations.

The protests were made by Trends on the basis of the Federal Advisory Committee Act, which sets forth a National policy of "open" meetings between government officials and advisers from outside the government.

As previously reported (SCIENCE TRENDS, 5/14/73 and 9/10/73), the law, when observed by the agencies concerned, has made available a wide variety of scientific and technical information.

The developments of the past week, opening meetings to the press and public, each represent a reversal of policy, since the sessions were originally expected to be closed.

The agencies and the meetings include:

**The National Advisory Committee on Oceans and Atmosphere.**—This group, which has never held an open meeting in Washington, held two days of open sessions to discuss, in considerable detail, the status and future prospects of subjects ranging from marine pollution to short-term weather forecasts. This advisory committee deployed uniformed guards earlier in the year to prevent press coverage of similar sessions.

**The Atomic Energy Commission.**—This agency originally announced that its Research Subcommittee would hold closed meetings in Washington, Oct. 8-9. Trends protested, and also pointed out that, contrary to law, the agenda was being kept secret. AEC subsequently decided to open most of the meeting, and disclosed that basic research aspects of coal as an energy source, including gasification and liquefaction, would be discussed.

**The National Science Foundation.**—This agency scheduled meetings with representatives of scientific societies and industry, and turned down requests by Trends to have the sessions open. Following a subsequent protest, Director H. G. Stever agreed to permit the press and public to attend his Oct. 24 meeting with members of the industrial scientific research community. They will be permitted to take notes, submit questions or statements in writing, and may ask questions at a closing press conference.

In the case of AEC and NSF, Trends was represented by the Institute for Public Interest Representation, Georgetown University Law Center.

#### NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

##### NOTICE OF MEETING

The National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a 2-day meeting on October 26-27, 1973. The meeting will be open to the public. All sessions will be held in room 6802 of the U.S. Department of Commerce Building 14th and

Constitution Avenue NW., Washington, D.C. Both sessions will begin at 9 a.m.

The Committee, consisting of 25 non-Federal members appointed by the President from State and local governments, industry, science, and other appropriate areas, was established by Congress by Public Law 92-125, on August 16, 1971. Its duties are to: (1) Undertake a continuing review of the progress of the marine and atmospheric science and service programs of the United States, (2) submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities on or before June 30 of each year, and (3) advise the Secretary of Commerce with respect to the carrying out of the purposes of the National Oceanic and Atmospheric Administration.

A general agenda consists of the following topics:

"Friday the 26th—agency briefings on Federal programs related to multiple-use management in the coastal zone and offshore areas of the United States.

"Saturday the 27th—review of NACOA draft study on marine science. Discussion of NACOA work in progress and plans for future meetings."

The public will be admitted to the extent of the very limited seating available on a first come, first served basis. Questions from the public will be permitted during specific periods announced by the Chairman. Persons wishing to make formal statements must notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. The telephone number is 967-3343.

Issued in Washington, D.C., on October 16, 1973.

DOUGLAS L. BROOKS,  
Executive Director.

[FR Doc. 73-22269 Filed 10-18-73; 8:45 a.m.]

#### NORMAN CHANDLER

#### HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. DEL CLAWSON. Mr. Speaker, the loss of Norman Chandler, so long associated with a great newspaper, the Los Angeles Times will be deeply felt in the entire community in southern California served by that newspaper. His leadership in civic affairs will also be keenly missed. Today's issue of the Los Angeles Times contains an editorial tribute which I commend to the attention of my colleagues in the House. The editorial follows:

[From the Los Angeles Times, Oct. 23, 1973]

NORMAN CHANDLER

Norman Chandler, whose memory will be honored by family, friends, associates and civic leaders today in private services, was the principal architect of Times Mirror's

rapid growth to its present position as one of the world's leading communications companies.

He built the foundations for this enterprise with his prior leadership of The Times, of which he was the third publisher.

As a businessman, he presided over some of the greatest expansion in the history of The Times, and left it firmly established on a sound economic base.

As a newspaperman, he laid the groundwork for the comprehensive metropolitan daily of news, opinion, entertainment and information that The Times has become.

As a person, he brought to The Times those values he expressed last December while thinking back on his leadership: "I wanted to be fair to all sides, to all people. I wanted The Times to be respected by our readers and by our advertisers. But, above all, I wanted to render the greatest possible public service that a publication could."

To public service in the ordinary sense of the phrase he was no stranger. He served on many boards. He was a trustee of USC and, for more than 30 devoted years, of Caltech. He worked, often quietly but always powerfully, on many civic enterprises. He energetically supported the successful efforts of his wife, Dorothy Buffum Chandler, to keep open the Hollywood Bowl, and then to build the Music Center. An abiding special interest of his was the Times financed multitude of facilities and activities for young people.

But for Mr. Chandler, public service meant chiefly public service through The Times and its parent company, Times Mirror, and it was to these that he devoted more than 50 years of wise attention, balancing a sharp eye for detail with a long view of what The Times and Times Mirror were to become.

That view encompassed the future excellence of The Times as a newspaper, and the growth of Times Mirror as an enterprise.

On the business side of the paper, he early undertook a process of modernization that is still going on. On the editorial side, he began the shift from a paper of moderate size and modest ambitions to The Times of 1973.

When he was publisher of The Times, from 1944 to 1960, the paper under his direction campaigned for the economic and cultural development of Los Angeles, for improved highways, for cleaner air. He was a vigorous defender of the free press.

After relinquishing the title of publisher in 1960, he led Times Mirror, as chairman of the board and later as chairman of the executive committee, into the program of expansion that has made it the nation's largest communications company.

To the thousands of persons here and around the world who know Norman Chandler in his business and public capabilities, he was man of dignity and gentle forcefulness. Those who know him more intimately had the great good fortune to know even better his indelible personal qualities: his unfailing thoughtfulness, his natural courtesy, his resolute, unpretentious courage, his steadfast allegiance to family, to friends, to associates and to conscience.

#### IMPEACHMENT

#### HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. HUNGATE. Mr. Speaker, when the subject of impeachment is under discus-



sion by many, these writings and remarks of Alexander Hamilton, Richard Sheridan, and Edmund Burke may be of interest.

ALEXANDER HAMILTON, 1787, "THE FEDERALIST PAPERS," PAGE 416

The President of the United States would be liable to be impeached, tried, and, upon conviction of treason, bribery, or other high crimes or misdemeanors, removed from office; and would afterwards be liable to prosecution and punishment in the ordinary course of law. The person of the King of Great Britain is sacred and inviolable; there is no constitutional tribunal to which he is amenable; no punishment to which he can be subjected without involving the crisis of a national revolution. In this delicate and important circumstance of personal responsibility, the President . . . would stand upon no better ground than a governor of New York, and upon worse ground than the governors of Virginia and Delaware.

Richard Brinsley Sheridan in 1787 delivered a 5-hour speech against Warren Hastings, Governor General of India. Despite widespread acclaim—Lord Byron called it "The very best oration ever conceived or heard in this country"—no full copy of this address exists. A short excerpt will give an idea of its style.

The public capacity of Mr. Hastings exhibits no proof that he has any just claim to . . . greatness. We see nothing solid or penetrating, nothing noble or magnanimous, nothing open, direct, liberal, manly, or superior, in his measures or his mind. All is dark, insidious, sordid and insincere. Wherever he has option in the choice of his objects, or his instruments, he instinctively settles on the worst. His course is one invariable deviation from rectitude. And the only trace or vestige of system discernible in the whole of a dozen years' administration is that of "acting without any." The serpent may as well abandon the characteristic obliquity of his motion for the direct flight of an arrow, as he can excuse his purposes with honesty and fairness. He is all shuffling, twisting, cold and little. There is nothing open or upright, simple or unmixed. There is by some strange, mysterious predominance in his vice, such a prominence as totally shades and conceals his virtues. There is, by some foul, unfathomable, physical cause in his mind, a conjunction merely of whatever is calculated to make human nature hang its head with a sorrow or shame. His crimes are the only great thing about him, and these are contrasted by the littleness of his motives. He is at once a tyrant, a trickster, a visionary, and a deceiver. He affects to be a conqueror and law-giver, an Alexander and a Caesar; but he is no more than a Dionysius and a Scapin . . . He reasons in bombast, prevaricates in metaphor, and quibbles in heroics.

Like a vulture with her harpy talons grappled into the vitals of the land, they flap away the lesser kites, and they call it protection. It is the protection of the vulture to the lamb.

On June 13, 1788, Sheridan spoke at the Hastings trial:

The inquiry, which now only remains, my lords, is whether Mr. Hastings is to be answerable for the crimes committed by his agents. It has been fully proved that Mr. Middleton signed the treaty with the superior begun in October, 1778. He also acknowledged signing some others of a different date, but could not recollect the authority by which he did it! These treaties were recognized by Mr. Hastings, as appears by the evidence of Mr. Purling, in the year 1780. In

that of October, 1778, the jagir was secured, which was allotted for the support of the women of the Khord Mahal. But still the prisoner pleads that he is not accountable for the cruelties which were exercised. His is the plea which tyranny, aided by its prime minister, treachery, is always sure to set up. Mr. Middleton has attempted to strengthen this ground by endeavoring to claim the whole infamy in those transactions and to monopolize the guilt. He dared even to aver that he had been condemned by Mr. Hastings for the ignominious part he had acted. He dared to avow this because Mr. Hastings was on his trial, and he thought he never would be arraigned; but in the face of this court, and before he left the bar, he was compelled to confess that it was for the lenience and not the severity of his proceedings that he had been reproved by the prisoner.

It will not, my lords, I trust, be concluded that because Mr. Hastings has not marked every passing shade of guilt, and because he has only given the bold outline of cruelty, he is therefore to be acquitted. It is laid down by the law of England, that law which is the perfection of reason, that a person ordering an act to be done by his agent is answerable for that act with all its consequences, quod facit per alium, facit per se. Middleton was appointed in 1777 the confidential agent, the second self of Mr. Hastings. The Governor General ordered the measure. Even if he never saw nor heard afterward of its consequences, he was therefore answerable for every pang that was inflicted and for all the blood that was shed. But he did hear, and that instantly, of the whole. He wrote to accuse Middleton of forbearance and of neglect. He commanded him to work upon the hopes and fears of the princesses, and to leave no means untried, until, to speak his own language, which was better suited to the banditti of a cavern, "he obtained possession of the secret hoards of the old ladies." He would not allow even of a delay of two days to smooth the compelled approaches of a son to his mother on this occasion! His orders were peremptory. After this, my lords, can it be said that the prisoner was ignorant of the acts or not culpable of the consequences? It is true he did not direct the guards, the famine, and bludgeons; he did not weigh the fetters, nor number the lashes to be inflicted on his victims; but yet he is just as guilty as if he had borne an active and personal share in each transaction. It is as if he had commanded that the heart should be torn from the bosom, and enjoined that no blood should follow. He is in the same degree accountable to the law, to his country, to his conscience, and to his God!

In the same debate, in 1788, Edmund Burke closed with these words:

I impeach Warren Hastings, Esquire, of high crimes and misdemeanors.

I impeach him in the name of the Commons of Great Britain in Parliament assembled, whose parliamentary trust he has betrayed.

I impeach him in the name of the Commons of Great Britain, whose national character he has dishonored.

I impeach him in the name of the people of India, whose laws, rights, and liberties he has subverted; whose properties he has destroyed; whose country he has laid waste and desolate.

I impeach him in the name, and by virtue, of those eternal laws of justice which he has violated.

I impeach him in the name of human nature itself, which he has cruelly outraged, injured, and oppressed in both sexes, in every age, rank, situation, and condition of life."

## PRESIDENTIAL LAWLESSNESS WARRANTS IMPEACHMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. RANGEL. Mr. Speaker, never before in America's history has there been a Presidential administration so marked by lawlessness and callous disregard for human rights.

President Nixon's latest actions in defiance of a court order to turn over the tapes of telephone conversations relating to Watergate is an inexcusable undermining of our system of justice. But we should not be surprised by the events of the past few days. We should not be surprised in the firing of Archibald Cox and the total dismantling of the Special Prosecutor's office. We should not be surprised at the President's attempts to thwart the course of justice. America has had ample warning of the lawlessness of this President.

Tale after sordid tale of the Presidential abuses have emerged since Richard M. Nixon took office in January of 1969. His latest indication of contempt for the courts, the Constitution, and the Congress is consistent with his previous behavior and his prostitution of the highest office in the land.

The entire Watergate episode with its political sabotage, political espionage and attempted coverup is only one example of this lawlessness.

There is also the fact of illegal campaign contributions which helped fund his reelection.

There is also the fact of special favors granted by the Nixon administration to big political contributors.

There is also the fact of the White House plumbers unit which conducted illegal burglary raids on the office of Daniel Ellsberg's psychiatrist.

There is also the fact of the administration's blatant attempt to bribe the Federal judge conducting the Ellsberg trial by offering him the position of Director of the Federal Bureau of Investigation.

There is also the fact that the Department of Justice illegally wiretapped people whose political views differed from those of the President. And the White House illegally wiretapped employees of the National Security Council. And it illegally wiretapped high level officials in Senator Muskie's campaign staff.

There is also the fact of White House lying and covering up the illegal bombing of Cambodia, denying the truth to Congress and the American people.

There is also the fact of President Nixon's impoundment of money appropriated by Congress for crucially needed housing, health, employment, and education programs.

There is also the fact of President Nixon's illegal effort to dismantle the Office of Economic Opportunity and to unlawfully allow Howard Phillips to serve as Acting Director of OEO.

There is also the fact of the misuse of Federal funds to improve the value of private property owned by Richard M. Nixon in California and Florida.

There is also the fact of special privileges given by Federal regulatory agencies and executive departments to the personal friends of the President.

It is time to see that the perpetrators of illegal actions connected with Watergate and the 1972 Presidential elections are brought to justice. It is time for impeachment.

MRS. BETTY BANKS: QUEENS  
WOMAN OF THE YEAR

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. BIAGGI. Mr. Speaker, on October 25, the Queensboro Council for Social Welfare will bestow their prestigious Queens Woman of the Year Award on Mrs. Betty Banks.

Few women have been as richly deserving of this high honor as Betty Banks. To know her is to know a rare and unique individual, a person with seemingly endless energy and dedication to serve her fellow citizens of Queens. As a long-time resident of Jackson Heights, she has unselfishly devoted both time and energy to philanthropic, humanitarian, civic, and cultural organizations throughout Queens.

Her particular work on behalf of the Queens Chapter of the American Red Cross has earned her the respect and recognition by the residents of Queens for the truly wonderful individual she is.

In addition, Mrs. Banks has contributed much to such varied and important organizations as the Queens Botanical Gardens Association, the National Conference on Christians and Jews, and the Committee for Italian Migration.

Betty Banks' work has not gone unnoticed in the past. She is the recipient of a number of prestigious awards, including the Cardinal Cushing Award, she is a past honoree of AMITA and she was cited in 1969 as the Outstanding Citizen of Queens by the borough president. Yet the Queens Woman of the Year Award still has a special significance for Betty Banks, because she is being honored by her fellow friends and neighbors of Queens for her outstanding work on their behalf.

I would also like to pay tribute to the Queensboro Council for Social Welfare, the presenters of this Queens Woman of the Year Award. The council serves a vital role in the Queens Community as the main coordinating agency for all the various health and welfare agencies in Queens. The council has provided thousands of residents of Queens with expert referral and informational services to help make life a little brighter for these people in hours of need.

Despite all the time Betty Banks donates to working with the aforementioned organizations, she still finds enough time to be a dedicated and loving

wife. In fact she and her husband, Jack, will be celebrating their 50th wedding anniversary next year. Let me at this time be the first to offer them my sincerest congratulations and best wishes for continued happiness. Betty Banks over the years seems to have an uncanny ability to defy age. Her boundless energy and youthful looks at age 68 make women 20 years younger envious.

Mr. Speaker, it has been my distinct honor to pay tribute to this fine humanitarian and good friend, Betty Banks. I am confident that the coming years will find her continuing in the work she loves so much. I congratulate the Queensboro Council for Social Welfare for their excellent choice of Betty Banks as Queens Woman of the Year, and assure them that they could not have made a more appropriate choice.

THE IMRE NAGY CASE AND  
ITS REPERCUSSIONS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. HORTON. Mr. Speaker, on June 17, 1958, the Hungarian and Soviet news agencies simultaneously reported that Imre Nagy, Prime Minister of Hungary during the revolution of October 1956, and several other leaders of the revolution had been tried and sentenced, and that four of them, Imre Nagy, Pál Maléter, Miklós Gimes and József Szilágyi had been executed.

Today, the 17th anniversary of the Hungarian Revolution, rekindles our memory of these events and offers us an opportunity to assess the case of Imre Nagy and his codefendants.

The Soviet troops crushed the popular uprising on November 4, 1956. Imre Nagy, the duly appointed Prime Minister of Hungary, and his associates were forced to seek asylum at the Yugoslav Embassy at Budapest. After the end of the fighting, Imre Nagy and his government were removed from office and János Kádár was appointed Prime Minister. The Kádár government concluded diplomatic negotiations with the Yugoslav Government, according to which Imre Nagy and his entourage were granted safe conduct, including a promise that they "will not be molested for their past political activities."

On the basis of this agreement Imre Nagy and the others decided to leave the Yugoslav Embassy but they were immediately arrested by Soviet military personnel in front of the Embassy building.

Contemplation of this action leads one to two alternative conclusions. If the Soviet authorities acted with the approval of the Government of Hungary, then the latter violated its international obligation "not to molest" Imre Nagy and his associates. If, however, the Soviet military personnel acted without the Kádár government's approval, or in spite of that government's wishes, then this step was the precursor of the "lim-

ited sovereignty" formulated by Leonid Brezhnev 10 years later to justify the Soviet intervention in Czechoslovakia.

If the arrest of Imre Nagy and his associates was illegal, his trial was an even more flagrant violation of both the international obligations undertaken by the Government of Hungary and the Hungarian law in force at that time.

The safe conduct granted Imre Nagy obviously became fully operative again the moment the Kádár government gained custody of Imre Nagy and the others arrested with him by the Soviets, even if the arrest had been made without their complicity. The subsequent move by the Hungarian Government to convict persons granted safe conduct must be considered, by any lawful standard, as a serious violation of an international undertaking. That this arrest was regarded as such is proven by the fact that the Yugoslav Government described the actions of the government of Hungary in its protest note as "a gross and unprovoked attack on Yugoslavia."

The fact that Imre Nagy and his codefendants were tried and sentenced by a Special Bench of the Supreme Court during a secret trial was also a serious violation of several Hungarian laws in force at the time. Section 27(1) and (2) of the constitution of the Hungarian People's Republic, as in force in 1958 explicitly provided that—

(1) The Council of Ministers shall be responsible for its activities to Parliament. It shall regularly render reports on its work to Parliament.

(2) The Chairman ([or] his deputy) and the members of the Council of Ministers shall also be individually responsible for their actions and conduct. A special law shall regulate the manner of impeachment.

The special law referred to in section 27(2) of the constitution has never been adopted by the legislature. Therefore, Law No. III of 1948 on the Creation of a Responsible Hungarian Government was still applicable, because the provisions of this law have not been repealed or superseded, even up to the present day.

According to this law only Parliament has jurisdiction in a case instituted against the Prime Minister or a member of the Council of Ministers for any malfeasance or misfeasance committed in their official capacity. Reading the official communications there cannot be any doubt that, apart from minor details, all acts charged to Imre Nagy and his codefendants had been committed in their official capacity. Thus, the Special Bench of the Supreme Court lacked jurisdiction in the cases of Imre Nagy, Pál Maléter, Zoltán Tildy, and Géza Losonczy.

The secrecy of the trial was another violation of the existing laws. The Code of Criminal Procedure in effect in 1958 provided that the public may only be excluded from a criminal trial by the court if such a measure is required for the preservation of state, military, or official secrets, or for moral reasons. The official announcement on the trial and convictions—which is even today the only source material regarding this case—does not give any justification for the exclusion of the public from the trial.

In retrospect it may be said that the



reasons for the extreme secrecy were not legal, but entirely political. Less than 2 years after the revolution, the Government of Hungary probably did not feel secure enough to withstand the possible reverberations of an open political trial. Neither was the Soviet Union prepared to bear the burdens of a long lasting trial in the face of publicity from the world press.

The facts that this secrecy has lasted for 15 years and that during this period not a shred of evidence concerning the trial has come to light raise serious doubts as to whether such a trial was ever held at all. It is indeed remarkable that for the past 15 years not one of the participants; that is, judges, clerical staff, prosecutors, defense counsel, surviving defendants, family members of the former—in such an important event of recent history has yet come forward to reveal the slightest detail of the alleged trial. The official announcement carefully avoided any legal or personal references, and the charges listed in it were given in a narrative form without including the citations of the laws on which the charges or the convictions were supposedly based. Even less was said about the evidence on which the sentences were justified. No person participating in the trial, except for the defendants, was ever named. Such secrecy is very unusual in the history of Communist regimes not only in Hungary, but also in the other Communist-dominated countries, including the Soviet Union.

In view of this secrecy and the lack of sources and evidence it would be an exercise in futility to deal in detail with the charges of conspiracy to overthrow the government, treason, and the other "crimes" mentioned in the official announcement.

It should be enough to mention that it is difficult to understand how a duly and lawfully appointed prime minister could conspire to overthrow by force a government led by himself. Neither is it clear how treason may be said to exist, if a high official of a country wants to rid his own country from any occupying force. Questions like these would probably have been innumerable had any solid evidence of the trial ever been available.

Instead of such a guessing game it seems more worthwhile to try to assess the effects of the revolution of October 1956, and the supreme sacrifice of Imre Nagy and his fellow martyrs.

It may be paradoxical to state that one of the most important consequences of the Hungarian revolution was the détente between the United States and the Soviet Union. It is true that during and after the revolution, and again in 1958, after Nagy's execution was announced, the official circles and public opinion of the West, including the United States, openly condemned the Soviet Union for the suppression of the revolution in Hungary, and later for the execution and imprisonment of its leaders. However, nothing was done to aid the Hungarians in their fight for freedom. The reasons for this inactivity may be found in the Yalta Agreements in which the United States agreed to regard Hungary as belonging to the sphere of Soviet interest.

Prior to 1958 the Soviet Government

had not been certain whether or not, beyond the occasional outburst resulting from the cold war, real adherence to the former agreements could be expected. The total passivity of the Western World, following the example of the United States, gave proof that the American Government would strictly observe any agreement to which it was a party, even if the other parties violated the same agreement.

A thaw in cold-war relationships had begun, and this process—despite some relapses like the Cuban missile crisis, or the 1968 intervention in Czechoslovakia—led to a better understanding between the two superpowers.

But the obvious question still remains: has the sacrifice of Imre Nagy and that of the other known and unknown heroes of the Hungarian revolution benefited Hungary and her much tormented people? The answer to this question must also be given in the affirmative.

It is undeniable that the fate of the Hungarian nation today is better than it was before October 1956. This, of course, does not mean that the free world may be satisfied with its progress, nor are the Hungarians satisfied. The process of liberalization is very slow indeed. Soviet troops in large numbers are still on Hungarian soil because of the Warsaw Pact which Imre Nagy attempted to renounce. Political oppression and the one-party system are still the main features of life in Hungary today, but the methods used to enforce them are less harsh than before.

It is undoubtedly the result of October 1956, that the ruling regime realized, and apparently were able to convince even the overlords in the Kremlin, that at least some regard must be given to the wishes of the consumer, the man in the street, and this has resulted in the reform of the country's economic management.

One of the most important demands of the revolutionary youth in 1956 was that the government put an end to the isolation of Hungary from the Western countries, their civilizations and cultures. The flight of 300,000 refugees over a few weeks gave dramatic emphasis to this demand. Most of those who left their homeland fled for political reasons; or simply because they wanted to live the rest of their life in freedom. But a great number of them, especially the young people, came out, because they were curious to know what lay beyond the Iron Curtain, so carefully guarded by the Communist rulers.

Slowly the Government of Hungary realized that such isolation is an untenable policy, and today more Hungarians may travel abroad in 1 year than have been allowed in a decade prior to 1956. Similarly, more foreigners, particularly from the Western countries, may visit Hungary, thus giving rise to a cultural exchange for which the world may be grateful to Imre Nagy and his fellow martyrs.

The increasing cultural intercourse has inevitably led to economic and political connections between Hungary and the rest of the non-Communist world, even with the United States. Although the major share of Hungary's foreign

trade is still tied to the Soviet Union and its satellites in COMECON, economic connections with the West are slowly growing, and even the Soviet Union is following the example of Hungary. This is also an important result of the October revolution of 1956.

It is impossible to tell what would have happened to Hungary and to the rest of the world if the 1956 revolution and Imre Nagy's declaration of neutrality had been successful. But it is safe to say that even though the revolution was crushed and Imre Nagy and his associates, both named and nameless, paid with their lives, it was not a worthless sacrifice because, for their efforts, the world and the fate of the Hungarians therein is a little better today.

#### MURDER BY HANDGUN: THE CASE FOR GUN CONTROL, NO. 36

#### HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. HARRINGTON. Mr. Speaker, I have received many letters in response to my daily gun control inserts. One of the major points in these letters is the belief that handgun legislation would not reduce violent crime. A recent article in the Washington Post clearly demonstrates that this assertion is wrong. In this article, Dr. Czajkoski, expert on criminology, concludes:

Gun control legislation would reduce the murder rate.

I would like to ask when Members of Congress are going to respond to the facts of gun control, rather than to their emotions. The facts show conclusively that gun control would prevent many of the murders committed by handgun.

I include a murder that might have been prevented, and the article from the Washington Post entitled, "Gun Laws Linked with Murders."

The material follows:

#### DICE-GAME DEATH BRINGS 6 YEARS

A 6-year prison sentence was given yesterday to a 33-year-old man convicted of manslaughter in the fatal shooting of another man after an argument over whether crooked dice were being used in a dice game.

Bernard Baskerville, of the 200 block North Mount street, received the sentence for the shooting of David L. Powell, 35, of the 1600 block West Fayette street, last November 10 at a tavern in the 1500 block West Fayette street.

Baskerville had been accused by the shooting victim of using crooked dice. Even though Mr. Powell was assured by the tavern manager that the dice were not irregular, he nevertheless continued his complaint and approached Baskerville, who whipped out a pistol and shot him, according to testimony produced by Mark Van Bavel, the prosecutor.

Judge Albert L. Sklar imposed the term in Criminal Court.

#### GUN LAWS LINKED TO MURDERS

ATLANTA, GA., September 25.—An absence of gun control legislation in Southern cities may be one reason why those metropolitan areas are dominating the nation's murder statistics according to some professional observers.

FBI data show Atlanta leading the nation in 1972 with a rate of 23 slayings per 100,000 population, followed by Gainesville, Fla.; Little Rock, Ark.; Greenville, S.C.; Columbus, Ga.; Tuscaloosa, Ala.; Richmond, Va., and Savannah, Ga.

Out of 53 metropolitan areas that reported 12 or more homicides per 100,000 population, 42 were in a 12-state Southern region.

"Generally in the South, restrictions on gun ownership are rather loose," said Dr. Eugene Czajkoski, chairman of the department of criminology at Florida State University.

He said although statistics are unreliable, he is personally convinced that gun control legislation would reduce the murder rate. In a telephone interview from his Tallahassee office, he claimed Northern cities have tighter gun restrictions.

Based on per 100,000 population, New York reported 19.1 murders last year while Los Angeles reported 12.8. Las Vegas had 18.3, Baltimore 17.6, Detroit 17.3 and Chicago 11.5.

By comparison, Gainesville had 22.3, Little Rock and Greenville 20.4, Columbus and Tuscaloosa 20.2, Richmond 19.8, Savannah 19.2, Raleigh, N.C., 18.7, Lubbock, Tex. and Memphis, Tenn., 18.6, New Orleans and Jackson, Miss., 17.9, Charlotte, N.C., 17.6, Chattanooga, Tenn., and Jacksonville, Fla., 17.4.

Houston reported 17.3 murders per 100,000 population, Birmingham, Ala., and Augusta, Ga., reported 17.1 and Wilmington, N.C., had 17.

"If I had my way they would take every handgun ever made and throw them in the river," said Georgia Division of Investigation Director William Beardsley.

#### ESEA

### HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. LANDGREBE. Mr. Speaker, on October 2 of this year I introduced H.R. 10639, a bill to phase out over a 4-year period Federal aid to education authorized by the Elementary and Secondary Education Act. The reasons the passage of such a bill is urgent are many: first, Federal aid to education is unconstitutional; second, Federal aid has not in fact aided education, but has generally had no measurable effect on the education of children, and where its effects have been measurable, they are generally detrimental to education; third, Federal aid has accelerated the removal of the control of children from parents and has given it to the State; and fourth, Federal aid has increasingly been directed toward noncognitive learning, that is, away from education altogether and toward the modification of the behavior of children and the inculcation of alien values in the minds of children. In view of these facts, it is deceitful to label H.R. 69 as Federal aid to education: It is not designed for education, and it has not aided education. The only slightly truthful word in the phrase "Federal aid to education" is "Federal", and that is a weasel word that obscures the source of the money expended under the ESEA: the American people.

Miss Solveig Eggerz, in an article which appeared in the July 14, 1973 issue of *Human Events*, has ably described and enlarged upon reasons 2, 3, and 4

given above for the phaseout of Federal aid. I commend her article to the attention of my colleagues in the House and ask that it be printed in the *RECORD*:

#### FEDERAL AID TO EDUCATION SHOULD BE ABOLISHED

(By Solveig Eggerz)

The liberal-dominated House Education and Labor Committee is about to press upon the public's back a new version of the multi-billion-dollar Elementary and Secondary Education Act (ESEA), the federal government's most potent vehicle for intervening in local school affairs. Sponsored by Chairman Carl Perkins (D-Ky.), and backed by the Republicans' ranking member, Rep. Albert Quile of Minnesota, the legislation will not only cost some \$2-billion-plus per year but is designed to commit the taxpayer to funding ESEA for at least five more years.

While many of the ESEA advocates may think this legislation contributes to the welfare of children, there is no more reason to think it will solve our education ills than there is to believe bloodletting will cure a hemophiliac. A closer look at the projects for deprived children under Title I, the experimental programs of Title III and the similar fare offered under Title V forces the question—what in the world did the kids ever do to deserve this?

If test scores and evaluations are any indication, the \$8.77 billion spent thus far on compensatory education under Title I has all been wasted.

Indeed, the progressive infusion of federal funds into education appears to parallel a downward trend in test scores in basic skills. While it may be too much to say that federal funding is the sole cause of this, it's clear that governmental programs controlled from Washington have done nothing to improve the knowledge of children and in many cases have worsened the educational situation.

The National Assessment of Educational Progress revealed recently that 15 to 20 per cent of the nine-year-olds cannot read at all, ranging from 7 per cent in the affluent suburbs to 35 to 45 per cent in the extreme inner city. Despite the fact that more Americans go to school for more years than ever before, some 15 to 20 per cent of adults are functionally illiterate.

Children in cities such as Washington and Chicago read below grade level and the situation seems to be deteriorating. In Boston, the head of the school board has proposed that the amount of time pupils spend on reading be doubled because reading scores have dropped to a record low.

In New York, the percentage of public school pupils reading below grade level has increased every year. In May 1966, 45.7 per cent of the city's second-graders were reading at or above the national norm for that grade. On the national reading test last year, the figure had dropped to 42.3 per cent. The reading scores had fallen off even more sharply in other grades.

An idea of just how bad things have become can be gleaned from the actions of an 18-year-old graduate of Galileo High School in San Francisco who recently filed a million-dollar suit charging that the school system had failed to teach him how to read.

Traditional reservations about federal aid to education were overcome in 1965 by selling ESEA to Congress as basically an anti-poverty bill. Those who should have balked at involving the federal government in a multi-million-dollar school program were soothed into support when ESEA was described as aid to children rather than as aid to schools.

But Title I programs, far from really aiding children, seem aimed more at decorating the schools with new equipment, "innovative" programs, and courses that patronize the poor rather than in teaching the tough, basic skills necessary for children to succeed in later life.

"For all their variety, the programs have generally suffered from one fundamental difficulty: they are based on sentiment rather than on fact," states Prof. Edmund W. Gordon who coauthored the book, *Compensatory Education for the Disadvantaged*.

Much of the compensation comes in the form of arbitrary material gain. Mark Arnold, congressional correspondent for the *National Observer*, in his survey of Title I schools in Washington, D.C., found in one school, among other things, 33 record players, 37 film strip projectors, 24 radios, three sewing machines and three washer/dryer combinations.

Of Title I programs he says, "From the first time the first \$5.4 million was received in 1965 with little time for advance preparation, the program has been characterized by poor planning, sloppy management, superficial evaluation, and until recently, precious little concern with results."

Many of the innovations introduced through Title I do not nourish the intellect, but focus on mental health concerns such as "self-image" or "self-awareness." Moreover, there is an abnormal amount of money spent on complicated machinery, new teaching methods and "cultural enrichment" programs.

Black psychologist Kenneth B. Clark, who believes in a tough curriculum for children, shows a marked lack of enthusiasm for this variety of innovation, much of it funded through Title I.

For minority children, Clark says, "there is a proliferation of enrichment programs . . . in fact, one of the burdens of being a child in a predominantly minority school is that you have no way of protecting yourself from innovative programs."

A large portion of Title I funds go for the hiring of "para-professionals" to aid the schools. Most of these people come from the neighboring community and many of them cannot provide assistance to the children beyond helping them tie their shoelaces and put on their galoshes. Any cutback in Title I funds threatens this army of "para-professionals" with unemployment, thus making such cutbacks politically unpopular.

Dr. Rhoda L. Lorand, a clinical psychologist in New York City, has been sharply critical of the para-professionals and the programs they're engaged in. People are "fooling themselves if they think these programs give the children what they need," she says. "You can't kill two birds with one stone—both provide the children with the kind of people they need and find general employment for the community."

"These children should only be taught by teachers who choose to teach in the ghetto, by people who really care," says Dr. Lorand. "Just having a lot of people around, just hiring anyone who happens to be in the neighborhood, isn't going to help. Just throwing a lot of money at them isn't doing any good."

George Weber of the Council for Basic Education has done a study of inner-city schools in the hope of finding successful ones. In his booklet, *Inner City Children Can Be Taught to Read: Four Successful Schools*, Weber lists several qualities common to successful inner-city schools. Among them are strong leadership and high standards at the top, emphasis on reading, the use of phonics, special reading personnel and individualized attention.

While all four schools were Title I schools, this was not the reason for their success, Weber points out. "Rather it's just the opposite. It's a sign of the failure of Title I that I came up with only four successful schools."

A disbeliever in the value of federal funds to education, Weber says Title I is based "on the simplistic faith that money can do the job. . . . Although some schools have made good use of Title I money, most of it has been spent to no effect."

Harvard sociologist Christopher Jencks,



who views things through Socialist-tinted glasses and might be considered an ally of Title I, has acknowledged its shortcomings. He states in his expansive study of the schools, *Inequality*, that "students in Title I programs do worse than comparison groups as often as they do better. . . . These programs have often been misspent. Often they have been widely diffused. Their aims are typically hard to pin down."

"Most announce improved reading or mathematics achievement as their principal goal, but many also seek to improve students' self-concept, eliminate truancy, prevent drop-outs, improve school community relations, increase parent involvement or prevent fall-en arches."

While some short-term evaluations of Title I programs have shown gains in achievement, these gains have proven to be temporary in nature. More importantly, the average inner-city child continues to drop farther behind the national norm, whether he has been in a Title I program or not.

One of ESEA's original sponsors, former Rep. Roman Pucinski (D-Ill.), called the program "a monumental flop."

The conclusions of Title I evaluations have been more depressing each year. In its first report on Title I in 1967 the Office of Education disclosed that in 19 tests covering basic skills participating children had diminished their lag on 10 tests but increased it on the other nine. The second-year report showed the Title I child to be farther behind national norms after going through the program than he had been before.

Harry Piccariello did an evaluation of Title I for the Office of Education in 1969 in which he noted that significant change occurred in 108 of the 198 projects studied and that of these 58 were significant positive changes. He points, however, to the 50 significant negative changes and states that "the implication here is that participation in Title I programs for these children resulted in lower achievement than would have been the case had they not participated in these Title I projects at all."

The most conclusive evaluation of Title I to date, done by the American Institute for Research in March 1972, found that "ESEA Title I has never been implemented nationally as intended by Congress," and that, "there is little evidence at the national level that the program has had any positive impact on eligible and participating children."

Despite this mass of negative data on Title I, Congress apparently is still under the delusion that by pouring out huge doses of federal funds "deprived" children will be miraculously educated. But a number of experts in the field have demonstrated that good education does not depend on the sums spent per pupil.

James S. Coleman of Johns Hopkins University, who in 1965 and 1966 headed the largest and most thorough examination of American public schools ever undertaken, discovered the following: "The evidence revealed that within broad geographic regions, and for each racial and ethnic group, the physician and economic resources going into a school have very little relationship to the achievements coming out of it." He concluded that "if it were otherwise, we could give simple prescriptions: increase teachers' salaries, lower classroom size, enlarge libraries and so on. But the evidence does not allow such simple answers."

The *New York City School Fact Book* found in 1969: "The evidence we have accumulated is somewhat surprising. We have recorded traditional variables that supposedly affect the quality of learning: class size, school expenditure, pupil/teacher ratio, condition of building, teacher experience and the like. Yet, there seems to be no direct relationship between these school measurements and performance. . . ."

Harvard's Prof. Jencks said in 1969 that "Variations in schools' fiscal and human re-

sources have very little effect on student achievement—probably even less than the Coleman Report implied." In his 1972 magnum opus on education, *Inequality*, Prof. Jencks elaborated on the point:

"More specifically, the evidence suggests that equalizing educational opportunity would do very little to make adults more equal. If all elementary schools were equally effective, cognitive [by which Jencks means the ability to manipulate words and numbers, assimilate information and come to logical conclusions] inequality among sixth-graders would decline less than 3 per cent. If all high schools were equally effective, cognitive inequality among twelfth-graders would hardly decline at all, and disparities in their eventual attainment would decline less than 1 per cent."

"Eliminating all economic and academic obstacles to college attendance might somewhat reduce disparities in educational attainment, but the change would not be large. Furthermore, the experience of the past 25 years suggests that even fairly substantial reduction in the range of educational attainments do not appreciably reduce economic inequality among adults."

"The schools, of course, could move beyond equal opportunity, establishing a system of compensatory opportunity in which the best schooling was reserved for those who were disadvantaged in other respects. The evidence suggests, however, that educational compensation is usually of marginal value to the recipients. Neither the over-all level of educational resources nor any specific, easily identifiable school policy has much effect on the test scores or educational attainments of students who start out at a disadvantage. Thus even if we reorganized the schools so that their primary concern was for the students who most needed help, there is no reason to suppose that adults would end up appreciably more equal as a result. . . ."

In short, there is no reason whatsoever to believe that federal aid to education is anything but a drain on the taxpayer. Yet Congress does not even question the value of these programs. The primary source of discord in the House Education and Labor Committee at the present time is not whether to continue ESEA, but just how the funds should be divided.

Traditionally, Title I funds have been channeled into the most impoverished school districts. Rep. Albert Quie (R-Minn.), the ranking Republican on the committee, proposes a somewhat different method, which seems to have caught the fancy of many of the members. Quie would like to spend the most funds in areas where students score the poorest in national standardized tests as judged by the National Assessment of Educational Progress. The Quie proposal not only ignores the studies cited above, but adds a new wrinkle in placing a premium on having the students do poorly; i.e., a negative incentive. The worse the students, the more money from Washington.

Under the Quie plan, moreover, the NAEP, funded by such liberal outfits as the Office of Education, the Ford Foundation and the Carnegie Corporation, would not only assess student skills but student progress in becoming a good citizen (the "Attainment in Citizenship" program). The development of national goals for citizenship could obviously be controversial, particularly under the auspices of an organization dependent on liberal sources for money.

Title I, however, is not the only problem with ESEA. Funded at only \$146 million a year, as opposed to the \$1.8-billion figure for Title I, Title III is frequently not seen as the sometimes silly, sometimes pernicious provision that it is.

With emphasis on exporting "experimental" and "innovative" pilot projects to school districts throughout the country, projects filled with sham are often aimed at altering

the values of Middle America. Title III has a great potential for rendering harm.

"Change agent" is a household word in Title III projects. Gerald Kluempke, secretary of the National Advisory Council on Supplementary Centers and Services, ESEA, Title III, urged the Appropriations Labor-HEW subcommittee in recent testimony not to abolish Title III, but to reexamine "the role of the Office of Education as a change agent."

The Office of Education is presently planning an evaluation of Title III and four other OE programs to assess their "impact as agents of change."

What sort of change? Instead of being content with the goal of getting students to develop basic skills, a goal it has distressingly failed to attain, the Office of Education, through Title III programs, wants to mold children in the image of the liberal. Title III projects often focus on making a child skeptical of religion, the police and parental authority. Title III projects also indulge in much foolishness. For instance:

*On-the-Job Training in Human Relations Education* is a project in Buffalo, N.Y., which sets "attitudinal and behavioral objectives." Among the Title III projects to win the "Educational Pacesetter Award" this year are many behavior modification programs. While some "behavior mod" programs are merely a method whereby good learning behavior is reinforced through rewards, many are geared toward developing certain liberal values and attitudes.

An award winner is *Project Adventure* in Hamilton, Mass., which received \$86,800 in federal funds and promises to "transmit a sense that life should be entered into fully, actively and compassionately."

A typically unintellectual endeavor is *Self-Direction Through Group Dynamics* in Danvers, Mass. The \$75,000 in federal funds and \$30,000 in local funds go toward "helping students and faculty improve their concepts of themselves, their awareness of their own and others' feelings, their communication skills and their capacity to function effectively in a group."

*Project on Student Values* in Grand Rapids, Mich., promises to test students for their "value orientation." Because of Title III's orientation toward change, clues to what we can expect in the future as a result of funding these projects can be read out of Title III projects.

*Project Redesign*, for example, already covers 10 per cent of the schools in New York. It calls for a "New System of Education" which instead will emphasize "direct, real and relevant experiences," "human interaction," and "positive self-concept."

In short, federal aid to education is a monstrous waste of money. Because it has been a massive failure, ESEA can be abolished without qualms of conscience that a small child's education is at stake. Indeed, it would be argued that a small child's education depends on the elimination of ESEA.

## IMPEACHMENT OF PRESIDENT RICHARD M. NIXON

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. WALDIE. Mr. Speaker, I rise today to introduce a resolution of impeachment against the President of the United States. I wish to assure the Speaker and my colleagues that I sincerely wish this moment had not come. If there were any other recourse, even within reasonable sight, of restoring public confidence in Government; of as-

sure that the President obeys the Constitution and the laws of the land as every other American must; and of determining that the President actually did not authorize, concur in, or cover up burglary, breaking and entering, illegal wiretapping, espionage, and perjury—I would then not take this course of action.

However, this Nation is now confronted with a constitutional crisis of unprecedented proportions. The events of the past weekend alone are simply staggering. The President first defied an order of one of the Nation's highest courts to produce tape recordings and documents, memorandums, and other material relevant to the investigation of the sordid affair we now know as "Watergate."

The President then fired Special Prosecutor Archibald Cox and dismantled and abolished his entire office. He then forced the resignation of the Nation's two top law enforcement officers, Attorney General Elliot Richardson and Deputy Attorney General William French Smith.

Within hours, therefore, the President had disobeyed a court order and substituted his own arrangement which was called a "compromise" but was actually an order to cease further inquiry into a number of legitimate areas, and then divested himself and the country of the services of three men of high principle and honor, characteristics which have been sadly lacking in many of the President's closest associates and advisers.

Mr. Speaker, the events of the past weekend are the culmination of President Nixon's repeated attempts to institutionalize his notion that the Executive has unlimited powers and is accountable to no one, and they make it abundantly clear that the President does not intend to obey the law of the land, nor keep promises made to Congress, nor abide by his oath of office made twice to the people.

It is indeed regrettable that the President, by the acts of the past weekend, and the many others which he has undertaken to systematically obstruct the investigation of the "Watergate" and related incidents, has made a resolution of impeachment necessary. However, we can no longer avoid the conclusion that impeachment is the only legal and proper avenue remaining for us to preserve the integrity and form of our Government as provided for in our Constitution. Thomas Jefferson wrote:

An elective despotism was not the government we fought for, but (we fought for) one which should not only be founded on free principles, but in which the powers of the government should be so divided and balanced among several bodies . . . as that no one could transcend their legal limits, without being effectually checked and restrained by the others.

The President has ignored the traditional separation of powers and thereby brought about this constitutional crisis. We have no other reasonable and effective choice but impeachment.

The people of this country have every right to expect Congress to zealously protect our constitutional form of government. In addition, the people of this

country have a right to know the truth about activities, such as "Watergate," which may have subverted our free electoral processes. The people have a right to expect the executive branch of Government to be free from personal misconduct, and to operate in conformity with the legal and moral system; the people have the right to know that no member or branch of the Government, and no citizen, is above or beyond the law.

We are now faced with a President who, by ignoring the Constitution and by obstructing justice, may limit or destroy these rights. The President has made clear that he will not comply with the law as interpreted and set forth by the U.S. Court of Appeals. The President has systematically sought to delay and obstruct the investigation of misbehavior surrounding the 1972 Presidential elections. In addition, we know by the personal admissions of certain participants, that this misbehavior involved high-ranking staff members of the administration; and we cannot escape the fact that at least one individual has charged that the President himself had knowledge of this misbehavior long before the facts were made public. Finally, some criminal indictments have been issued in connection with activities undertaken during the 1972 Presidential election and, at the time of his discharge, Special Prosecutor Cox was in the process of presenting further indictments.

When Mr. Cox was told late Saturday that he was fired as special prosecutor—President Nixon having finally found an Acting Attorney General willing to do the deed—he responded with one sentence:

It is now up to the Congress and the people to uphold the principle that ours is a government of laws, not of men.

Congress and the people are now left with only one way to vindicate the rule of law and the constitutional structure of this Nation. That way is impeachment. All other courses of action have been blocked by the President.

It has been said that last Saturday was not "7 days in May," but 1 day in October. In Communist countries, fascist dictatorships, "banana republics," and other nations where democracy is supposedly more fragile than in America, it is all too familiar for the head of state or the leader of a coup to announce that he has regretfully decided, in the best interests of the state, to dissolve the legislature. Last week President Nixon announced that the process of justice in the United States was being dissolved, insofar as it relates to the high crimes, obstruction of justice, and attacks on our electoral system that have come to be known as Watergate. This was a Presidential coup directed at the rule of law on which the Nation is based, and at the judicial and legislative branches in their attempts to meet their constitutional responsibilities.

Impeachment is not a course to be taken lightly; to shrink from it now, however, is to take our constitutional system and the rule of law lightly. But it must be remembered that impeachment is what the Founding Fathers in-

tended should be used in such a time as we now find ourselves—where the President deems himself answerable to no one, not even the courts. Impeachment is part of the law—it is mentioned in the Constitution five times. Unless the House faces up to its duty, the people will again perceive the House as unwilling to assert its legitimate role as one of the equal branches of the Government.

Mr. Speaker, impeachment is serious business. But in my view, all other ways within our constitutional system for dealing with the scandal and crisis of Watergate have been tried, and have now been ruthlessly cut off by the President himself:

First, the regular processes of criminal justice were tried first, and failed.

The trial of the "seven" Watergate defendants is now universally acknowledged to have been a sham, shot through with perjury and obstruction of justice designed to protect the higher-ups in the White House and the Committee To Re-elect the President. This was why a special prosecutor was appointed, President Nixon having specifically authorized Attorney General Richardson to do so, and why the Senate's Select Committee was established. The work of the Special Prosecutor and the Select Committee reassured the American people that their processes of law and government were working. President Nixon has now defied and repudiated those processes.

Second, President Nixon now stands in open defiance of a final order of a Federal court.

The Court of Appeals, affirming District Judge Sirica, has ordered the President to turn over his tapes to the court, so it may determine what portions, if any, are needed by the grand jury. When President Nixon last Friday refused to appeal that order to the Supreme Court, it became final and binding. President Nixon declares openly to the Nation that he will not obey the court's order. This abrogation of the judicial process not only withholds evidence needed by the grand jury, but may result in dismissal of all cases brought against Watergate defendants, since the defendants can demand dismissal if the Government refuses to produce relevant evidence in its possession. This defiance would equally block the efforts of any other prosecutors, regular or special.

Third, President Nixon has abrogated the prosecutorial function by dismissing the Special Prosecutor, dismantling his entire investigation, and compelling the two Attorneys General who refused to go along to resign.

President Nixon authorized Attorney General Richardson to appoint a special prosecutor; with the President's approval, Richardson promised that the Special Prosecutor would be independent, would not be interfered with, could contest claims of executive privilege in court, would not be fired except for extraordinary misconduct. In firing Cox because he pursued his duty, the President has abrogated the prosecutorial function just as he repudiated the judicial one.

He seeks to assure that there will be no real or independent prosecution of the Watergate offenders. This is a coverup of a coverup, an obstruction of process



of justice aimed at those guilty of obstructing justice. Any notion that the Justice Department can step into the shoes of the special prosecutor is negated, not only by the original Justice Department performance, but by the President's obvious reason for firing the special prosecutor—his prosecution was too good for the President's comfort—and by the President's firing of the two Attorneys General who dared to assert their independence last Saturday.

Fourth, President Nixon has also defied the Congress and repudiated its processes.

In at least two ways, he has undercut and frustrated the attempts of Congress to uphold the rule of law, to inform the public, and to develop necessary legislation regarding the events of Watergate.

He has refused to make available to the Senate Select Committee evidence it needs for its investigation.

By dismissing the special prosecutor for pursuing his investigation, the President has reneged on his commitment to the Senate, through Attorney General Richardson, to appoint a special prosecutor and give him appropriate independence and powers.

So the efforts of Congress to use two of its constitutional powers in the Watergate crisis—the power to investigate, and the power of the Senate to advise and consent to Cabinet nominations—have met with obstruction, repudiation, and deception on the part of the President.

The other branches of the Government, acting in good faith and within their constitutional authority, have thus tried various ways to uphold the rule of law and the interest of the public with regard to Watergate, but all their attempts have been blocked by President Nixon. The legitimate actions of the grand jury and the courts, of the special prosecutor, and of the Congress have all been defied and repudiated.

However, as I noted earlier, Mr. Speaker, the most recent events are but the last in a long series of actions which constitute a systematic and concerted attempt by the Nixon administration to subvert the Constitution of the United States.

The litany of impeachable offenses that have accumulated during the past 5 years are truly shocking. I will simply list the most salient.

First, the President personally approved plans for political surveillance by such methods as burglary, breaking and entering, and wiretapping. At the time of approval, Mr. Nixon was advised that certain aspects of the "Huston Plan" were illegal, and yet the plan was ordered implemented, and was stopped after 5 days only at the insistence of J. Edgar Hoover.

Second, the Nixon administration conducted a clandestine bombing campaign in Cambodia for over 14 months, and not only withheld information from the American people and the Congress concerning this matter, but also told the American people that such raids were not occurring. This subversion of the

war-making powers necessitated a falsification of records and documents by the executive branch, and, in my view, because the funds spent on the bombing was obtained from the Congress under "false pretenses," they were spent in an unconstitutional manner.

Third, the Nixon administration established within the White House a super secret police force known as the "plumbers" which acted outside of the law for the political purposes of the Nixon administration.

The list of potentially impeachable offenses would also include:

A deliberate assault on civil liberties. The use of governmental powers to harass critics.

Interference with peaceful assembly and protest.

A continuation of the impounding of funds, notwithstanding the fact that every court decision on this subject has found impoundment to be unconstitutional and,

The attempt to pervert and subvert the various agencies of the executive branch, including the Justice Department, the State Department, the Defense Department, and the Central Intelligence Agency.

Therefore, Mr. Speaker, it is clear that the House should impeach the President. The reasons for impeachment are not limited to events of the past weekend, but are rooted in the concerted and systematic attempt by the President to subvert the Constitution.

The events of this weekend were indeed symbolic, however, for in dismissing three men who have clearly demonstrated a high degree of character, honesty, and courage, Mr. Nixon placed in unmistakable contrast his parting accolades to Mr. Haldeman and Mr. Ehrlichman.

In this regard, I would like to quote James Madison, on the responsibility of the Executive for the acts of his subordinates:

I think it absolutely necessary that the President should have the power of removing from office. It will make him, in a peculiar manner, responsible for their conduct and subject him to impeachment, if he suffers them to perpetrate with impunity high crimes and misdemeanors against the United States or neglects to superintend their conduct as to check their excesses.

Mr. Speaker, in view of the myths that abound as to the various grounds for impeachment, I feel it appropriate to state why there are presently existing grounds for impeachment, even if one assumes the absence of proof of indictable crime.

One of the grounds for impeachment is "high crimes and misdemeanors." Because these words are familiar words in criminal law some persons have erroneously concluded that this ground of impeachment necessarily involves an indictable offense as that term is used in the criminal law. However, precedent in the Senate clearly confirms that impeachment for "high crimes and misdemeanors" does not require an indictable offense. As Prof. Raoul Berger, the country's leading expert on impeachment, recently wrote:

The great preponderance of authority, including extrajudicial statement by Chief Justice Taft and Justice Hughes, regards "high crimes and misdemeanor" as not confined to criminal conduct.

The country's Founding Fathers well understood that the institution of impeachment had a much broader base than the criminal law. Hamilton said impeachment was to reach misconduct of public men in abusing or violating some public trust. It was for injuries done immediately to the society itself. It was a method of national inquest into the conduct of public men. In No. 65 of the *Federalist Papers*, Hamilton pointed out that England and several of the States regarded the practice of impeachment "as a bridle in the hands of the legislative body upon the executive servants of the Government."

The Senate has appreciated the broad meaning of "high crimes and misdemeanor." For example, the Senate has convicted a judge in an impeachment proceeding on the ground that his conduct was "to bring his court into scandal and disrepute, to the prejudice of said court and public confidence in the administration of justice."

Although I would not go so far, evidently this history of impeachment led the minority leader GERALD FORD to conclude as follows in 1970:

What, then is an impeachable offense? The only honest answer is that an impeachable offense is whatever a majority of the House of Representatives considers it to be at a given moment in history; conviction results from whatever offense or offenses two-thirds of the other body considers to be sufficiently serious to require removal of the accused from office—there are few fixed principles among the handful of precedents. CONGRESSIONAL RECORD, volume 116, part 9, page 11913.

By what I have just said I do not mean to imply that crimes in the sense that term is used in criminal law may not be involved in the proposed impeachment proceeding. There is every reason to suspect that criminal activity is involved and will be revealed in an investigation that cannot be thwarted by coverups and the discharge of prosecutors when they begin to uncover the crimes. However, my point is that the institution of impeachment has a higher purpose than the ferreting out of crime and criminals. As Hamilton said, it is a "national inquest" into the conduct of public men, or as John Pym said at the impeachment of the Earl of Strafford—

To alter the settled frame and constitution of government is treason in any state. The laws whereby all other parts of a Kingdom are preserved should be very vain and defective, if they have not a power to secure and preserve themselves.

I suspect that there will be efforts to compare this impeachment with the impeachment of Andrew Johnson. There is no similarity in the two cases. The impeachment of Andrew Johnson was undertaken for the basest of political motives, and was not founded upon the sort of misconduct which is present here. Andrew Johnson was the victim of an aggressive Congress intent on pursuing a personal vendetta against a particular individual. Here, as I have already dis-

cussed, every effort has been made to avoid this final choice. We now know that, because of the actions of President Nixon, impeachment is the only procedure which can guarantee a full resolution of the issues before us. We have tried to use every mechanism of government within our control, and President Nixon has impeded each of our efforts. Accordingly, we must turn to impeachment.

Just before the Constitution was signed in Philadelphia on September 17, 1787, Benjamin Franklin addressed the Convention and focused upon the nature of the people and their government. He said:

[T]here is no Form of Government but what may be a Blessing to the People if well administered; and I believe farther that this is likely to be well administered for a Course of Years, and can only end in Despotism as other Forms have done before it, when the People shall become so corrupted as to need Despotism Government, being incapable of any other.

I reject the notion that we, the people of the United States, have become so corrupted as to need despotic government. It is specifically for this reason that we must regrettably make use of the impeachment process.

Moreover, Mr. Speaker, the people are demanding action on this matter. Responsible Members of the Congress should no longer talk about the impossibility of impeachment, but about the need to cleanse our Nation. Impeachment is not so much designed to remove Richard Nixon from office, as it is to preserve the Constitution, and it is the only alternative for saving the Nation's democratic form of government from Executive fiat and tyranny.

#### DOCTOR IMMIGRATION TERMED HARMFUL

#### HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. ROGERS. Mr. Speaker, in recent years, I have become more and more concerned about the numbers of foreign doctors immigrating to the United States. Not only does this situation have an adverse effect on those nations from which these doctors are emigrating, but it points up the reliance of the U.S. medical system on these foreign-trained physicians. I recently read an article in the October 17 edition of the New York Times entitled "Doctor Immigration Is Termed Harmful in U.S. and Abroad."

This article was written about the remarks of Dr. Richard Warren of Harvard at the recent Congress of the American College of Surgeons in Chicago. It is a most interesting article and I would like to insert it in the RECORD at this point for the benefit of my colleagues.

#### DOCTOR IMMIGRATION IS TERMED HARMFUL IN UNITED STATES AND ABROAD

CHICAGO, October 16.—Immigration of doctors to the United States must be stopped, a

Harvard professor, Dr. Richard Warren, says.

Instead of allowing foreign doctors to immigrate, the United States should provide for medical training for Americans, Dr. Warren says. He spoke as a panelist on surgical manpower at the annual clinical congress of the American College of Surgeons.

Dr. Warren said at a news conference that although many foreign-trained physicians were outstanding, others had inferior training.

He added that it was unfair for these doctors to leave their homelands, which have invested vast amounts of money in their education.

About half of the doctors graduating from medical schools in the world outside the Communist nations are trying to get into the United States, he said.

Seven per cent of doctors practicing in the United States in 1971 were foreign medical graduates, Dr. Warren reported, and 3,000 of the net increase of 7,000 doctors in the United States in 1971 were foreign medical graduates.

While 7,000 Filipino doctors practice in the United States, he said, there are only 6,000 American black doctors.

Dr. Robert A. Chase of Stanford University said it was "a national shame" that the United States did not have space for those who wanted to attend medical school.

Dr. Francis D. Moore, of Harvard, added that there were 70,100 applications for the 13,500 openings in the most recent freshman medical school classes.

#### THE "HOLIDAZE"

#### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. DERWINSKI. Mr. Speaker, the Star Tribune publications, serving south suburban Cook County, Ill., have a well-deserved reputation for the quality of their editorial commentary. I believe it is appropriate that I insert in the RECORD today that publication's editorial of Thursday, October 18, on the subject of Monday holidays.

Since we observed one of the most traditional holiday dates yesterday, the point made in this editorial certainly applies:

#### THE "HOLIDAZE"

Tradition, it appears, is stronger than expediency. Or at least that is one conclusion that can be drawn from recent efforts by governmental groups and others to manipulate the calendar in the name of leisure.

In 1970 the Illinois General Assembly, in accordance with recommendations of the federal government, adopted legislation switching five commemorative holidays from the traditional dates to a Monday close to the original date. The date was to create more "three-day" weekends. Now, however, less than three years later, three of the official state observances have been restored to their former dates.

The latest about-face in the "holidaze" sweepstakes in Illinois involves Memorial day—or Decoration day, as it was once known. Originally it was observed on May 30. Then it was switched to the last Monday in May. Now, by action of the state legislature, it's back to May 30.

Other observances that have been restored to their traditional dates are Lincoln's birthday (February 12) and Veterans day (November 11).

The only survivors of the 1970 edict are

Washington's birthday (from February 22 to the third Monday in February) and Columbus day (from October 12 to the second Monday in October).

To date, we're happy to report, there are no plans to switch the traditional observance of Independence day. It would be a little silly to celebrate the Fourth of July on any other date. Tradition deserves more consideration than it enjoyed for a time.

#### MR. TERRY JONES—FATHER OF THE YEAR, 1973

#### HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. STARK. Mr. Speaker, I would like to take this opportunity to say a few words about Mr. Terry Jones, a constituent of mine who has recently been named "Father of the Year, 1973," by the Minority Adoption Committee—MAC. He has been selected as the adoptive father who best typifies the essential qualities of parenthood which MAC is seeking for all children in need of love, security, and permanent homes.

Mr. Jones, at the age of 31, is a fine example of a concerned and active citizen who any child would be proud to claim as his or her father. While pursuing his goal of teaching social science on the university level, Mr. Jones has been actively involved in serving his community. He has worked as an assistant human relations coordinator for the city of Berkeley and has assisted in the development of the Berkeley model cities program. He has also done individual and group counseling for the Contra Costa County Probation Department. Most recently Mr. Jones has been a teaching assistant at the University of California at Berkeley and the director of the health care outreach project in Richmond, Calif.

Mr. Jones has made an invaluable contribution to the community by volunteering his time, knowledge, and effort to better the economic, social, and political lives of the black citizens of Vallejo by helping to organize and develop the Black Society on Unity and Liberation. He has developed and staffed a tutorial project in the Vallejo area as well as having recruited black students to the school of social welfare, working closely with the black caucus and black faculty of the University of California, Berkeley.

In addition to his many other activities, Mr. Jones is a member of the California Association of Afro-American Educators and the Associated Bay Area Black Social Workers. In 1972, to make their lives more complete, Mr. Jones and his wife adopted a baby boy through MAC.

I am sure that his family and all who have seen his efforts will attest to the fact that Mr. Jones is one of the most outstanding men of our community. A man of fine character, Mr. Jones' concern for others is admirable. Thank you, Mr. Jones, for all that you have done to make our community a better place to live.



# ON LEGISLATION TO DECRIMINALIZE THE PERSONAL USE OF MARIHUANA

## HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. KOCH. Mr. Speaker, the national movement toward removing or substantially reducing the criminal penalties against the possession for personal use of marihuana has taken a major step forward as a result of two recently enacted Oregon statutes.

The statutes, passed in the 1973 session of the Oregon State Legislature and signed by Governor McCall, have as their aim the substantial reduction of penalties for private possession and use of marihuana. The statutes provide that possession of less than 1 ounce of marihuana be classed as a violation, that is, neither a felony nor a misdemeanor—punishable by a maximum of a \$100 fine. Possession of more than 1 ounce of marihuana may be treated by the court, at its discretion, as a misdemeanor—which in Oregon is punishable by no more than 1 year imprisonment and/or \$1,000 fine.

The other new substantive legal change provides that the prior record of a convicted marihuana possessor and/or user may be expunged upon a successful petition to the court by the individual, 3 years after the person's conviction.

A civil law suit has been filed in Federal District Court in Washington, D.C. by the National Organization for the Reform of Marihuana Laws—NORML—to have prohibitions against personal marihuana use presently in existence on the Federal, State, and local levels declared unconstitutional as "an unwarranted intrusion into the private lives of millions of Americans." In addition, the suit seeks to establish the position that current penalties for marihuana use constitute cruel and inhuman punishment, and that the present laws deny "equal protection of the laws" since the use of potentially more harmful substances such as alcohol and cigarettes have no penalty attached.

The National Commission on Marihuana and Drug Abuse—the Shafer Commission—appointed by President Nixon has stated as its first recommendation that possession of marihuana for personal use no longer should be considered as a criminal offense, though it does urge that marihuana possessed in public remain contraband, subject to seizure and forfeiture.

Such prestigious and conservative organizations such as the American Bar Association and the National Education Association have urged that possession for personal use be decriminalized. The ABA ever supports the dropping of penalties for "casual distribution of small amounts not for profit." Texas has made the possession of two ounces or less of marihuana a misdemeanor punishable with a maximum of a 6-month jail sentence and a \$1,000 fine. The new penalty is in sharp contrast to the previous situation in Texas where the average sentence for marihuana violators was 9½ years, with one defendant receiving the

incredible sentence of 30 years for the use, not sale, of marihuana.

It is clear that a profound rethinking on this subject is occurring and in light of these developments I am surprised that my bill, H.R. 6570 which would decriminalize, not legalize personal use of marihuana, has garnered only eight sponsors.

The Javits-Koch bill has four straightforward provisions: a. Possession of marihuana for personal use whether in public or private of 3 or less ounces would no longer be a crime, b. marihuana in an individual's lawful possession would no longer be considered contraband subject to seizure and forfeiture, c. marihuana intoxication would not be a valid defense to any violation of Federal law, and d. that the sale, distribution, or transfer for profit would continue to be a crime.

My bill, I believe, would put into legislation what is now accepted as the reasonable attitude of the medical, legal, and sociological professions—and most importantly, the bill reflects the attitude of the people of this country.

The Shafer Commission in its original report found that 24 million Americans have tried marihuana at least once, that 8,300,000 still use the drug occasionally, and that 500,000 are heavy users. The Shafer Commission's most recent figures as of February 1973, showed that 26 million Americans, or 16 percent of the adult population has used marihuana at least once, and that 13 million Americans smoked marihuana on a regular basis. The number of potential felons under present law that thus exist is simply staggering. This wholesale disregard for the marihuana statutes by a substantial segment of our population can only serve to bring law in general into disrepute and public contempt. We must remove the present savage penalties that apply to the mere possession of marihuana. And remember, my bill does not in the least affect the current criminal penalties against sale for profit of marihuana, which will continue.

Let us not try to enforce the unenforceable. Let us bring our laws in line with reality. Let us change the law by decriminalizing possession for personal use of marihuana.

The following are two articles from the Washington, D.C., Star-News and Time magazine which deals with the Oregon and other governmental actions to reduce penalties for marihuana possession. I have also included the Congressional Research Service summary of the Federal legal recommendations of the National Commission on Marihuana and Drug Abuse—the Shafer Commission.

[From the Washington Star-News, Aug. 7, 1973]

### OREGON POT PENALTY NOW JUST A TICKET

(By William Hines)

For the next several months at least, the state of Oregon is likely to be happy land for members of the drug subculture.

In a move unparalleled on the state level in this country, the Oregon legislature passed—and Gov. Tom McCall late last month signed—a measure removing nearly all penalties for simple possession and use of marihuana.

As a result, since July 23, under Oregon law, possession of up to an ounce of pot has been not a felony or even a misdemeanor but a mere "violation," similar to a traffic ticket, punishable only by a fine of no more than \$100 and not carrying with it the stigma of a permanent criminal record.

The purpose of the law, as perceived by McCall and the majority of the state legislators, was not to foster the drug habit, but to remove a lifelong blot from the records of youngsters guilty of nothing more than smoking a disapproved but not very dangerous weed. Trafficking in marijuana remains a felony in Oregon as elsewhere.

Owing to a technicality unintended by the law's framers, criminal penalties for possession of up to an ounce of hashish or "hash oil" also were eliminated. As any "head" will testify, an ounce of either of these marijuana derivatives is a substantial amount.

McCall said upon signing the measure that he was aware of the hashish loophole but was reluctant to veto the bill because of it, lest a death blow be dealt to the worthwhile objective of decriminalizing marijuana. He urged the legislature to close the loophole when it meets early next year.

[From Time magazine, Sept. 10, 1973]

### GRASS GROWS MORE ACCEPTABLE

It could be written off to the kids last year when the city council of Ann Arbor, Mich., voted to make marijuana use a misdemeanor subject to a maximum fine of \$5, payable by mail. And this spring the radicals were apparently responsible as 60% of Berkeley, Calif., voters passed the "marijuana initiative," which ordered police to give marijuana laws "their lowest priority" and required authorization of the city council for any "arrest for possession, use or cultivation" of the weed. Both cities' policies were later knocked out. But last month in Washington, D.C., a still more revolutionary idea came from an unexpected source: the American Bar Association proposed the total removal of criminal laws against marijuana possession in small amounts.

### POPULAR DRUG

With the A.B.A. behind decriminalization of pot, can the rest of the nation be far behind? Perhaps not. Since 1971 state legislatures across the nation, with the notable exception of Rhode Island, have reduced possession of small amounts of grass from a felony to a misdemeanor. Supporting the trend are prestigious organizations like the National Conference of Commissioners on Uniform State Laws (lawyers, judges, law professors and state officials who draft model legislation). The American Medical Association favors the misdemeanor penalty for possession in "insignificant" amounts, though it advocates more research on the drug. A National Commission on Marijuana and Drug Abuse survey shows that 26 million Americans have tried grass, and 13 million are regular users.

Just how far the weed has come with the middle class since the first furtive puffs in college dormitories in the 1960s was evident at the A.B.A. convention. A year ago, Whitney North Seymour Sr., past president of the A.B.A., helped water down a decriminalization motion. This year Seymour was the first speaker in favor of the revised resolution. Says he: "Reflecting on the consequences of criminal penalties to the 20-odd million young people using marijuana. I decided that we ought to concentrate on trying to stop sales and start removing penalties for possession." Seymour was joined by a host of law-and-order spokesmen, and the motion even received personal endorsement from a representative of the hard-line National District Attorneys Association. When the votes were counted, the A.B.A. was solidly behind dropping penalties for both posses-

sion of limited quantities and "casual distribution of small amounts not for profit." The lawyers' vote showed concern that police and courts have been busy with pot cases at the expense of more serious crime. The A.B.A. was also distressed over the dangerous legal precedent of open disregard for marijuana laws. Concluded Frank Fioramonti, legislative counsel to NORML (National Organization for the Reform of Marijuana Laws): "When the A.B.A. delegates get around to advocating a progressive step, you know it's an idea whose time has come."

The idea has arrived in some other surprising places.

Until this year Texas was known as a dangerous place indeed to smoke. Eight hundred marijuana offenders were in jail, serving an average sentence of 9½ years for possession. Thirteen were in for life, and Lee Otis Johnson, a black activist arrested in 1968, was sentenced to 30 years for having passed a marijuana joint to an undercover agent. Last May the Texas legislature voted to make possession of two ounces or less of marijuana a misdemeanor punishable with a maximum six-month jail sentence and \$1,000 fine.

In 1968 pot-smoking hippies were a key target of Atlanta police. Virtually all of Georgia drug-law enforcement resources were directed against pot. Then last year the state legislature reduced first-offense possession of one ounce or less to a misdemeanor. Today only 20% of the state's anti-drug campaign is aimed at marijuana.

On Oct. 5, Oregon will become the first state to remove completely criminal penalties for the private possession and use of grass. The new law reclassifies possession of up to one ounce as a "violation," with a maximum penalty of a \$100 fine. Offenders will receive no criminal record, in effect making pot smoking no more criminal in Oregon than illegal parking.

Elsewhere in the country, resistance to softer pot laws continues. Though possession of marijuana in small quantities is now just a misdemeanor in Maine, police around Baxter State Park this summer are conducting a campaign to arrest campers who light more than camp fires. So far, rangers have busted more than 150 vacationers and slapped them with a total of \$40,000 in fines. In Massachusetts, despite reduced penalties for marijuana use, 47% of all drug arrests in the state are still for pot. Florida Circuit Court Judge Edward Cowart declares: "The thing that bothers me most is that authorities say they have yet to find someone on the hard stuff who didn't start with marijuana." Says Albert Le Bas, chief of the civil division of the Los Angeles County sheriff's office: "Our concern is that there is still conflicting medical testimony on how harmful it is to the body."

California legislators voted last year to reduce marijuana possession to a misdemeanor, but Governor Ronald Reagan vetoed the bill. State law now offers a range of penalties for first-offense pot possession from probation to a ten-year jail term. The nation's harshest drug law is New York's, making life sentences mandatory for some hard-drug offenses but leaving marijuana possession punishable as either a misdemeanor or a felony. State police officials say that enforcement will be minimal against pot smokers. Prosecution of pushers in New York, as in all other states, will remain a top priority. \* \* \*

CONGRESSIONAL RESEARCH SERVICE SUMMARY:  
NATIONAL COMMISSION ON MARIJUANA AND  
DRUG ABUSE

#### RECOMMENDATIONS

"The Commission is of the unanimous opinion that marihuana use is not such a grave problem that individuals who smoke marihuana, and possess it for that purpose,

should be subject to criminal procedures. On the other hand, we have also rejected the regulatory or legalization scheme because it would institutionalize availability of a drug which has uncertain long-term effects and which may be of transient social interest.

"In general, we recommend only a decriminalization of possession of marihuana for personal use on both the State and Federal levels. The major features of the recommended scheme are that: production and distribution of the drug would remain criminal activities as would possession with intent to distribute commercially; marihuana would be contraband subject to confiscation in public places; and criminal sanctions would be withdrawn from private use and possession incident to such use, but, at the State level, fines would be imposed for use in public."

#### RECOMMENDATIONS FOR FEDERAL LAW

Possession of marihuana for personal use would no longer be an offense, but marihuana possessed in public would remain contraband subject to seizure and forfeiture.

Casual distribution of marihuana for no remuneration or insignificant remuneration not involving profit would no longer be an offense.

A plea of marihuana intoxication shall not be defense to any criminal act committed under its influence, nor shall proof of such intoxication constitute a negation of specific intent.

#### TAX-FREE VACATION—FOR DOCTORS ONLY

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. McCLOSKEY. Mr. Speaker, I believe all of us have wondered from time to time at the rising expression of resentment over Congress failure to move with meaningful tax reform.

A doctor in my district recently sent me the enclosed advertisement with the words:

Any workingman earning a marginal income should justifiably be outraged at this kind of robbery of tax dollars.

After reading the advertisement, offering expensive trips to Mexico tax free, but only to doctors, I am forced to agree. Is it not time we insisted on a comprehensive tax reform which will more fairly distribute the privileges and burdens of being an American citizen?

The advertisement follows:

[Advertisement]

TAX DEDUCT A GLORIOUS VACATION IN THE SUN  
MCI PROUDLY PRESENTS ITS EXCLUSIVE TAX DEDUCTIBLE DECEMBER VACATIONS, YOUR CHOICE OF JAMAICA OR ACAPULCO

The Club: Medical Convocations International is a club for doctors only. The purpose of the club is to arrange a variety of exciting trips throughout the year (at least one per month) and combine them with medical conferences so that the doctor may deduct the cost of the trip.

Future Vacations: M.C.I. offers vacation-conferences with a wide and varied list of itineraries. M.C.I. will offer at least one trip per month and several during holidays and vacation seasons. M.C.I. is anticipating trips of varying types: long and short, conducted tours and simple vacations, to resorts and to places unique and exotic. M.C.I. looks forward to serving your travel needs while keeping you up to date on your profession.

#### AN EXCITING WEEK IN GLAMOROUS ACAPULCO

Acapulco: Mexico's gift to the jet-set and to anyone else who loves sand and sea. A lively town . . . yet with miles and miles of uncrowded beaches. Dance all night or retire early and be on the beach at dawn. Glittering sun, gleaming waters and beautiful people. Join us at Las Brisas . . . the jewel of Acapulco. Here you will enjoy your own private casita, with private terrace, bar, refrigerator and private (or sharing) pool. Las Brisas is situated on a bluff overlooking Acapulco Bay and you will enjoy the panorama from your own private terrace with your own private bar stocked with ice, soft drinks, alcoholic beverages and fresh fruit. After the sun has slipped into the sea, lively Acapulco awaits you. Join us . . . December 1-8.

SPLENDID, LUXURIOUS MONTEGO BAY YOURS FOR A WEEK

Jamaica: Translated means "land of wood and water." The legendary beauty of Jamaica is still unspoiled . . . tropical birds sing, exotic flowers and fresh fruit grow wild, sparkling rivers wind through blue-green mountains. Jamaica is the Old World, the New World . . . a world unto itself. Make it your world for one glorious week at the Half Moon Hotel and Cottage Club, in Montego Bay. This distinguished hotel boasts gourmet cuisine, a mile long beach, 60 exotic areas, an 18 hole golf course, 7 tennis courts, fishing and sailing. The Half Moon . . . where an exclusive club atmosphere is the keynote. . . . Jamaica . . . where everyone seems to be happy. Join us . . . December 10-17.

The details: Since these fabulous vacations are available only to M.C.I. club members, a fee of \$50.00 will make you a member and enable you, your family and guests to enjoy these and/or any other M.C.I. vacations. Acapulco: Price is \$257.00 per person, plus air fare and includes a double room at Las Brisas, continental breakfast, transfers and baggage, all taxes and gratuities, all seminars, and a special cocktail party for all club members.

Montego Bay: Price is \$360.00 per person, plus air fare and includes double room at the Half Moon, breakfast and dinner daily, six days of green fees, transfers and baggage, all tips and taxes, all seminars and a special cocktail party for all club members.

Upon receipt of reservations, M.C.I. will arrange your air transportation from your home town. Air arrangements must be made through M.C.I. and our travel department will secure the most economical fares available.

Instructions: To join M.C.I., just fill out the top of the coupon and enclose a check or charge No. in the amount of \$50 which is also tax deductible. To reserve space on this trip, fill out the entire coupon and enclose your \$50 membership fee and a deposit of \$100 per person travelling. We will immediately forward to you your Club membership kit and confirmations. Payment in full is due by October 15, 1973.

#### THIS IS A GOOD TIME

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. ZWACH. Mr. Speaker, to say that the world is plagued by problems is a gross understatement.

War in the Middle East, unrest, violence, and revolution in many countries; hunger and famine; lack of ethics in governments; crime and immorality, all constitute an indictment of our way of life.



Some people ask, "Was the world ever in a worse state?"

The answer is easy—"Yes."

Almost every age has had its period of deep despair from which we always arose to new heights.

Margery Burns, a rural newspaper columnist in our Minnesota Sixth Congressional District, pointed this out in a recent article which I would like to share with my colleagues by inserting it in the RECORD:

#### THIS IS A GOOD TIME

You are enjoying this wonderful world, aren't you? You have a good life. Really good.

To help you realize how lucky you are to be living today, take a quick look at another time . . . the 14th century. The Pulitzer Prize winning writer, Barbara Tuchman, tells of that time as an epidemic of plague, famine, war, violence, bad government, oppressive taxes, decline of morals, and many other unbelievable things.

That was the time of the Black Death, the plague that swept over the known world and killed a third of the population. The people were already weakened by famine which was brought on by over-population in proportion with the primitive way food was produced. And then came a series of heavy rains and floods with even a sudden Little Ice Age. Miss Tuchman says, "This makes it the most lethal episode known to history, which is of some interest to an age equipped with the tools of overkill."

The plague killed with a "terrifying speed". Whole families died, leaving empty houses and property a prey to looters. Wolves came down from the mountains to attack plague-stricken villages, crops went unharvested, dikes crumbled, salt water reinvaded and soured the lowlands, the forest crept back.

"For lack of gravediggers, corpses piled up in the streets or were buried so hastily that dogs dug them up and ate them . . ."

"People reacted variously, as they always do; some prayed, some robbed, some tried to help, most fled if they could, others abandoned themselves to debauchery on the theory that there would be no tomorrow."

That was the time, too when the Church was divided under two popes. There was no conflict of ideology, it was simply a squabble for the office of the papacy, and it lasted for 50 years. Countries, principalities and towns took sides, and that brought on endless wars. The public lost confidence in the Church and its integrity.

This was the time of the Hundred Years' War which actually lasted from 1337 to 1453. Everyone fought against everyone else constantly. Fighting was the way of life for all the landed nobles and knights.

Miss Tuchman writes, "Every one of these conflicts threw off Free Companies of mercenaries, organized for brigandage under a professional captain, which became an evil of the period as malignant as the plague."

When a sovereign halted his war for the time being, he quit paying his soldiers, and that's when they started plundering on their own. They ravaged the countryside, "burned, pillaged, raped and slaughtered their way back and forth across Europe. No one was safe, no town or village knew when it might be attacked. . . . Smaller bands, scavenged like jackals, living off the land plundering, killing, carrying off women, torturing peasants for their small horde of grain or townsmen for their hidden goods, and burning, always burning. . . . Destruction and cruelty became self-engendering, not merely for loot but almost one might say for sport."

The plague came back at intervals of every twelve to fifteen years over the second half century. And because of all the terrible things happening, the working class erupted time and again against the cost of constant wars which the people paid for in "hearth

taxes, salt taxes, sales taxes, and the debasement of coinage."

Yet they came through that horrible period in history.

So, when you look around you today, knowing you can live the way you want to, say the things you want to say, enjoy these beautiful summer days in any way you wish you must feel very thankful you are living now.

#### AMERICAN DENTAL HYGIENISTS CELEBRATE GOLDEN ANNIVERSARY

#### HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. KYROS. Mr. Speaker, I would like to call attention to the observance by the American Dental Hygienists' Association of their golden anniversary this month. At the 50th anniversary meeting of the association in Houston, October 28 to November 1, some 2,000 dental hygienists from across the Nation will meet to celebrate an era that has seen the profession of dental hygiene play a significant role in maintaining the oral health of the Nation.

From a nucleus of only 46 dental hygienists representing 11 States—California, Colorado, Connecticut, Illinois, Iowa, Massachusetts, Michigan, New York, Ohio, Pennsylvania, and West Virginia—the association has grown to include over 12,000 active members representing the 50 States, the District of Columbia, and Puerto Rico.

With the primary goal of providing oral hygiene care and instruction, the dental hygienists of the Nation, since their organization in September 1923, have assumed the basic responsibilities fundamental to every profession. The ADHA, headquartered in Chicago since 1958, has fostered organizational growth and dental hygiene education. It has produced a journal and other publications along with maintaining liaison with the communications media. It has sponsored a loan and scholarship program for students, a junior membership status for students, and an office of educational services. The ADHA now has some 8,100 junior members.

With all States licensing dental hygienists since 1951, more than 140 accredited dental hygiene education programs now exist. In addition, the association has become involved with dental hygiene developments worldwide, sponsoring four international symposia on dental hygiene.

The association has cooperated with other agencies in developing accreditation of dental hygiene programs, achievement and aptitude testing procedures, licensure in all States, and national board examination in dental hygiene. Working relationships have been established with the American Dental Association, American Dental Assistants' Association, and many other related organizations, thereby strengthening the role of the dental hygienist on the oral health care team.

The concept of preventive dentistry is not a new idea. Dentists have advocated and taught effective oral hygiene habits

to prevent tooth decay since the invention of the toothbrush, but the idea of turning over to a dental assistant the primary responsibility for maintenance and instruction of oral hygiene for patients was not formalized until the early 1900's.

Today, dental hygienists are trained for a minimum of 2 years, and are engaged in much more than the polishing and cleaning of teeth, although this remains one of their primary duties. They prepare dental X-rays, and instruct patients in proper techniques for the cleaning of teeth, gum treatment, and the role of nutrition in oral health. Working under the supervision of dentists, many dental hygienists have expanded their functions to include curettage and root-planing in the treatment of periodontal disease and administering anesthesia, as well.

As dental hygienists have become more involved in organizational efforts to make the public more aware of their role in providing dental care, the ADHA has expanded to operate on various levels. A Washington office was established in 1971 to maintain liaison with Federal health programs affecting dental hygiene practice and education, as well as make known the association's views on significant items of health legislation.

Educating the public to good oral health as an integral part of total physical well-being continues to be a major concern of the profession, as well as encouraging the continuing education of dental hygienists and setting standards for implementing innovative dental hygiene techniques in keeping with State practice acts.

It is apparent, then, that dental hygienists have established themselves as an indispensable part of the dental health team by relieving the dentist of those responsibilities for which the hygienist is specially trained, thereby increasing dentists' productivity, and by offering the patient professional expertise to aid establishment of a good oral health regimen.

Although dental hygiene has come into its own as a profession in recent years, it has by no means reached a static stage. ADHA's constant innovation and continuous involvement with dental health concerns at every level—educational, legislative, and direct care delivery—are evidence that the association is still striving to fulfill its goals and thereby, better address the Nation's oral health needs.

I am happy to salute the ADHA and the dental hygiene profession as they commemorate 50 years of growth and service to the Nation.

LUDWIG VON MISES

#### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. CRANE. Mr. Speaker, Ludwig von Mises, one of the foremost economists of the century and one of the most dedicated advocates of freedom and of a free economy, died at the age of 92 on October 10, 1973.

Professor von Mises was a firm opponent of government intervention in the economy and developed a complex theory of the business cycle resulting from the expansion and contraction of the money supply. Booms, he said, resulted from the expansion of fiduciary bank credit, which inflated the money supply and artificially lowered interest rates. This in turn led to overinvestment, which set the economy up for a slump. Depression would follow as the expansion of the money supply was brought to a halt. Rational economic organization, he believed, was logically impossible in the absence of free markets.

The economist was born in Lemberg, Austria, on September 29, 1881. He left his professorship at the University of Vienna as the Nazis approached Austria, and became professor of International Economic Relations at the Graduate Institute of International Studies in Geneva.

Discussing his career, Leonard Silk, writing in the New York Times, noted that:

Professor von Mises was credited with helping to revive respect for free-market economics in Europe. He was considered by some the intellectual godfather of the German post-war "economic miracle."

While Professor von Mises believed in government, the kind of government in which he believed was noninterventionist. He wrote:

In stark reality, peaceful social cooperation is impossible if no provision is made for violent prevention and suppression of anti-social action on the part of refractory individuals and groups of individuals.

The failure of socialism, he believed, lay in its denial of the sovereignty of the consumer. Only 5 years after the Russian Revolution he wrote in his volume, *Socialism*, that Marxist economics lacked an effective means for "economic calculation," or an adequate substitute for the critical resource-allocation function of the market pricing mechanism. Thus, he pointed out, socialism is inherently condemned to inefficiency, if not disorder.

The real threat in the West, Professor von Mises believed, was not outright socialism, but Government intervention in the economy. Discussing the career of Ludwig von Mises, Prof. William H. Peterson, a former New York University faculty colleague, notes that, for Von Mises, intervention by Government was "ever undermining if not outrightly supplanting the marketplace. Interventionism from public power production to farm price support, from pushing minimum wages up and to forcing interest rates down, from vigorously expanding credit to contracting, however inadvertently, capital formation."

In his important book, *Bureaucracy*, Professor von Mises pointed out that Government agencies have essentially no criterion of value to apply to their operations, while "economic calculation makes it possible for business to adjust production to the demands of consumers."

In an era when lesser minds accepted the intellectual fads of the moment, Ludwig von Mises stood for what he believed to be time-tested truths. Professor Peterson notes that:

Ludwig von Mises, the antithesis of sycophancy and expediency, the intellectual descendant of the Renaissance, believed in anything but moving with what he regarded as the errors of our times. He sought the eternal verities. He believed in the dignity of the individual, the sanctity of contract, the sovereignty of the consumer, the limitation of the state, the efficacy and democracy of the market. He opposed the planned society, whatever its manifestations. He held that a free society and a free market are inseparable.

It is with a real regret and sense of loss that we mark the passing of Ludwig von Mises. I wish to share with my colleagues the essay written in memory of Professor von Mises by Prof. William H. Peterson, as it appeared in the Wall Street Journal of October 12, 1973, and insert it into the RECORD at this time:

[From the Wall Street Journal, Oct. 12, 1973]

#### LUDWIG VON MISES: IN MEMORIAM

(By William H. Peterson)

*"Laissez faire does not mean: let soulless mechanical forces operate. It means: let individuals choose how they want to cooperate in the social division of labor and let them determine what the entrepreneurs should produce. Planning means: let the government alone choose and enforce its rulings by the apparatus of coercion and compulsion."*

Ludwig von Mises—"Planning for Freedom." 1952.

A generation of students at New York University's graduate business school who took the economics courses of Ludwig von Mises remember a gentle, diminutive, soft-spoken, white-haired European scholar—with a mind like steel.

Professor von Mises, who died Wednesday at the age of 92, was an uncompromising rationalist and one of the world's great thinkers. He built his philosophical edifice on reason and individualism, on freedom and free enterprise. He started with the premise that man is a whole being with his thought and action tightly integrated into cause and effect—that hence the concept of "economic man," controlled by impersonal force, is in error.

All this was subsumed under the title of his 900-page, magnum opus, "Human Action," first published in 1949. Mr. von Mises, a total anti-totalitarian and Distinguished Fellow of the American Economic Association, was professor of political economy at New York University for a quarter-century, retiring in 1969. Before that he had a professorship at the Graduate Institute of International Studies in Geneva. And before Geneva he had long been a professor at the University of Vienna—a professorship which the oncoming Nazi "Anschluss" take-over of Austria, understandably, terminated.

Among his students in Vienna were Gottfried Haberler, Friedrich Hayek, Fritz Machlup, Oskar Morgenstern and Karl Popper who were to become scholars of world renown in their own right.

Starting right after World War II, Mr. von Mises gave three courses at NYU: Socialism and the Profit System, Government Control and the Profit System, and Seminar in Economic Theory. In each course he carefully established the primacy of freedom in the marketplace. He stated that the unhampered pricing mechanism, ever pulling supply and demand toward equilibrium but never quite reaching it, is the key to resource optimization and, indirectly, to a free and creative society.

Mr. von Mises believed in choice. He believed that choosing among options determines all human decisions and hence the entire sphere of human action—a sphere he designated as "praxeology." He held that the types of national economies prevailing across the world and throughout history were simply the various means intellectually, if not

always appropriately, chosen to achieve certain ends.

His litmus test was the extent of the market; accordingly, he distinguished broadly among three types of economies: capitalism, socialism, and the so-called middle way—interventionism, or government intervention in the marketplace.

#### A BELIEF IN CHOICE

Mr. von Mises believed in government but in limited, non-interventionist government. He wrote: "In stark reality, peaceful social cooperation is impossible if no provision is made for violent prevention and suppression of antisocial action on the part of refractory individuals and groups of individuals." He believed that while the vast majority of men generally concurs on ends, men very frequently differ on governmental means—sometimes with cataclysmic results, as in the various applications of extreme socialism in fascism and communism or of extreme interventionism in the "mixed economies."

He reasoned that regardless of the type of economy the tough universal economic problem for the individual in both his personal and political capacities is ever to reconcile ends and choose among means, rationally and effectively. Free—i.e., uncoerced—individual choice is the key to personal and societal development if not survival, he argued, and intellectual freedom and development are keys to effective choices. He declared: "Man has only one tool to fight error—reason."

Mr. von Mises thus saw something of an either/or human destiny. While man could destroy himself and civilization, he could also ascend—in a free society, i.e., a free economy—to undreamed-of cultural, intellectual and technological heights. In any event, thought would be decisive. Mr. von Mises believed in the free market of not only goods and services but of ideas as well—in the potential of human intellect.

The failure of socialism, according to Mr. von Mises, lay in its inherent inability to attain sound "economic calculation," in its denial of sovereignty to the consumer. He argued in his 1922 work, "Socialism," published five years after the Bolshevik Revolution that shook the world, that Marxist economics lacked an effective means for "economic calculation"—i.e., an adequate substitute for the critical resource-allocation function of the market pricing mechanism. Thus is socialism inherently self-condemned to inefficiency if not disorder, unable to effectively register supply and demand forces and consumer preference in the marketplace.

Socialism must fail at calculation because an effective economy involves the simultaneous decisions of many individual human actors—which creates far too large a task for any central planning board, argued Mr. von Mises.

The problem, as Mr. Hayek later pointed out, is of the use of knowledge in society. A central planning board cannot obtain the knowledge of the decentralized market. To do so ultimately would be to require the central planning board to know as much as each human actor. Thus this knowledge is far beyond the reach of any centralized agency, even with the aid of computers.

Some years afterwards, Oskar Lange, then of the University of California and later chief economic planner of Poland's Politburo, recognized the challenge of the von Mises critique on Socialist economic calculation. So he in turn challenged the Socialists to somehow devise a resource allocative system to duplicate the efficiency of market allocation. He even proposed a statue in honor of Mr. von Mises to acknowledge to invaluable service the leader of the Austrian School had presumably rendered to the cause of socialism in directing attention to this as yet unsolved question in Socialist theory. The statue has yet to be erected in Warsaw's main square.

But probably to Mr. von Mises the more immediate economic threat to the West was



not so much external communism as internal interventionism—government ever undermining if not outrightly supplanting the marketplace. Interventionism from public power production to farm price supports, from pushing minimum wages up to forcing interest rates down, from vigorously expanding credit to contracting, however inadvertently, capital formation.

As in socialism, interventionism also incurs the problem of economic calculation, of denial of consumer sovereignty. In his "Bureaucracy," he held that government agencies have essentially no criterion of value to apply to their operations, while "economic calculation makes it possible for business to adjust production to the demands of the consumers."

On the other hand, he maintained, "if a public enterprise is to be operated without regard to profits, the behavior of the public no longer provides a criterion of its usefulness." He concluded, therefore, "the problem of bureaucratic management is precisely the absence of such a method of calculation." Indeed, interventionism, he maintained, usually achieves results precisely opposite to those intended; subsidies to industries make them sick, minimum wage laws boomerang on labor, welfare hurts the poor, industrial regulation reduces competition and efficiency, foreign aid undermines developing countries.

So, citing German interventionist experience of the 1920s climaxing in the Hitlerian regime and British interventionism of the post-World War II era culminating in devaluations and secular economic decline, he held so-called middle-of-the-road policies sooner or later lead to some form of collectivism, whether of the Socialist, Fascist or Communist mold.

#### INTERVENTION BREEDS INTERVENTION

He maintained economic interventionism necessarily produces friction whether at home or, as in the cases of foreign aid and international commodity agreements, abroad. What otherwise would be simply the voluntary action of private citizens in the marketplace becomes coercive and politicized intervention when transferred to the public sector. Such intervention breeds more intervention. Animosity and strain if not outright violence become inevitable. Property and contract are weakened. Militancy and revolution are strengthened.

In time, inevitable internal conflicts could be "externalized" into warfare. Mr. von Mises wrote: "In the long run, war and the preservation of the market economy are incompatible. Capitalism is essentially a scheme for peaceful nations. . . . To defeat the aggressors is not enough to make peace durable. The main thing is to discard the ideology that generates war."

Mr. von Mises had no stomach for the idea that a nation could simply deficit-spend its way to prosperity, as advocated by many of Keynes' followers. He held such economic thinking is fallaciously based on governmental "contracyclical policy." This policy calls for budget surpluses in good times and budget deficits in bad times so as to maintain "effective demand" and hence "full employment."

He maintained the formula ignored the political propensity to spend, good times or bad. And it ignored market-sensitive cost-price relationships and especially the proclivity of trade unions and minimum wage laws to price labor out of markets—i.e., into unemployment.

Thus, he held Keynesian theory in practice proceeds through fits of fiscal and monetary expansion and leads to inflation, controls and ultimately stagnation. Further, it results in the swelling of the public sector and shrinking of the private sector—a trend that spells trouble for human liberty.

To be sure, many economists and businessmen have long felt that Mr. von Mises was entirely too adamant, too impolitic, too

"pure," too uncompromising with the real world on its terms and assumptions. If that is a fault, Mr. von Mises was certainly guilty.

But Ludwig von Mises, the antithesis of sycophancy and expediency, the intellectual descendant of the Renaissance, believed in anything but moving with what he regarded as the errors of our times. He sought the eternal verities. He believed in the dignity of the individual, the sanctity of contract, the sovereignty of the consumer, the limitation of the state, the efficacy and democracy of the market.

He apposed the planned society, whatever its manifestations. He held that a free society and a free market are inseparable. He gloried in the potential of reason and man. In sum, he stood for principle in the finest tradition of Western civilization. And from that rock of principle, during a long and fruitful life, this titan of our age never budged.

Mr. Speaker, Ludwig von Mises was ignored by many in the academy because his belief in freedom and in the free market ran counter to the intellectual orthodoxies of the day. He was not concerned, however, with the passing academic fads of the moment, but with the eternal truths about the nature of man and society.

Slowly, men of equally independent mind began to gather about him, and at his death he began to witness a revival of philosophy of freedom and free enterprise. Discussing this fact, one of his close friends, Prof. Murray Rothbard, writes that:

I am confident that Mises was heartened by these signs of a new awakening of freedom and of the sound economics which he had carved out and which was for so long forgotten.

I would like to share with my colleagues Professor Rothbard's very personal farewell to Ludwig von Mises as it appeared in Human Events of October 20, 1973, and insert it into the RECORD at this time:

LUDWIG VON MISES: 1881-1973

(By Murray N. Rothbard)

For those of us who have loved as well as revered Ludwig von Mises, words cannot express our great sense of loss: of this gracious, brilliant and wonderful man; this man of unblemished integrity; this courageous and lifelong fighter for human freedom; this all-encompassing scholar; this noble inspiration to us all. And above all this gentle and charming friend, this man who brought to the rest of us the living embodiment of the culture and the charm of pre-World War I Vienna.

For Mises' death takes away from us not only a deeply revered friend and mentor, but it tells the bell for the end of an era; the last living mark of that nobler, freer and far more civilized era of pre-1914 Europe.

Mises' friends and students will know instinctively what I mean: for when I think of Ludwig Mises I think first of all of those landmark occasions when I had the privilege of afternoon tea at the Mises': in a small apartment that virtually breathed the atmosphere of a long lost and far more civilized era. The graciousness of Mises' devoted wife Margit; the precious volumes that were the remains of a superb home library destroyed by the Nazis; but above all, Mises himself spinning in his inimitable way anecdotes of Old Vienna, tales of scholars past and present, brilliant insights into economics, politics and social theory, and astute comments on the current scene.

Readers of Mises' majestic, formidable and uncompromising works must have been often surprised to meet him in person. Per-

haps they had formed the image of Ludwig Mises as cold, severe, austere, the logical scholar repelled by lesser mortals, bitter at the follies around him and at the long trail of wrongs and insults that he had suffered.

They couldn't have been more wrong; for what they met was a mind of genius blended harmoniously with a personality of great sweetness and benevolence. Not once has any of us heard a harsh or bitter word escape from Mises' lip. Unfailing gentle and courteous, Ludwig Mises was always there to encourage even the slightest signs of productivity or intelligence in his friends and students; always there for warmth as well as for the mastery of logic and reason that his works have long proclaimed him.

And always there as an inspiration and as a constant star. For what a life this man lived! Ludwig Mises died soon after his 92nd birthday, and until near the end he led his life very much in the world, pouring forth a mighty stream of great and immortal works, a fountainhead of energy and productivity as he taught continually at a university until the age of 87, as he flew tirelessly around the world to give papers and lectures on behalf of the free market and of sound economic science—a mighty structure of coherence and logic to which he contributed so much of his own creation.

Ludwig Mises' steadfastness and courage in the face of treatment that would have shattered lesser men, was a never-ending wonder to us all. Once the literal toast of both the economics profession and of the world's leaders, Mises was to find, at the very height of his powers, his world shattered and betrayed. For as the world rushed headlong into the fallacies and evils of Keynesianism and statism, Mises' great insights and contributions were neglected and scorned, and the large majority of his eminent and formerly devoted students decided to bend with the new breeze.

But shamefully neglected though he was, coming to America to a second-rate post and deprived of the opportunity to gather the best students, Ludwig Mises never once complained or wavered. He simply hewed to his great purpose, to carve out and elaborate the mighty structure of economics and social science that he alone had had the genius to see as a coherent whole; and to stand foursquare for the individualism and the freedom that he realized was required if the human race was to survive and prosper. He was indeed a constant star that could not be deflected one iota from the body of truth which he was the first to see and to present to those who would only listen.

And despite the odds, slowly but surely some of us began to gather around him, to learn and listen and derive sustenance from the glow of his person and his work. And in the last few years, as the ideas of liberty and the free market have begun to revive with increasing swiftness in America, his name and his ideas began to strike chords in us all and his greatness to become known to a new generation.

Optimistic as he always was, I am confident that Mises was heartened by these signs of a new awakening of freedom and of the sound economics which he had carved out and which was for so long forgotten. We could not, alas, recapture the spirit and the breadth and the erudition, the ineffable grace of Old Vienna. But I feverently hope that we were able to sweeten his days by at least a little.

Of all the marvelous anecdotes that Mises used to tell I remember this one the most clearly, and perhaps it will convey a little of the wit and the spirit of Ludwig Mises. Walking down the streets of Vienna with his friend, the great German philosopher Max Scheler. Scheler turned to Mises and asked, with some exasperation: "What is there in the climate of Vienna that breeds all these logical positivists [the dominant school of

modern philosophy that Mises combatted all his life?" With his characteristic shrug, Mises gently replied: "Well, after all, there are several million people living in Vienna, and among these there are only about a dozen logical positivists."

But oh, Mises, now you are gone, and we have lost our guide, our Nestor, our friend. How will we carry on without you? But we have to carry on, because anything less would be a shameful betrayal of all that you have taught us, by the example of your noble life as much as by your immortal works. Bless you, Ludwig von Mises, and our deepest love goes with you.

## SUPERPORT CONTROL

### HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. LONG of Louisiana. Mr. Speaker, the energy crisis is one of the paramount issues of the day. How we solve this problem will affect all future generations. Playing no small part in the ultimate solution will be the deepwater harbor—the superport. Because of this, I wanted to share with my colleagues a most interesting editorial which appeared in the October 13, 1973, edition of the New Orleans States-Item. The text follows:

The Nixon Administration is attempting to convince Congress that states should not have the final say concerning the construction of superports off their coastlines. The argument should be resisted.

As the people of Louisiana are well aware from experience with the offshore oil industry, superports will mean added responsibilities in the area of support facilities, and added environmental dangers.

It is only right that those who must assume the responsibilities and dangers should have the final say over such installations.

Transportation Secretary Claude S. Brinegar, representing the administration before the House Subcommittee on Water Resources and Energy, urged rejection of a bill that would give states veto power over superport construction off their coasts.

"The cumulative impact of a bunch of no's is that we are rationing gasoline and running out of fuel oil," he argued.

He contended that oil is a vital element of the nation's transportation system and the final authority for the construction of a superport must be made at the federal level.

All of this may be true, but the fact remains that the states have a right to oversee the development and operation of facilities with such a direct bearing on the lives of those most closely associated with them.

That is why Louisiana has a Superport Authority. If a superport is to be built off the coast of Louisiana, it must be done right.

Outside of the Nixon Administration there is considerable agreement for final state jurisdiction. Those who believe that the states should have the final say in the matter include the members of the Louisiana Deep Draft Harbor and Terminal Authority (the Superport Authority), and the Southern Governors' Conference.

The Nixon Administration is attempting to stampede Congress with doomsday predictions on the energy crisis.

Congress should not bow to the administration arguments. The final decision on the construction of superports should be made by the states required to live with them.

## AMNESTY MUST NOT BE FORGOTTEN

### HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. DELLUMS. Mr. Speaker, the bitterness of the war years lives on. More than ever we need comprehensive amnesty legislation, so that we may—to use a current phrase—move beyond the obsessions of the past. More and more people are beginning to realize that amnesty legislation may set a good precedent in these troubled times.

One of the most determined opponents of amnesty has recently received a suspended sentence. No one has suggested that he now wear a distinguishing mark, as he once did in the case of resisters. I say this in no spirit of taunting bitterness, but—could this man now find it in his heart to advocate suspending the penalties of those who transgressed the law, not through greed, but through conscience? Who stood up and received the penalties Mr. Agnew understandably wished to spare himself and his family?

All around us the powerful are toppling, betrayed by their distorted view of the world. But let us not allow the sound of the crashing pillars of state smother the sound of those languishing in our prisons, or living in barren flats in Sweden and Canada, or looking for a job with the stigma of a bad military discharge. There is no greater duty than to remember the weak, and I ask my colleagues to take time from their pressing concerns to undo the damage the war has wrought—more for our sake than theirs.

At this point I would like to put in two statements on amnesty and tax resistance that have been prepared by the Church of the Brethren and adopted by their annual conference of this year. I think these are excellent statements that bring out all aspects of the question in a fair, clear manner. The statement on amnesty is especially to be commended for emphasizing the duties and opportunities of local communities to do the job of amnesty on the concrete, human level. I hope these statements will remind us of an issue that should not be forgotten, and will not be forgotten until it is resolved:

#### CONFERENCE STATEMENT, 1973—AMNESTY AN ANNUAL CONFERENCE STATEMENT

The following "Statement of the Church of the Brethren on Amnesty" was adopted by the Church of the Brethren Annual Conference, Fresno, CA, June, 1973.

#### INTRODUCTION

There are thousands of persons today who have felt the effects of the dividing wall of hostility which has been generated by war. Social relationships in the family and between families have been damaged because persons have had different beliefs and convictions about war. Even after the war has been declared over, there remain divisions which cause suffering for persons and groups in our society.

The Church of the Brethren regards this situation with concern and sorrow not only

because we believe that war is sin, but also because we understand that the gospel message can bridge the walls of hostility which exist, between exiles, families, and government.

At its root, the concept of amnesty had to do with the biblical understanding of reconciliation. How can there be reconciliation between parents and children in the United States? How can there be reconciliation between the government and exiles? How can there be reconciliation between those with different opinions on war? How can we restore the unity of our nation while maintaining integrity both for the country and its people?

We, the members of the Church of the Brethren, believe that reconciliation is most likely if the following things occur:

1. The United States Government should grant unconditional amnesty to all those who are alienated from their nation because of their personal acts of conscience in relation to war.

2. Christians, both individually and as denominations, should become agents of reconciliation wherever such service is needed.

#### BIBLICAL BASIS

In the New Testament, the theme of reconciliation is central to the understanding of God's love for persons in Jesus Christ. The gospel calls us to a ministry of reconciliation.

First, according to Ephesians 2:14, reconciliation is a gift of God. *For he is our peace, who has made us both one, and has broken down the dividing wall of hostility...* Through God's action in Jesus Christ, there is reconciliation between people while there are differences (John 10:16; Galatians 3:28). Even though the disagreements on many issues separate people within our nation, there can be reconciliation if we accept it as God's gift.

A declaration of amnesty follows this model. Through amnesty, a government can forget the legal penalties connected with the actions of a group of persons, and thereby declare that the unity of its people is more important than continued hostility and division. Amnesty can bring reconciliation even though significant differences remain on the issues at stake, because such an action removes the punitive measures related to such differences. Reconciliation is a gift of God and he will bring peace if we trust him (Psalm 118:8-9).

Second, according to II Corinthians 5:18, the church is called to be an agent of reconciliation. *(All this is from God who through Christ reconciled us to himself and gave us the ministry of reconciliation.)* The Church of the Brethren has always taken this Scripture seriously and we have set out to be reconcilers. As Christ was the mediator between sinners and God, so the Church is called to a ministry of reconciliation between persons and God and between people in conflict with one another.

Whatever the government does about amnesty, there will be need for reconciliation. Many men have become alienated from their families and local communities and now want to be reunited. Many young people could return home now without legal difficulties, and may if they have a supportive community. Some may decide to return and face the legal penalties rather than remain as exiles. On many levels there is work of reconciliation which could be done by the Church. The Scriptures lead us to such a ministry.

#### HISTORICAL BACKGROUND

Throughout its history, the Church of the Brethren has taken seriously the task of bringing persons together. During the Revolutionary War the Brethren refused to side with either army, but worked to bring peace in their communities. It was Elder John Kline in the War between the States who



tirelessly rode the circuit of reconciliation to keep persons as one in faithfulness to Christ. During and following World War II, Brethren took in and aided Japanese-American refugees. The present situation presents the Brethren another opportunity to be involved in healing the wounds of war and to be faithful to the ministry of reconciliation.

#### THE PRESENT CRISIS

The question of amnesty is being debated in the press, discussed on radio and television, and kept much alive in our nation's capital. Several amnesty bills and resolutions have been introduced since the present session of Congress began.

In any discussion of amnesty, we are talking about hundreds and thousands who have suffered some legal disability because of war. For instance, tens of thousands of these persons have come out of the military service in the Indochina War with less than honorable discharges, have been convicted of Selective Service violations or have become exiles, for conscience's sake.

#### CONCLUSION

Therefore, we come to these conclusions on the question of amnesty:

1. As United States citizens, we believe that reconciliation is more important for our nation than the punitive wrath of the law. We favor unconditional amnesty for all those who due to an act of conscience are alienated because of war. We recommend the officers of Annual Conference make these views known to the President and appropriate persons in Congress.

2. As Christians we believe that our ministry of reconciliation begins now. Whatever the government does, we must begin working now to bring reconciliation between those who have become separated because of their views on war. We recommend the following action:

(a) We recommend that our members and local congregations provide a supportive community for all persons who desire reconciliation with their government, families, and/or local communities. This might involve such activities as providing a context in which persons can talk with their parents or children, providing a home for those who need a place to live while becoming reestablished in a community, helping men who choose to face a prison experience.

(b) We recommend our General Board provide program and resources to help members and local congregations be agents of reconciliation for persons alienated from their government, their families and/or their local communities. This might involve communication with and support of exiles and deserters in various parts of the world, publicity on the services, and education of local congregations.

We pray that reconciliation can become a reality and that our nation can become unified around purposes which reflect the will of God in our time.

Adopted by the Church of the Brethren Annual Conference, 1973. A related statement is available:

"A Statement of the Church of the Brethren," Annual Conference, 1970, 15¢.

#### CONFERENCE STATEMENT, 1973—TAXATION FOR WAR

##### AN ANNUAL CONFERENCE STATEMENT

The following statement on "The Christian's Response to Taxation for War" was adopted by the Church of the Brethren Annual Conference meeting in Fresno, CA, June 1973.

##### THE REPORT OF THE COMMITTEE

This study assumes as its background the church's long-established position regarding peace and war and, in particular, the Statement of the Church of the Brethren on War as adopted by the 1970 Conference. What is affirmed there, that all war is sin and that the gospel calls us to the way of

peace, is taken for granted in this paper without further investigation.

That the payment of federal taxes inevitably involves one in war and preparation for war is self-evident (See Exhibit A. This and other exhibits are in a separate printed piece.) Yet when the Christian understanding is applied to this issue, the matter immediately becomes complex and problematic. On the one hand, our calling is to obey God rather than men, to witness for Christian peace and presumably, also, to protest the evil of war. But on the other hand, the New Testament makes it clear that the Christian just as certainly has been called to stand alongside his fellowmen, to participate in their common life, and to take a responsible role in the larger world.

Regarding taxes, then, the first calling would seem to imply that the Christian should entirely divorce himself from that society which has dedicated its energies to the waging of war and refuse to support it in any way—including, of course, tax support. However, the second calling would imply a Christian obligation to participate fully in the social effort of humanity—including, of course, the payment of one's fair share of taxes. The problem is to find the proper balance between these two callings.

This finding of balance is complicated by the difficulty in distinguishing between "war taxes" and other taxes when the government itself makes no such distinction. Still further complication is introduced when the question arises as to whether one actually is able to withhold tax money or in any way affect the amount that ultimately is spent for war purposes. That matter is not an easy one.

#### NEW TESTAMENT GUIDANCE

As we turn to the New Testament we realize that the early Christians had to seek the same balance that we do; undoubtedly there have been few if any times in history when a Christian's tax bill did not include "war taxes." And it is certain that money paid to the Roman Empire went not only to support war but also idolatry, slavery, and other evils as well.

The New Testament, of course, is consistent in its opposition to war and violence; yet at every point where the particular issue of taxes is raised, the counsel is to pay them; no explicit precedent for withholding them is to be found.

Paul, in Romans 13:4-8 (NEB), speaks in terms of general principle: "You are obliged to submit. It is an obligation imposed not merely by fear of retribution but by conscience. That is also why you pay taxes. The authorities are in God's service and to these duties they devote their energies. Discharge your obligations to all men; pay tax and toll, reverence and respect, to those to whom they are due. Leave no claim outstanding against you, except that of mutual love (cf. 1 Peter 2:13-17)."

When faced with the specific question of paying taxes to Caesar, Jesus' response was "Pay Caesar what is due to Caesar, and pay God what is due to God." (Matthew 22:15-22; cf. Mark 12:13-17 and Luke 20:19-26). The intended implication would seem to be that what belongs to God is much more inclusive and in every way prior to what belongs to Caesar. And yet if Jesus' statement means to indicate as legitimately belonging to Caesar, it is precisely that coin of taxation which Caesar himself had minted.

Finally, in Matthew 17:24-27, Jesus, in order "not to cause offense," shows himself willing to pay even that tax which, he asserts, could not rightly be claimed of him. The reference may be to the temple tax, although Jesus does speak of "earthly monarchs" collecting it. Be that as it may, the temple came under just as strong a judgment from Jesus as the state did. And it seems clear that the gospel writer wants to use this incident to teach, with Paul, that

the liberty of the Christian is not a license for him to disregard his civic obligations in matters such as tax payment.

Certainly, all of the above texts must be held in tension with such commands as obeying God rather than men, separating oneself from evil, not conforming to the world, and so on. But the evidence is that, in this tension, the New Testament Christians found their proper balance to include the paying of taxes rather than the withholding of them (see Exhibit B).

#### THE BRETHREN TRADITION

Historical research (see Appendix) indicates that the official position of the church consistently has been that of paying all taxes, including some that were much more directly "war taxes" than any that can be so identified today. Indeed, even the possibility of withholding taxes was given almost no consideration until very recently. When such consideration was given, the church in every instance granted the right of conscience to tax resisters even while declining to recommend their action. It should be noted, too, that some of the Brethren who have been most honored for their peace witness also took a stand in favor of paying taxes; the person's position regarding tax payment was not made a test of his commitment to Christian peace.

#### THE CURRENT SITUATION

One complicating aspect of tax resistance is the fact that tax monies are not clearly differentiated into military and non-military categories; most of the functions of government are financed out of the same general fund. Money withheld (if that actually is possible) is withheld as much from the humane programs of the government as from military programs; and it takes some care to make it clear that what one is protesting is war and not taxation in and of itself. In our day, the telephone tax comes the closest to being an explicit "war tax"—although even that situation is debatable (see Exhibit C).

The Christian's problem is further complicated by the fact that he cannot actually withhold taxes, deprive the war effort of funds, or prevent his money from being used for war purposes—short of doing without a telephone (and perhaps other items subject to federal excise taxes), keeping his income below taxable level, or resorting to questionable dodges (see Exhibit D). Whatever taxes the individual does not pay voluntarily, the government is able to collect by means of liens and confiscations (and penalties which have the effect of actually increasing the amount of one's money that goes to the government).

In its effect, then, tax resistance must be understood simply as one means of registering strong and dramatic opposition to war—a protest which may or may not be more effective than other means of protest. In fact, unless it is also accompanied by some other form of witness, tax refusal, in and of itself, has the disadvantage of being sheerly negative protest against war rather than a positive witness to the Prince of Peace and his way.

#### THE FINDING

We find no specific biblical counsel directing that taxes should be withheld, while we do find some calling for the payment of taxes even to a sinful, militaristic government. However we can appreciate the fact that a number of Brethren, out of a truly Christian aversion to war based on the total Spirit and life of Jesus and the overall teachings of the New Testament do feel led of God to make protest by means of tax refusal. But whatever action the Christian takes, it should mark a serious and dedicated effort to realize the lordship of Jesus Christ and become obedient only to him. It should never be merely the practice of a current political

technique on the one hand or a heedless and cowardly way of avoiding trouble for oneself on the other.

## RECOMMENDATIONS

Although the Brethren cannot agree as to whether tax withholding is proper, they all can recognize the propriety of using the means of dissent which the social order itself recognizes and provides. We recommend, therefore, that all who feel the concern be encouraged to express their protests and testimonies through letters accompanying their tax returns, whether accompanied by payment or not, in correspondence with appropriate legislators and officials, and in other such ways.

We recommend, also that both the denomination and individual Brethren give strong and active support to appropriate legislation providing alternative tax arrangements for peaceful purposes for those persons conscientiously opposed to war.

## A FINAL PLEA

We plead for a mutual and brotherly honoring of one another in this matter. To those whose reading of scripture leads them conscientiously to pay their full tax requirement, may they recognize the sincere Christian intention of the withholders in their desire to protest against what the New Testament clearly identifies as the sinfulness and demonism of war. To those who because of their Christian conviction conscientiously feel that they must withhold payment in some degree, may they realize that their brethren who pay are themselves striving to be obedient to the instruction of scripture and dare not be assumed to be any less dedicated to the Prince of Peace than are those who withhold.

Finally, we would consider it most unfortunate if, because of the taxation issue, the church allows its peace emphasis to become focused upon this on particular technique of anti-war protest and so be diverted from the much more important matters of deepening our biblical and theological understanding of the Christian peace position and of being about the positive work of reconciliation at all levels of human interaction through our witness to Him who is our Reconciliation.

Adopted by the Church of the Brethren Annual Conference, 1973. (G-4) 9-27-73. Price: 20c, 1150-750-250. Related statements available: the Appendix to this statement called "The Historical Tradition of the Brethren Regarding the Payment of Taxes for War Purposes," free, attached; "A Statement of the Church of the Brethren on War," Annual Conference, 1970, 15c; and "Taxes for War Purposes," a statement adopted by the General Board, November 1967, 5c).

## CONGRESS MUST REESTABLISH THE OFFICE OF SPECIAL WATERGATE PROSECUTOR

## HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. RANGEL. Mr. Speaker, President Nixon's decision to turn over the Watergate tapes to District Court Judge John Sirica for judicial review indicates that the cries of the outraged public and Congress have reached the President's Camp David mountain top. The President has obviously decided that he cannot maintain his arrogant position of total defiance of the courts, the Congress, the Constitution, and the American people.

To celebrate this as a victory of reason over arrogance, however, is prema-

ture. The President has decided to comply with the court order to produce specific tapes and documents requested by Special Watergate Prosecutor Archibald Cox. He has, however, succeeded in removing the special prosecutor and by so doing has succeeded in insulating himself and his White House associates from further investigation of Watergate and other campaign finance-related matters.

We do not know what is on the tapes Mr. Nixon is giving over to Judge Sirica. We can be sure, however, that the President is not turning over material that will directly implicate him in any of the Watergate crimes. We can also be certain that despite assurances the Department of Justice will not vigorously pursue a Watergate investigation. It is clear that no Attorney General can conduct such an investigation and keep his job.

What is needed is the establishment of an independent prosecutor by the Congress who will be able to investigate the President's role in Watergate related crimes and deliver his evidence to the Watergate grand juries. I am cosponsoring legislation to establish an independent Office of Special Prosecutor which will be filled by judicial appointment and will be charged with the responsibility of conducting a full, unimpeded investigation of White House involvement in all the Watergate and campaign finance-related crimes.

## UNITED STATES—SHOCKED AND DISCOURAGED

## HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. KETCHUM. Mr. Speaker, I was shocked and discouraged, as were millions of people across the United States, at the President's precipitate and ill-advised action in firing Special Prosecutor Archibald Cox and thus causing the resignations of Attorney General Richardson and Deputy Attorney General Ruckelshaus.

When we consider the assurances given Mr. Cox at the time of his appointment and repeated thereafter, we realize that Mr. Richardson and Mr. Ruckelshaus had no alternative to resignation when ordered to fire Mr. Cox. I congratulate and commend Mr. Cox for his tenacity and his courage in his long struggle to work through the courts and to see that the court's order concerning the tapes be respected.

I think that it is easy to understand the willingness of Senators ERVIN and BAKER to accept the President's suggested compromise. After all, Judge Sirica had quite properly denied them any other legal access to the tapes. After all the Senate committee is an investigative, not a judicial body.

The issue remains as to whether the compromise satisfies the directive of the U.S. Court of Appeals. After that court upheld Judge Sirica's order, the President chose not to appeal to the Supreme Court. Although I am not a lawyer, this implied to me that the President in-

tended to comply with the court's order. Now Judge Sirica must decide whether the order has been complied with. I rather doubt that he will rule in the affirmative.

Mr. Speaker, the President in his action has thrown down the gauntlet to the people of this country through their Congress. We in this body dare not yield, for to do so would be to admit that one man is above the law. This must never be.

So now, let us wait for the judgment of the court and study Judge Sirica's opinion before embarking on any crash course. Then, at the appropriate time, let us undertake whatever actions are necessary for the good of this Nation.

## MR. GEORGE VICTOR, POET LAUREATE, OF THE 19TH OHIO CONGRESSIONAL DISTRICT

## HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. CARNEY of Ohio. Mr. Speaker, on Saturday, September 29, 1973, new congressional district offices to serve the citizens of the 19th Ohio District who reside in Trumbull County were officially opened. On that occasion, Mr. George Victor, of 1135 Ward Avenue NW., Warren, whom I have designated "Poet Laureate of the 19th Ohio Congressional District," presented a poem he wrote entitled, "Liberty."

In his poem, Mr. Victor expresses appreciation for my efforts to improve communication between the citizens of the 19th Ohio District and their Government in Washington, and pride at being an American. Mr. Speaker, it is people like Mr. Victor that make public service so rewarding. I insert his beautiful poem in the RECORD at this time:

## LIBERTY

(By George Victor)

As I look out and see you folks from here upon this dias,

I do believe I am a man who does not have any type of bias,

I wear a title for which I'm proud, I'll share it with every man—I am a Warrenite and a nephew of dear old Uncle Sam.

To me he is the greatest and gives me quite a thrill, because my friends and neighbors "my liberty I have still."

Today before your eyes a working man am I and as I look upon you, I see many a wonderful eye,

Yes you have your problems—this I really know—but really good Americans—this is the way, life does go.

So as I stand here and speak I really am so proud—cause I'm just a working millwright and yet in this great land—"me", I can speak out loud.

So cheer up—be happy and really friends be gay—for now our Congressman has given us another easier way—

To come and speak and say our words of what we would like to see done and if you as true Americans use this facility I'm sure you will enjoy some fun.

Its great to be an American—living in this city I love—I really enjoy—you people your like the stars above,



Thank God that we have this freedom—like me standing here to speak—just step forth my neighbors—please don't be mild and meek.

This office has been opened for you my friend—come in and speak the truth and if you just look over at that flag you will see it—as living proof.

Good luck—God bless you Congressman—and I thank God I'm a nephew of Uncle Sam and I have met you folks that care and really give a dam.

#### ATTEMPTS AT ENERGY CONSERVATION BY THE GENERAL SERVICES ADMINISTRATION

**HON. HOWARD W. ROBISON**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. ROBISON of New York. Mr. Speaker, the uncertainty of the depth of the energy crisis confronting us has given us all pause to consider our stewardship of the energy we consume. Too often we, both individually and collectively, talk a good deal about what can, or should, be done but without actually taking positive, concrete steps to accomplish meaningful energy conservation.

For that reason, it is refreshing and encouraging to note the initiative which is being taken by the General Services Administration to conserve energy. The efforts of the General Services Administration deserve our support, and it is my hope that the following remarks by Larry Roush, Commissioner of the Public Building Service, will become a pattern for not only Government, but for the private sector as well. The kind of commitment to energy conservation evidenced in these remarks need to be shared by all Americans.

Mr. Speaker, I intend to do what I can to bring these energy-saving ideas to the attention of the larger and industrial building operators in my congressional district. At the moment, the most practical way of doing so would seem to be through my area's chamber of commerce, with the hope in mind that they, in turn, will pass this information along to where it could do some good. This is essential because since the saving of energy ought to be a nationwide, cooperative effort, the Federal Government—with its responsibility for only 200 million square feet of building space out of some 2.5 billion square feet in private use—can only lead and encourage others to follow. In conclusion, I now encourage my colleagues to follow my example in this regard.

The remarks of Commissioner Roush follow:

#### ENERGY CONSERVATION IN BUILDINGS

(By Larry F. Roush)

For the people present in this meeting today, the word "conservation" needs no definition in ordinary conversation. It is my contention, however, that as we develop an energy conservation policy for public office buildings, the general understanding of "conservation" is not enough. We have recognized that this word means more than just "saving," and that energy conservation must be a continuing effort to achieve the best balance between the benefits and costs of energy use.

The Public Buildings Service has been vitally concerned with the conservation of energy for many years. In our primary role as the builders and operators of office space for the Federal Government, we have attempted to use the most economical source of energy, while using it in the most efficient manner. We have had several on-going energy conservation programs to reduce energy consumption in 2,600 GSA-owned and operated buildings nationwide. These programs were not based primarily on the development of new technologies, but rather emphasized more efficient use of energy in existing buildings.

We quickly realized, however, that new technologies needed to be developed and tested, and their energy conservation features quantified, if we were to achieve optimum energy utilization in existing office buildings and those planned for the future. GSA's energy conservation policy for public office buildings is to incorporate features which insure the best possibilities of energy use. To do this we have attempted to recognize the trade-offs in terms of energy conservation, work area, costs and the environment in general.

For example, in considering the trade-offs between energy conservation and the work area, we must consider the people and the services they provide. For any energy conservation system to be viable, it must be compatible with the comfort and safety requirements of the occupants. We must answer many questions such as: How much light is really required to do specific kinds of work? What noise levels can be tolerated before they become distracting? How "good" are our current air purification and odor control systems? What levels of heat, humidity, and air movement provide the optimum level of thermal comfort for the building occupants? The answers to these and similar questions can provide the information necessary to balance energy usage against an adequate work environment. To do this we must apply the latest systems for measuring these factors in an actual work situation where we can correlate the human response with the environmental conditions.

To evaluate these and other energy conservation related questions, we needed a laboratory—a place where we could accurately measure and compare various energy conservation systems and their impact. And, in June 1972 Mr. Sampson designated the new Federal Office Building in Saginaw, Michigan, as the GSA Environmental Demonstration Building. Most of the experimental features of the Saginaw Project are directly related to environmental concerns. The prime energy conservation feature of the Saginaw Project is the proposed solar energy collector.

Recognizing the need for additional experimental work in energy conservation, the Administrator designated the new Federal Office Building in Manchester, New Hampshire, as the GSA Energy Conservation Building.

For the Manchester Project, we put together a design team consisting of the architect-engineer, an energy conservation consultant, the National Bureau of Standards and GSA. Energy conservation was made a prime design parameter to be considered equally with function, firesafety, life cycle cost and aesthetics. Determinations were made regarding features, systems, and equipment which would contribute greatly towards reduction in energy requirements before developing a concept for the building. From the very beginning of the design process, energy conservation possibilities were given major attention.

The final design of the building is expected to make a positive contribution to the urban surroundings and provide a pleasant interior environment for employees and visitors. We expect the building to operate with at least 20 percent less energy consumption than other comparable existing buildings.

In addition to energy conservation features in the basic architectural design, we intend to demonstrate energy savings in the mechanical, electrical, lighting, plumbing, and space conditioning areas. We have included such energy conservation features as heat recovery systems, computer programmed mechanical and electrical systems, and a solar collector. Once the building is complete with the various energy conservation systems installed, they will be monitored and evaluated, based on built-in instrumentation and occupant reaction. From this experimentation we will be able to develop guidelines and criteria for use in the design and construction of future buildings.

I would like to pause for a moment—to quote the President—as he said on September 10: "while energy is one of our Nation's most pressing problems, and while the preservation and effective use of our natural resources is an imperative policy goal, it is presently impossible to administer these related objectives in a coordinated way. Our ability to manage our resources and provide for our needs should not be held hostage to old forms and institutions." I couldn't agree more and commend the President for his initiative to create Governor Love's office and his proposal for the new Energy Research and Development Administration.

The NBC white paper on the Energy Crisis, aired over two weeks ago, emphasized that there were over 40 Federal government agencies involved in some way or another with the energy question. To my way of thinking this indicates that; first, there is a great deal of enthusiasm to solve the problem and second that it must become a coordinated effort if we are going to effectively manage the solutions to our problems. Governor Love's office is a great step toward pulling us all together. GSA hopes that the Manchester and Saginaw projects will help act as a catalyst for the coordination of the technical effort.

But the need to conserve energy is real and now. Therefore, our greatest efforts are being made toward reduction of energy use in the buildings we presently operate.

As you all know, President Nixon has established a requirement to reduce the Federal Government's anticipated energy consumption by 7 percent. In this regard, GSA views its responsibility as the overseer of energy utilization in Federally-occupied buildings and of eliminating wasteful practices and concepts which developed during the past period of apparent energy abundance.

In order to fulfill this requirement we established a task force to develop and implement GSA's accelerated energy conservation program. When we considered that our annual utilities cost exceeds \$90 million and that all resources in our buildings equate to over 5 billion kilowatt hours. We also had to review those current building operating practices which result in the consumption of substantial quantities of energy, such as nighttime cleaning operations, lighting levels and the temperature being maintained in our buildings.

It is imperative that you as executives in your organizations gear onto what we're doing. And, it is important to emphasize that, in revising operational procedures, it is critical that the employees at the grass roots level be aware of what you're doing and why you're doing it. This is a voluntary effort and when dealing with existing buildings, the occupants must be educated to energy saving actions.

Accordingly, to the extent feasible, the following changes in operating practices are being initiated in all GSA-operated/owned buildings and GSA's 7,800 leased buildings. I think you can do the same things in your space:

We have advanced nighttime force-account cleaning operations from the 5 p.m.-1:30 a.m. time frame to 11 a.m.-7:30 p.m. daily.

We have reduced the amount of lighting

required in various space throughout a building without reducing the level at work stations;

We have raised (by 4 degrees) the setting on room thermostats serving office space during the airconditioning season to a range of 76-78 degrees;

And, we have lowered the setting (4 degrees) on room thermostats serving office space during the heating season to a range of 70-72 degrees; and

In addition we have made appropriate temperature and lighting changes in other types of space to realize similar energy savings.

Lessors who provide building services and utilities have been notified by the regional PBS offices to take appropriate action to reduce the anticipated energy consumption during the next 9 months by 7 percent.

Federal agencies have been notified that the aforementioned practices are being initiated, to the extent feasible, in all GSA-managed buildings in a way which will not impair the provision of vital services, nor curtail the proper functioning of the departments and agencies. In addition, each Federal agency has been requested to designate a headquarters representative as a point of contact to assist in realizing these objectives. These revised operating practices already

have been adopted in our Central Office and Regional Office Building, both in Washington, with excellent results.

As an example of savings that may be realized, 22 percent of the fluorescent light tubes have been removed from buildings here in Washington, with an opportunity to do more. Assuming we are able to achieve similar savings throughout the nation, we will eliminate approximately 1.2 million tubes and save 164 million kilowatts of electrical energy each year.

We believe that with the changes in operation, we will be able to reduce our overall energy consumption by approximately 20 percent. This equates to over 1 billion kilowatt hours of electricity or 600,000 barrels of oil or 580,000 tons of coal that may be saved per year. But we're not stopping here:

—We have begun a building profile study to determine the energy consumption characteristics of existing buildings as affected by their physical features.

—We are conducting an Air Change Rate Study to determine the minimum number of air changes required for acceptable heating and air conditioning of buildings.

—We are conducting a study of lighting levels and distribution required for the performance of the various work tasks in Federal buildings.

—And we are conducting a study to develop a fully automated building control system using computer techniques and sophisticated equipment to optimize operations, manpower and energy utilization.

The research and the efforts in existing buildings will help GSA accomplish the President's conservation goal. They can be far more valuable, however, if we can get them out to industry and local government. To that end, we have written to all of the nation's governors and the mayors of 20 of our largest cities to urge their cooperation in the energy conservation effort.

We think we have a strong start in the race to alleviate an energy crisis. But all of our efforts are really minimal when you consider that we only have the responsibility for 200 million square feet out of 2.5 billion square feet of space. 200 million out of 2.5 billion!! That means that you are very important. Have your employees turn off lights, lower thermostats, etc. I hope we can rely on you for this assistance in our effort, and we will assist you in yours, because it will take the voluntary cooperation of many Federal employees if it's going to be a complete success.

Thank you.

## HOUSE OF REPRESENTATIVES—Wednesday, October 24, 1973

The House met at 12 o'clock noon.

Charles F. Betts, associate conference council director, North Alabama Conference, the United Methodist Church, offered the following prayer:

O living God, who has made today a time for greatness, be to this House of Representatives a sign that hope's promised hour is now.

May all of us receive this day's alarms as a call to choose for the truths we cherish. Against the winds that push toward war, may we take one step toward lasting peace. Surrounded by broken dreams of personal glory, may we act with a stronger trust in common people. Pressured by the insistent demands of human need, may compassion claim a new place in our hearts.

Stir us, O Lord, to live as those who intend the future. Give us courage to right those wrongs nearest us. And give us energy to shape the swirling forces of change for mankind's good. In Thy name we pray. Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill and concurrent resolutions of the House of the following titles:

H.R. 5943. An act to amend the law authorizing the President to extend certain privileges to representatives of member states

on the Council of the Organization of American States;

H. Con. Res. 275. Concurrent resolution providing for the printing of 1,000 additional copies of the hearings before the Subcommittee on the Near East of the Committee on Foreign Affairs entitled "U.S. Interests in and Policy Toward the Persian Gulf"; and

H. Con. Res. 322. Concurrent resolution to reprint and print the corrected Report of the Commission on the Bankruptcy Laws of the United States.

The message also announced, that the Senate receded from its amendment to the amendment of the House of Representatives to the amendment of the Senate numbered 5 to the bill (H.R. 9639) entitled "An act to amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs," and concur in the amendment of the House of Representatives to the amendment of the Senate numbered 5 with an amendment.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 184. Concurrent resolution to print as a House document the Constitution of the United States.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1526. An act to amend the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity.

### REV. CHARLES F. BETTS

(Mr. BEVILL asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. BEVILL. Mr. Speaker, I was honored today to have my brother-in-law, the Reverend Charles F. Betts, from my State of Alabama, give the opening prayer on the floor of the U.S. House of Representatives.

Reverend Betts is from Birmingham, Ala., and received the bachelor of arts degree from the University of Alabama, bachelor of divinity degree from Emory University, and served for 3 years as director of the Wesley Foundation at the University of Alabama.

He has served as pastor of several United Methodist Churches in Alabama and at the present time is the associate conference council director, North Alabama Conference, of the United Methodist Church.

I am very happy to have this member of my family to offer prayer here today.

### TANKS AND PLANES FOR PEACE

(Mr. DORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORN. Mr. Speaker, we must not let Watergate—serious and critical as it is—prevent an opportunity for lasting peace in the Middle East and throughout the world. Make no mistake, Mr. Speaker, there are those in the world who would take advantage of the Washington situation to advance their sinister ends. The second cease-fire in 24 hours has been broken by the aggressors, apparently fearful that their aggressive war is ending disastrously. When the third cease-fire is reached we must make sure that this is not a trick or stalling tactic by the aggressor nations, designed to stop the Israeli flanking movement and gain time to regroup and reattack with new Russian armament.