zone; to the Committee on Interstate and Foreign Commerce.

By Mrs. MINK (for herself, Mr. HAWKINS, Ms. HOLTZMAN, Mr. MITCHELL of Maryland, and Mr. STARK):

H.R. 11151. A bill to amend title 5 of the United States Code to provide that whoever contributes more than $5,000 to the political campaign of a Presidential candidate shall be ineligible to serve as an ambassador, minister, head of an executive department, or a member of an independent regulatory body while such candidate is President; to the Committee on Post Office and Civil Service.

By Mr. PEPPER (for himself, Mrs. BURKE of California, Mr. MINISH, Mr. WHITE, and Mr. VANDER JAGT):

H.R. 11152. A bill to amend title VIII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. RARICK (for himself, Mr. THONE, Mr. BAFALIS, Mr. BREAUX, Mr. BROWN of California, Mr. BURGENER, Mr. BYRON, Mr. CASEY of Texas, Mrs. COLLINS of Illinois, Mr. DENHOLM, Mr. EVANS of Colorado, Mr. EILBERG, Mr. FISH, Mrs. GRASSO, Mr. GROSS, Mr. HECHLER of West Virginia, Mr. ICHORD, Mr. LONG of Louisiana, Mr. MELCHER, Mr. MOLLOHAN, Mr. NICHOLS, Mr. PEPPER, Mr. PICKLE, Mr. RIEGLE, and Mr. ROE):

H.R. 11153. A bill to provide for paper money of the United States to carry a designation in braille indicating the denomination; to the Committee on Banking and Currency.

By Mr. RARICK (for himself, Mr. THONE, Mr. GILMAN, Mr. TALCOTT, Mr. TIERNAN, Mr. TREEN, Mr. WARE, Mr. WOLFF, and Mr. YATRON):

H.R. 11154. A bill to provide for paper money of the United States to carry a designation in braille indicating the denomination; to the Committee on Banking and Currency.

By Mr. REUSS (for himself, Mr. Moss, Mr. THOMPSON of New Jersey, and Mr. VANIK):

H.R. 11155. A bill to amend the Internal Revenue Code of 1954 to raise needed additional revenues by increasing the amount of minimum tax imposed on tax preferences; to the Committee on Ways and Means.

By Mr. SHRIVER (for himself, Mr. HUDNUT, Mr. WYMAN, Mrs. CHISHOLM, Mr. SHIPLEY, Mr. MADIGAN, Mr. EILBERG, Mr. ROBISON of New York, Mr. STUBBLEFIELD, Mr. WHITE, Mr. GILMAN, Mr. GRAY, Mr. TIERNAN, Mr. BURKE of Massachusetts, Mr. THOMPSON of New Jersey, Mr. THONE, and Mr. JOHNSON of Pennsylvania):

H.R. 11156. A bill to amend the Community Mental Health Centers Act to provide for the extension thereof, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SHRIVER (for himself, Mr. HUDNUT, Mr. WYMAN, Mr. GUNTER, Mr. MCCLOSKEY, Mr. MOSHER, Mr. WINN, Mr. HANSEN of Idaho, Mr. ARCHER, Mr. KEATING, Mr. SEBELIUS, Mr. PASSMAN, Mr. PATMAN, Mr. COTTER, Mr. VAN DEERLIN, Mr. WHITEHURST, Mr. RAILSBACK, Mr. DERWINSKI, Mr. RIEGLE, Mr. HORTON, Mr. BURGENER, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. HOGAN, and Mr. MELCHER):

H.R. 11157. A bill to amend the Community Mental Health Centers Act to provide for the extension thereof, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. VANIK:

H.R. 11158. A bill to provide for a 7-percent increase in social security benefits beginning with benefits payable for the month of January 1974; to the Committee on Ways and Means.

By Mr. FREY (for himself, Mr. ADDABBO, Mr. BAFALIS, Mr. BENNETT, Mrs. COLLINS of Illinois, Mr. CONTE, Mr. COUGHLIN, Mr. DELLENBACK, Mr. EDWARDS of Alabama, Mr. FRENZEL, Mr. HASTINGS, Mr. KEATING, Mr. MCCOLLISTER, Mr. NICHOLS, Mr. PICKLE, Mr. PREYER, Mr. SARASIN, Mr. SEIBERLING, Mr. STEIGER of Wisconsin, Mr. VANDER JAGT, Mr. VEYSEY, Mr. WARE, Mr. WINN, and Mr. WON PAT):

H.J. Res. 799. Joint resolution to express the sense of Congress that a White House Conference on the Handicapped be called by the President of the United States; to the Committee on Education and Labor.

By Mr. MOORHEAD of Pennsylvania:

H.J. Res. 800. Joint resolution to provide for the appointment of a Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. PEPPER (for himself, Ms. ABZUG, Mr. FRASER, and Mr. MITCHELL of Maryland:

H. Con. Res. 370. Concurrent resolution expressing the sense of the Congress that the President should reappoint Archibald Cox as Special Prosecutor and renominate Elliot Richardson as Attorney General, and renominate William Ruckelshaus as Deputy Attorney General; to the Committee on the Judiciary.

By Mr. COHEN (for himself and Mr. CRONIN):

H. Res. 668. Resolution expressing the sense of the House that the Office of the Special Prosecutor be reestablished; to the Committee on the Judiciary.

By Mr. MARTIN of Nebraska (for himself and Mr. YOUNG of Texas):

H. Res. 669. Resolution providing for the consideration of the conference report on the bill (S. 1081) to amend section 28 of the Mineral Leasing Act of 1920; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

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

By Mrs. MINK:

H.R. 11159. A bill for the relief of Yun Tim Yim and Amy Chee Yim; to the Committee on the Judiciary.

H.R. 11160. A bill for the relief of Wayne Susumu Enomoto; to the Committee on the Judiciary.

H.R. 11161. A bill for the relief of Edwin B. Ranan, Rogelio B. Ranan, and Elvira B. Ranan; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

334. By the SPEAKER: Petition of the Board of Directors, Comprehensive Planning Organization, San Diego region, Calif., relative to achieving clean air in San Diego and the Nation; to the Committee on Interstate and Foreign Commerce.

335. Also, petition of Fred M. Wolak, Paonia, Colo., relative to reinstatement of the Attorney General, Deputy Attorney General, and Special Prosecutor; to the Committee on the Judiciary.

336. Also, petition of Milton B. Sparks, Menard, Ill., relative to redress of grievances; to the Committee on the Judiciary.

337. Also, petition of the Cumberland County Democratic Committee, Portland, Maine, relative to impeachment of the President; to the Commitee on the Judiciary.

338. Also, petition of Rev. Paul John Rich, East Bridgewater, Mass., and others, relative to impeachment of the President; to the Committee on the Judiciary.

339. Also, petition of the Student Caucus, University of New Hampshire, Durham, N.H., relative to impeachment of the President; to the Committee on the Judiciary.

340. Also, petition of David M. Bowles, Albuquerque, N. Mex., relative to impeachment of the President; to the Committee on the Judiciary.

341. Also, petition of Paul L. Biery, Cleveland, Ohio, and others, relative to impeachment of the President; to the Committee on the Judiciary.

342. Also, petition of Paul Garcia, Jr., Puebla, Mexico, and others, relative to H.R. 4811; to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

RECOMMENDATIONS BY ALLEN CALDWELL, NATIONAL ASSOCIATION OF SMALL BUSINESS INVESTMENT COMPANIES

HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. STEPHENS. Mr. Speaker, a friend and constituent, Allen Caldwell, is currently serving as president of the National Association of Small Business Investment Companies. Mr. Caldwell, who is also president of CSRA Capital Corp., an SBIC located in Augusta, Ga., has provided me with a copy of a letter which he recently sent to President Nixon in which he makes several provocative recommendations as to actions the executive and legislative branches can, and should, take to help bolster the competitive position of the Nation's small and independent businesses.

I think it is worthwhile to share this letter with my colleagues as I know they agree with me that American small businessmen should continue to play a vital role in our free enterprise system.

High interest costs, drying-up of the new issues market, inflation, and reduced Federal outlays to the small business sector all threaten to further erode the economic viability of thousands of independent business concerns.

I urge the President and the Congress to give prompt and thoughtful consider-

ation to implement the measures proposed in this letter to offset the severe pressures being felt by the small business community.

To do otherwise would be to undermine the very existence of our capitalistic way of life.

The letter of Mr. Caldwell follows:

SEPTEMBER 25, 1973.

The PRESIDENT,
The White House,
Washington, D.C.

MR. PRESIDENT: Three and one-half years ago, on March 20, 1970, you thrilled the Nation's more than five million independent businessmen when you sent your Message on small business to Congress. That was the first Presidential message ever devoted exclusively to the requirements of that segment of our economy.

In the words of that Message: "Small business is an important part of our national life; it has been an important part of my personal life as well. . . . I know that today, in helping Americans in small business, we are helping their spirit and the spirit of our nation."

During the ensuing months, several recommendations made in your 1970 message have been enacted, but the larger portion remains undone. We believe that the time has come for a more comprehensive effort on the part of the Executive and Legislative branches of our Federal Government to make certain that the free enterprise system is vigorous enough to meet the increasing challenges of the 1970's.

The Small Business Administration marked its twentieth anniversary in July; the small business investment company program, with which we are most closely acquainted, was fifteen years old in August. For these reasons we believe that 1973 is an auspicious time to review the current position of Independent Business in the United States and to propose new and stronger measures to guarantee its vitality.

THE SMALL BUSINESS ADMINISTRATION

During the past 20 years, SBA has been the strong right hand of small business in Washington. SBA's responsibilities have grown tremendously in these two decades as both the President and the Congress have directed the agency to assume the responsibility for new programs to meet and overcome problems facing the Independent Businessman.

We believe that the Small Business Administration has met these challenges remarkably well; it has demonstrated ingenuity in stretching its people and its dollars to help more and more businesses. With no additional personnel, it has taken on innovative projects; with few appropriated dollars, it has made billions available to new and growing entrepreneurs.

On the other hand, we believe that SBA's effectiveness would be greatly enhanced if it were an independent department of the Government, and if its head were a member of your Cabinet. To gain the full cooperation of all parts of the Executive Branch, the spokesman for small business must stand on equal footing with those who make the major decisions affecting Independent Business.

You recognized this need when you issued Executive Order 11518 on March 21, 1970. Your Order directed all Federal departments and agencies to call upon SBA whenever any action they were about to take would materially affect the well-being or competitive strength of small business. In mid-1972, the Select Committee on Small Business of the United States Senate surveyed the departments and agencies to determine the impact of Executive Order 11518; our reading of the responses to the Committee's questionnaire indicates all too clearly that few concrete benefits have resulted from the Order.

Every public official should be aware of the ramifications of his operations on smaller concerns. Where a Federal action may raise problems for a diversified corporation, it may be fatal for his smaller competitor who has only one product or one service which he offers in only one locality. The freeze on meat prices, for example, brought a number of independent meatpackers to their knees. Similarly, the current freeze on retail gasoline prices is no more than an annoyance for stations owned and operated by the major oil companies, but it sounds a death knell for the independent gas station operator.

Our Association strongly recommends that the manifold interests and needs of Independent Business should be represented at the Cabinet level. The Small Business Administration should be converted into a department and be given additional resources and responsibilities for buttressing the posture of small business.

TAX REFORM FOR INDEPENDENT BUSINESS

"The inhibiting effect of high income tax rates on small business has long been recognized. New and growing businesses often cannot meet their initial and early costs and, at the same time, pay out a high proportion of earnings in income taxes. A high income tax depletes the internal funds for additional investment on which the small business must mainly rely."

Those sentences from the Report of the President's Task Force on Improving the Prospects of Small Business were most appropriate when they were written in 1970; they are even more correct today. Your Message to Congress commended the Task Force Report and pinpointed several specific tax reform proposals.

We believe that comprehensive small business tax reform should be given the highest priority within the Executive Branch and on Capitol Hill. The House and Senate Small Business Committees have devoted much effort to drafting such legislation over the past three or four years and the so-called Bible-Evins bill (S. 1098 and H.R. 5222) represents the most significant attack on this all-important problem. Many Senators and Congressmen from both parties have joined in sponsoring and supporting the Bible-Evins bill and we most respectfully urge that your Administration support this bi-partisan Congressional effort to alleviate the crippling impact of our Federal tax laws on new and small businesses.

FINANCIAL ASSISTANCE

Once again, the general level of high interest rates poses a significant threat to smaller firms. With today's tight-money "crunch" added to high rates, their plight has become extremely serious. We trust that your Administration, along with SBA, will take every possible action to forestall the strangulation of small businesses which require credit, but find it unavailable.

During the past two years, the Small Business Administration, in cooperation with thousands of commercial banks, has performed yeoman services in channeling loans to Independent Business. We commend this record and hope that it will be expanded in future years. To supplement these SBA-guaranteed loans made by banks, we recommend that more dollars be devoted to SBA's direct loan program which has been all but closed down. We have found that there are areas where banks are either unable or unwilling to participate with SBA—and businesses in such localities are completely hamstrung.

In addition to the high cost of credit, the public securities markets have been completely closed to small and medium sized businesses during most of 1973. For two of the last three months, not one business was able to make an initial public offering of its stock. In earlier years, such new issues had totalled as much as $2-billion annually, so it is apparent that even the best and most profitable of the growing businesses cannot raise dollars through public offerings of stock or debt.

Quite naturally, the members of this Association are most acutely aware of the long-term credit and equity capital needs of new and small businesses. Fortunately, we can report that the SBIC program has been greatly reinvigorated these past two years through the passage of two major pieces of legislation and through the sound regulations of our industry by Administrator Thomas Kleppe and his associates at SBA. We wish to thank you for your Administration's support of the Small Business Investment Act Amendments of 1971 and 1972.

As one result of these amendments, existing SBICs have added significantly to their private capital in 1972 and 1973 and strong, new SBICs are being licensed to bring additional resources into our industry. Nonetheless, we are certain that the effective demand for our type of financial assistance on the part of new and growing businesses far outstrips our ability to supply such dollars. To close this continuing equity gap, we make several recommendations which should encourage the dedication of additional dollars of private capital to the SBIC undertaking.

First, we believe that SBICs should be made a unique investment vehicle which will allow the American investor to participate in providing venture capital to exciting business opportunities. In the early days of the program, over $300-million was raised to capitalize publicly-owned SBICs and some 50 public SBICs were registered with the Securities and Exchange Commission by early 1962. It soon became apparent, however, that it was all but impossible for a venture-capital oriented SBIC to operate under the strictures of the Investment Company Act of 1940 which was designed to regulate a completely different type of business. The great majority of companies has withdrawn from the publicly-owned sector of the SBIC program, taking with them over $250-million in private capital which had been raised for the purpose of investing in Independent Business. At the present time, only 12 SBICs have stock regularly traded on securities markets. We recommend that publicly-owned SBICs be regulated only by the Small Business Administration, that the SEC's mandate to protect the shareholders be transferred from the Commission to SBA, and that the regulated investment company tax treatment provided under Section 851 of the Internal Revenue Code be made available to all SBICs complying with SBA regulations.

From 1958 until 1971, the SBIC program was the responsibility of an Associate Administrator for Investment at SBA and that official, acting only under the SBA Administrator, had full responsibility for our program—and for nothing else. With the expansion of SBA's activities in the disaster loan area, it was felt necessary to combine SBICs with other SBA programs. Although Administrator Kleppe has minimized the adverse impact of that administrative action, we strongly recommend that the Small Business Act be amended to give SBA four, rather than three, Associate Administrators and that SBA's SBIC operations be headed by an Associate Administrator for Investment, as provided in the SBIC Act of 1958.

SMALL BUSINESS AND FEDERAL GOVERNMENT ACTIVITIES

It is imperative that smaller businesses receive a fair shake at the hands of all Federal agencies. We have long been concerned at the tiny percentage of Government research and development contracts which go to inde-

pendent firms. Similarly, it appears to us that the percentage of Government procurement dollars awarded to small business could, and should, be dramatically increased. Contracting officers should be given positive incentives to utilize the skills and resources of independent firms seeking Federal contracts, because we believe this would bring greater competition and lower costs to the Government. As the largest customer in the United States, the Federal Government has an obligation to treat all segments of the economy equitably.

Along the same line, we believe that the Government is the logical sponsor for promoting technological utilization and transfer to the business community. The National Science Foundation and the Natural Aeronautic and Space Administration have initiated programs to bring the advanced technologies of the space age to the work benches and assembly line of civilian production. We strongly support these pilot operations and recommend that they be expanded, with the proviso that special efforts be made to assure that smaller firms fully participate in them.

Although we have attempted to present only positive recommendations to you, we wish to make this suggestion: the burden of paperwork demanded from small business by the Federal Government must be lightened. Independent firms often find it impossible to comply with all the requirements thrust upon them. We hope there is sufficient willingness and intelligence within the Executive and Legislative Branches to reduce this staggering load.

MINORITY BUSINESS ENTERPRISE

The members of this Association congratulate you and your Administration for the truly pioneering efforts you have made to bring all segments of our population into the mainstream of our economic system. SBA and the Commerce Department have been imaginative and effective in encouraging disadvantaged persons to become entrepreneurs and in assisting them to organize and operate successful businesses.

The MESBIC program is now a significant factor in aiding business ownership by those who have borne economic disadvantages. We are certain that your Administration will continue this most important undertaking.

SMALL BUSINESS ECONOMIC COUNCIL

Just three years ago this month, representatives of NASBIC and of four other small business trade associations were privileged to meet with you to discuss the status of small business. At your suggestion, these groups met subsequently with top White House and departmental officials to try to resolve specific problem areas. Our organizations joined in an informal Small Business Economic Council in order to be available to your associates whenever we could be useful. Unfortunately, our hoped-for continuing communications have been interrupted, and and the Council has not met for almost two years. We hope that it will be able to reinstitute regular meetings between your Administration and the Small Business Economic Council.

SUMMARY

The purpose of this letter has been to assure you of our desire to cooperate in all your efforts to maintain and invigorate our free enterprise system. We agree with the first conclusion of your Small Business Task Force that: "The desired objectives of improving the prospects of small business by expanding its role in the economy can best be served through stimulation and motivation of the private sector in a favorable business climate."

The SBIC program itself was perhaps the earliest formalized attempt to meet a national policy goal through utilization of the private sector and the profit motive. We believe that the lessons learned during the 15 years SBICs have been in existence can be helpful in devising solutions to other pressing problems and hope your own goals and policies will continue to emphasize the importance of this segment of the American Dream. We pledge our full support to such activities.

Respectfully yours,

ALLEN F. CALDWELL, JR.,
President.

PERSONAL ANNOUNCEMENT

HON. JAMES P. (JIM) JOHNSON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. JOHNSON of Colorado. Mr. Speaker, on Thursday, October 25, 1973, I was necessarily absent from the House of Representatives when the Emergency Medical Services Systems Act of 1973 was approved by a vote of 364 to 18. Had I been present, I would have voted in favor of the bill.

When similar legislation passed the House on May 31, I voted in favor, but found the subsequent additions to the bill in the conference were not supportable due to the eight public service hospitals which were included, and I voted to sustain the President's veto of the bill.

I then cosponsored legislation which would achieve the goals originally sought and which were contained in the recently passed H.R. 10956, and it was gratifying to see is passed with such overwhelming support.

RARICK'S TESTIMONY ON H.R. 643: THE FOOD SUPPLEMENT BILL

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. RARICK. Mr. Speaker, today I submitted a statement to the Public Health and Environment Subcommittee of the Committee on Interstate and Foreign Commerce, in support of H.R. 643 and related bills.

The statement follows:

STATEMENT OF THE HONORABLE JOHN R. RARICK

Mr. Chairman, Members of the Subcommittee, I appreciate this opportunity to submit this statement in support of H.R. 643 and related bills, legislation designed "to amend the Federal Food, Drug, and Cosmetic Act to include a definition of 'food supplements', and for other purposes."

As you know, Mr. Chairman, I have authored an identical bill, H.R. 1617.

What is involved here is the fundamental right of human beings to determine as individuals what is best for them. The FDA does not deny this. Their statement in the February 19, 1973, Federal Register indicates that they believe that "lay persons are incapable of determining, by themselves, whether they have, or are likely to develop, vitamin or mineral deficiencies." Thus, the FDA has taken upon itself to tell us what we may have in the way of nutrients by classifying any vitamin, food supplement, or food as *drugs* which meet the following characteristics: if they are sold in the shape or form of drugs; if they have a potency greater than 150% of the FDA's recommended daily allowance; if they are sold in combinations other than those few canonized by FDA; if they are hazardous in excessive quantities; if they have nutritional or health claims; or if they have drug claims. Once these foods are classified as drugs, they would be subject to review by the FDA, which could order that these "foods" be sold by prescription only or banned from sale entirely.

The justification for setting up these proposed regulations against food supplements and vitamins is that they are useless; however, these regulations have been promulgated not because FDA has proved that these food supplements and vitamins are useless, but because the manufacturers have not proved, to FDA's satisfaction, that they are not useless. This *Alice in Wonderland* type of semantics can be found in the FDA language in the Federal Register of February 19th: "there is no rationale for allowing or encouraging the promotion and sale of dietary supplements of vitamins and/or minerals to the general American population for the purpose of treating, preventing, or curing diseases or symptoms." What they are saying is that it is useless because we say it is useless. This is a typical, arrogant, bureaucratic position for FDA to maintain, particularly in view of the fact that there is voluminous information which indicates that at least some, if not most, of these vitamins and food supplements are beneficial to individuals. Too little is known about the variations in the human need for specific nutrients to deny an individual the freedom of choice in determining what safe dietary supplements of vitamins and minerals he may take and has found beneficial.

There is a great divergence of opinion on the action taken by the FDA in setting the Recommended Daily Allowance, or RDA, for each of the 19 vitamins and minerals recognized as "essential" by the agency. According to the FDA, these Recommended Daily Allowances, which are generally higher than the old Minimum Daily Requirements, are "sufficient to meet the nutritional needs of essentially any healthy individual." Dr. W. W. Bauer of the Department of Health, Education, and Welfare has said that "anyone can rest assured that if he is a normal individual and will eat as he should he will suffer no deficiencies of vitamins or minerals or proteins." The problem with this thinking is that we know that there are millions of people who do not eat as they should. Among the many and varied reasons for this are appetite differences, eating habits, limitations of time, or work habits or conditions. It is the people who, realizing the nutritional shortage and attempting to supply it with vitamins and minerals, will be effected by the proposed FDA regulations. There are numerous examples of this, Mr. Chairman, perhaps the most notable of which are those individuals who work "shifts."

It has been suggested, Mr. Chairman, by a variety of noted doctors that the Recommended Daily Allowances established by the FDA fall short of what they consider to be recommended dosages. Most prominent of these individuals is Dr. Linus Pauling, a Nobel Prize winner for his research in chemistry, who recommends a dosage of almost 50 times that allowed or recommended by the FDA for vitamin C.

The FDA provision that all food supplements containing more than 150 percent of the Recommended Daily Allowance will be redesignated as drugs must be considered arbitrary and capricious in the light of contradicting opinion and evidence. It seems so arbitrary that one writer has commented that it must have been arrived at by lottery.

The FDA has further encroached on the freedom of the people with its blatant declaration that its opinion or conclusion as to what is considered "misbranded" is correct over all other conclusions. In the face of credible information to the contrary, the Food and Drug Administration has decided that food supplements are misbranded when the label suggests that a balanced diet of ordinary foods cannot supply adequate amounts of nutrients; or that as a result of deficient soil where the product was grown, there is a denciency in the diet; or that the storage, transportation, processing or cooking of a food is or may be responsible for an inadequacy or deficiency in the quality of the daily diet.

We see, therefore, that the regulations will not only limit the type of vitamins an individual may purchase without a doctor's prescription but will also limit manufacturer's claims on nutritional products and the educational flow of information on diet.

It should be noted, Mr. Chairman, that these statements would not have been incorrect, but rather would be statements of fact as determined by research done by the manufacturer. The determination as to the accuracy of these statements has been taken from the people and given to the FDA authorities. The FDA has not only denied the people the educational flow of information so that the individual might make an intelligent determination; they have actually made that judgment for us. It seems to be irrational and dictatorial of the FDA to settle complex, widely disputed and underresearched questions by simply promulgating new rules and regulations which, in effect, proclaim that the FDA has the correct assumption and that all other opinions are false. This action by the FDA in preventing the dissemination of information can be considered a denial of the freedom of expression.

The definition of "misbranded" as authorized by the Congress is set forth in 21 U.S.C. 343(a): "a food shall be deemed to be misbranded (a) if its labeling is false or misleading in any particular" and "(j) if it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, or other dietary properties as the Secretary determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses."

It should be noted that the criminal provisions of the Food, Drug, and Cosmetic Act, 21 U.S.C. 334, and the seizure provisions, 21 U.S.C. 334, have adequately protected the consumer against adulterated and misbranded foods. These provisions were extended to cover misbranded and adulterated food supplements under the FDA Food Supplement Regulations adopted 22 November 1941. These provisions have been periodically amended to ensure adequate coverage and have been consistently upheld by the Supreme Court. Until the new restrictions proposed by FDA relative to vitamins, minerals and other food supplements, the above provisions were regarded as general restrictions designed to protect the public against dangerous or adulterated food and drugs. It should be emphasized, Mr. Chairman, that the definition of "misbranded" foods as contained in the existing law, along with the present criminal and civil sanctions, are more than adequate to protect the American consumer. This is especially true when we consider that there has been no evidence advanced by the FDA that these food supplements are, in fact, dangerous or harmful.

At issue here, Mr. Chairman, is the extent to which this Congress will allow Federal bureaucrats, acting under the guise of protecting the American people, to go in controlling the lives of the American people. I fully support the action of the Federal government in banning and/or controlling the use of dangerous drugs; however, I would remind you and the Members of the Subcommittee that the recent action by the FDA relative to food supplements is not on any evidence that these vitamins, minerals, or other food supplements are, in fact, harmful or dangerous to human health. Rather these regulations are promulgated on the basis that the manufacturers have not established that their products are in fact useful. Thus, Mr. Chairman, the FDA has acted arbitrarily and capriciously and without firm scientific basis. This decision cannot be allowed to stand.

Mr. Chairman, the legislation before the subcommittee merely defines the term "food supplement" and restricts the authority of the Secretary relative to limiting the potency, number, combination, amount, or variety of any synthetic or natural vitamin, mineral, substance, or ingredients of any food supplement unless such article is *intrinsically* injurious to health in the recommended dosage, and (2) shall not require a warning label on any food supplement unless such article is *intrinsically* injurious to health in the recommended dosage. Mr. Chairman, the key word in the legislation as I see it is *intrinsically*. This bill would merely place the burden of proof where it belongs, on the FDA, and force them to have scientific evidence before acting to limit or ban the sale of such food supplements. In no way does this legislation restrict the designated purpose of the Food and Drug Administration in attempting to protect the American people from harmful or dangerous drugs.

Mr. Chairman, I urge you and the Members of the Subcommittee to give favorable consideration to this legislation.

DESTRUCTION OF THE PEANUT PROGRAM AN UNWISE ACT

HON. W. R. POAGE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. POAGE. Mr. Speaker, the Secretary of Agriculture has announced certain administrative changes in the 1974 peanut crop program in what seems to me to be a penny-wise pound-foolish move which is certain to create financial hardship to thousands of producers and severely hurt the economy of a great many small communities. A similar change was announced for rice—it too is a mistake, but today I want to confine my discussion to peanuts.

Under these changes there will be no further price supports for peanuts found to contain aflatoxin. Were we to treat hog producers the same way, we would make no compensation to the owner of hogs slaughtered to stop the spread of cholera.

There will be no transfers of acreage allotments by lease or sale. This will work an especial hardship on retired, crippled, and disabled landowners who cannot work their land. The able bodied and well financed will be able to work their own allotments.

There will be an increase of $2 per ton in the storage charges. This will be added to the $15 imposed this year. The effect is simply to reduce supports by that amount.

No tolerance of acreage measurements will be allowed in program compliance. If a farmer with an allotment of 13.5 acres plans 13.51 acres he can be denied all program benefits. For practical purposes, no farmer can survey his land with that exactness.

The functions of the three regional marketing co-ops will be transferred to county ASCS offices. Very few of these offices are equipped to conduct these complex marketing activities. This will surely reduce the actual returns to farmers by many millions of dollars.

The CCC will take over all unredeemed loans and will be prohibited from selling takeover peanuts for less than 115 percent of acquisition cost. This will mean that under normal prices no CCC peanuts will sell. If they do, the consuming public will have to pay much higher prices. Apparently, the Department wants to pile up enough peanuts to create resentment against the entire program.

Peanut production under the present program has enabled a great many of our smaller farmers to make a living on a lot of land which is unsuited for any other crops especially in Texas and Oklahoma. None of these growers have been getting rich. Many are still below the poverty level, but they have managed to earn a livelihood, raise their families, pay their taxes, and be good citizens. In turn, their income from growing peanuts has flowed into the local stores and shops and banks and has kept many a community a viable, good place to live. There is little doubt that many of these towns would disappear from the map if peanuts can no longer be produced in their area at a profit.

Of course, the stated reason for these changes is to save an estimated $6 million which has been going to peanut producers. Actually, there will be no such savings. The losses occasioned by the refusal to sell CCC peanuts back into the trade will far exceed this and the losses sustained by the growers will be many times this amount. The entire income from foreign sales will be lost and thousands of our poorest family farms will be injured.

To aggravate the situation, the Secretary's announcement flatly stated that he would shortly present legislation to wipe out all peanut allotments. On its face this may seem a reasonable suggestion. But with allotments our present peanut production can and does support about 100,000 families. Without allotments no one could make enough from the production of peanuts to make a living. By destroying allotments we would not help any new growers. We would, in fact, simply destroy all peanuts growers.

I recognize that the peanut program, like all programs, needs continual review. I have assured the Secretary of Agriculture that I, and the members of my committee, are always ready to discuss the desirability of any changes in the program. In spite of the fact that I was told nothing about the proposed changes until 55 minutes before they were publicly announced. I am still ready

to discuss this or any other matter with the Secretary. However, I can not believe that it is very helpful to ask our opinion of a letter after the letter has been placed in the mailbox. This is, in effect, what the Secretary has done.

EUGENE CONSTANTIN

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. COLLINS of Texas. Mr. Speaker, this past week our country lost a great American in Gene Constantin. Nearly every week, I have received a positive constructive letter from him. His ideas were sound. His logic was commonsense. And he always was concerned with what was good for the country and how to maintain a progressive Republic.

I first knew of Gene Constantin through his son, Gene, Jr. who was at Yale when I was in Harvard Business School. He joined the Marines and went to the Pacific when I went with the Army to Europe.

This young Gene was a dynamic person with a tremendous future. I looked to him to be one of the greatest leaders in Texas. But as he was leading a Marine charge in Okinawa, he was killed in action.

Gene Constantin did not have a son to whom he could pass on his heritage. But he has been the driving force in building the University of Dallas that will carry on his tradition. And everytime I drive by the University of Dallas, I will always be reminded of how he lost his only son for his country, but he has left hundreds of sons and daughters on this beautiful campus. Through their enthusiasm, he is building a greater America for tomorrow at the University of Dallas.

Here is an editorial that I know my colleagues in Congress will find inspiring on Gene Constantin as expressed on October 26, by the Dallas Times Herald.

The editorial follows:

EUGENE CONSTANTIN, JR.

Even judged alongside his fellow philanthropists, the late Eugene Constantin Jr. was something special. Constantin, an independent oilman, gave liberally of his considerable fortune. More than that, though, he gave of himself: He gave his time, his energies and his counsel to the causes in which he believed.

Boy Scouting was one of those causes; so was the Dallas YMCA; so, too, was Junior Achievement, Presbyterian Hospital and Southern Methodist University.

But all of Constantin's causes, the University of Dallas was doubtless his favorite. He was founder of the Roman Catholic liberal arts institution that sits atop a ridge in Irving. He headed its initial $2 million fund drive in 1954; he gave over half a million dollars to its Operating Fund campaigns during UD's first dozen years. Between 1967 and 1970, he presented the university with endowments totaling $6 million.

The university esteemed Constantin as a counselor, as well. At his death, he was serving as chairman of its Board of Trustees.

Splendid counsel he must have given, for the University of Dallas is today one of the nation's outstanding liberal arts institutions. Small wonder that its president, Dr. Donald Cowan, should say of his friend and benefactor: "His life and works commend him to all who reverence greatness."

HOUSE SHOULD CONTINUE IMPEACHMENT INQUIRY: SEEK APPOINTMENT OF NEW SPECIAL PROSECUTOR

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, on October 23, I introduced in the House of Representatives a resolution which provides:

Resolved, That the Committee on the Judiciary shall, as a whole or by any of its subcommittees, inquire into and investigate the official conduct of Richard M. Nixon to determine whether in the opinion of said committee he has been guilty of any high crime or misdemeanor which in the contemplation of the Constitution requires the interposition of the powers of the House of Representatives under the Constitution. The Committee on the Judiciary shall report its findings to the House of Representatives, together with such resolutions, articles of impeachment, or other recommendations as it deems proper.

The delivery of the tapes to Judge Sirica in no way should deter the House from continuing its investigation into whether the President has engaged in impeachable offenses.

Further I believe—and I told this to the Speaker—the Judiciary Committee should hire Archibald Cox as a special counsel and then immediately subpena all of Cox's records and files at the Justice Department and employ them in the committee's own investigation.

In addition, I feel strongly that a new special prosecutor should quickly be appointed by Judge Sirica or the Congress, through legislative mandate, should name a new special prosecutor to continue the investigative work of the task force which was headed by Cox.

In my mind, the President still faces serious charges involving the obstruction of justice and criminal investigations, wiretapping, bribery, failure to report the break-in to Ellsberg's psychiatrist office, the use of the CIA to cripple FBI investigations, and the submission of false reports to Congress relating to the bombing of Cambodia.

If proven, these and other charges fit within the "high crimes and misdemeanors" impeachment clause of the Constitution.

A final determination by the Judiciary Committee should be made on all charges before we can and should quiet the voices seeking impeachment of Richard Nixon.

The committee also must expeditiously consider GERALD FORD'S nomination as Vice President.

I do not believe his nomination should be tied to the committee's newest—most critical—responsibility, the inquiry into possible criminal actions by the President.

EXCESSES BY CHILE'S JUNTA CAUSES CONCERN

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. YATES. Mr. Speaker, I rise to express my deep sense of concern over this administration's silence with regard to the totalitarian tactics undertaken by the military junta which has seized power in that beleaguered country.

Our newspapers tell us that perhaps 3,000 people have been killed and at least 4,000 people remain interned in Santiago alone. Those being held include former high government officials, members of the Chilean Congress, untold numbers of students and professors, and non-Chilean political refugees from throughout South America. It is expected that all of these people will be tried by military courts, where no consideration will be given to assure their rights under the Chilean constitution.

Mr. Speaker, the violations of human rights and civil liberties do not stop there. Books are being burned in the streets; not just Marxist books, but also the books of Pablo Neruda, the recently deceased poet who was Chile's only Nobel Laureate. The largest labor federation in Chile has been abolished, all elected mayors and councilmen have been removed, all university rectors have been replaced by junta members, all activity by political parties—including the conservative parties—has been placed in what the punta euphamistically calls "indefinite recess." The Chilean Congress has been suspended, heavy censorship has been imposed, and the exercise of civil law has been terminated in favor of martial law.

Mr. Speaker, we should not be taken in by the claims of the new ruling clique. They have announced that they have acted to restore constitutional rule and that they will quickly turn the government back to civilian control. But all indications are to the opposite effect. Their intimate association with the movements, which have worked for a long time to obtain a military takeover of the government and their abolition of the democratically elected Congress indicate that there is little hope for a return to civilian government in Chile for some time to come.

I am also concerned over the publication of prisoner lists, and protection of the rights of refugees which are all standards of international law. That these standard are met by the ruling Junta of Chile is a proper humanitarian concern of the American people.

Mr. Speaker, I hope there will be prompt action on the Fraser resolution which calls on the government of Chile to insure protection of the rights of all persons being held in Chile.

THE VETO OF THE WAR POWERS ACT SHOULD BE OVERRIDDEN

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. ROUSH. Mr. Speaker, just a short time ago I rose in this august body to commend my colleagues on the passage of legislation of significant historical value, legislation clarifying the relative roles of the President as Commander in Chief of the Armed Forces and the Congress as the voice of the Nation in declaring war.

This was the war powers bill which very judiciously spelled out the length of time during which a President could invoke the authority to dispatch U.S. troops abroad without conferring with the Congress and securing a declaration of war, as required by the Constitution.

Many who felt that recent Presidents have over-extended the bounds of their authority on this issue were dissatisfied with the bill which seemed to them too generous in its allowance of Presidential authority to wage a war without prior congressional approval. Others felt the bill too restrictive. I personally thought that the war powers bill preserved the constitutional balance of power, defined the authority of both the President as Commander in Chief and the Congress as the one arm of Government provided by the Constitution with the power to declare war. And so I voted for this legislation.

Today I am saddened by the fact that the same President who has repeatedly lectured the Congress about the values of the balance of powers concept, who has zealously and jealously proclaimed the separability and equality of a tripartite government, now would arrogate to the executive branch alone, with unrestrained authority, the power to determine when this Nation goes to war.

That is not the way the Constitution reads and the language is simple and direct.

The Congress shall have the power—to declare war. . . .

So it reads. Nor can the recent outbreak of war in the Middle East or any other such incident suffice to justify handing over to the President, and that is what we do if we accept this veto, authority deliberately reserved to the Congress by those who carefully constructed that document. I think they judged carefully and wisely. The members of the Constitutional Convention were familiar with the dangers of concentrating all power in one body or one individual. They deliberately avoided that, and in so doing they carefully allocated certain authorities to one branch of government, and other powers to the other branches of government. To the Congress as representing the people went the power to declare war.

This is not the time to be changing a system which has served us well for 200 years. I for one do not intend to give away, to abandon a responsibility that was imposed upon this body when this Republic was founded and thus to violate the Constitution I have sworn to uphold. I shall cast my vote to over-ride the President's veto.

TALK OF IMPEACHMENT

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. ERLENBORN. Mr. Speaker, John S. Knight, an editor and publisher of considerable repute, suggested in a recent editorial that in talking of impeachment we must take the time to know exactly what we are talking about. I commend his statement to my colleagues.

The editorial follows:

BERATE NIXON, BUT DO NOT IMPEACH HIM

(By John S. Knight)

President Nixon is reaping a bitter harvest of criticism that grew from the seeds of arrogance that he and his associates in the White House planted in the political soil of America.

Just one year ago, President Nixon received 61.7 per cent of the total vote cast. Today, an angry and uninformed public is loudly demanding that he be impeached forthwith.

No public man within my memory has done so much to destroy himself so totally within so short a time as has Mr. Nixon.

Yet I consider the hue and cry for President Nixon's impeachment to be totally without merit at this time. Fortunately, my credentials for speaking thus are unimpeachable since I did not vote for Mr. Nixon at the last election.

I argued then in connection with the Watergate revelations that I could not support an administration that had abdicated all moral principles. I stated on Oct. 29, 1972, that "the time has come for a friend to cry out against the cynical disregard for truth and honesty by the Mitchells, Haldemans and other members of the palace guard who apparently are utterly lacking in principle. As a citizen, I resent being asked to accept on faith the shabby tricks of gutter politics that are being masked in the deep and foreboding silence of those who govern my country."

On July 1 of this year, I described the "present plight of President Nixon" as "an American tragedy such as we have not witnessed in our times"; and stated that "ultimately the President will be forced to go before the country and give the people the truth. He alone must attempt to restore, if he can, the people's faith in their government. It is the President's duty to explain how such a senseless tragedy was thrust upon the American people."

You may be thinking, "That is all very fine and noble, but what does it have to do with impeachment? Just look at the terrible things Mr. Nixon has done since."

Certainly I would agree that the President's devious handling of the Watergate tapes, and firing of Special Prosecutor Archibald Cox and the loss to the administration of such able men as Elliot Richardson and William Ruckelshaus are events to be thoroughly depolred.

But are they grounds for impeachment? The Constitution says: "The President, vice president, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors."

Up to now, Mr. Nixon has not been convicted—other than in the court of public opinion—of any of these impeachable sins.

True, the President did not choose to submit the question of executive privilege to the Supreme Court as it had been earlier believed he would do. He elected instead, and at the last moment, to turn the controversial tapes over to Judge Sirica as ordered. Charles Alan Wright, who represents Mr. Nixon, stated that "this President does not defy the law."

So despite the anguished cries of the American Civil Liberties Union, partisan members of Congress seeking to make personal capital out of Mr. Nixon's dilemma, and an underinformed public, which votes its gut feelings through oversimplified call-in newspaper polls and radio talk shows, there appears to be no substantial legal ground for the President's impeachment.

There are other compelling reasons why President Nixon should not be impeached on the basis of evidence at hand.

We are living through another crisis in the Middle East, which could assume worldwide proportions.

President Nixon, despite his many imperfections, is a recognized world leader who—together with Sec. of State Kissinger—has enjoyed many notable accomplishments in the field of foreign relations. The heads of other governments with whom a President must negotiate do not share the American public's distress over Watergate and related matters.

Secondly, we have no vice president to succeed the President in the event the latter is impeached and found guilty. Rep. Ford, the President's vice president-designate, is being held "hostage" by a Congress with politics on its mind.

The presidential succession, therefore, would descend upon Oklahoma's Rep. Carl Albert, speaker of the House. Albert, a man of no remarkable distinction, has himself urged caution on impeachment.

In this season of baseball trades and changing managerial lineups, I would doubt the wisdom of trading Nixon-Kissinger for Albert-What's his-name.

So before public opinion goes off half-cocked, let the House Judiciary Committee—as the Miami Herald has suggested—"begin a sober and orderly study of whether the President has in fact done anything for which he should be impeached."

That really is the question. Kick Richard Nixon around if you like, berate him for his sins, rue the day you voted for him—but don't pop off about impeachment if you're not sure you know what you're talking about.

BANK OF YORKVILLE—ANNIVERSARY CELEBRATION

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. JONES of Tennessee. Mr. Speaker, on October 21, 1973, the Bank of Yorkville, Yorkville, Tenn., celebrated the 67th anniversary of its founding, and also the opening of their newly remodeled building. The Bank of Yorkville was founded in 1906 and has served Yorkville well for the last 67 years. It is my privilege to pay tribute to the bank and to the capable people who make it one of such high standing.

The bank's president, Mr. Malcom R. Forrester, has been a banker for nearly 45 years and has been president of the

Bank of Yorkville for 42 of the 45. In addition to serving as president of the bank and the Yorkville Insurance Agency, he has found time to devote many hours to serving his community. Mr. Forrester serves as president of the West State Utility Water District, which was the first of its kind to be formed in Tennessee to supply service to rural families. He is a member of the Gibson County Court, and has served as a former State legislator for 2 terms. Yorkville is indeed fortunate to have Malcolm Forrester as president of its bank.

Richard J. Binkley, the bank's vice president, is a former member of the Yorkville High School staff, where he taught agriculture coached the girls' basketball team. Together with his duties as vice president of the bank, Mr. Binkley serves as Yorkville's mayor.

Mrs. Charlie "Adiola" Cowan, has served as the bank's assistant cashier since 1936. Mrs. Cowan, a native of Yorkville is a great believer in her community and has contributed much to Yorkville in a personal as well as a professional capacity.

As a native Yorkvillian, I would like to take this opportunity to thank these officers and every other employee of the bank for their devoted and cheerful service to the community of Yorkville, and to wish them as much success in the next 67 years as they have had in the past 67.

DO THE RUSSIANS DESERVE MOST-FAVORED-NATION STATUS?

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. ROUSSELOT. Mr. Speaker, the Mills-Vanik amendment, which I have cosponsored, provides that most-favored-nation treatment, credits, and loan guarantees shall not be extended to the Soviet Union as long as it continues to restrict the freedom of its citizens to emigrate. I have taken pains to point out that this issue concerns not only Soviet Jews but also millions of other victims of Soviet oppression in Latvia, Lithuania, Estonia, and the Ukraine.

The American Latvian Association and the National Conference on Soviet Jewry have provided me with information concerning three instances where Latvian Christians, who were displaced due to World War II, have sought unsuccessfully to emigrate from the Soviet Union.

Mrs. Velta Valdens, of Vancouver, Wash., has twice attempted to secure an emigration permit for her 83-year-old mother to join her in the United States. The Soviets have given no reason for their denial of the permit.

Likewise, Mr. Janis Putnis has failed to obtain permission for his daughter to come to the United States to live. When Mr. Putnis first applied for an emigration permit, his daughter was 16 years old. Now she is 27 and married, and the Soviets still refuse even to allow her to visit her father.

Mr. Vilis Krastins, of Milwaukee, Wis., has been separated from his wife and son. Beginning in 1957, when his son was 14 years old, Mr. Krastins began applying for emigration permits. In the meantime, his son has grown up, and the Soviets have refused to permit even a visit.

I cannot imagine how we can consider conducting normal trade relations with the Soviet Union as long as it persists in enslaving its citizens and denying them freedom to emigrate to any country which is willing to accept them.

MR. MEANY VERSUS FREEDOM

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. DERWINSKI. Mr. Speaker, all Americans benefit from the freedom of press which we enjoy in this country even though various public officials have their ups and downs in press relations.

However, I was intrigued with the evident disregard for the freedom of press exhibited AFL–CIO President George Meany and I, therefore, direct to the attention of the Members an editorial in the Saturday, October 27 issue of the Chicago Tribune. The article follows:

MR. MEANY VERSUS FREEDOM

Now at the pinnacle of his power, President George Meany of the AFL–CIO should today be a missionary for the freedom which has permitted his movement to gain goals it sought.

But is he such a missionary? At the AFL–CIO convention at Bal Harbour, Fla., he barred nonunion television camermen from the convention hall. He even ruled that the nonunion Miami Herald could not be sold at the convention hotel. He said the hall has been rented with union members' dues and that the union could bar any media it wished.

But free Americans have just as much right to reject union membership as Mr. Meany has to accept it. Even if he cares nothing for tolerance and freedom, he should recall that a free press has thru the years helped his movement by telling its story.

One of the delegates at Bal Harbour, Charles Perlik, president of the American Newspaper Guild, reminded Mr. Meany that excluding nonunion cameramen violated the free press guarantee embodied in the First Amendment. Such a ban, Mr. Perlik said, "weakens the democratic structure of which the free flow of information is such a vital part." If only union cameramen may take pictures at a union convention, may only Democratic reporters cover a Democratic convention?

If a "right-to-work" organization had barred newsmen because they were members of the AFL–CIO, Mr. Meany's roars of wrath would have been audible for miles—and rightly so.

Anyone who would exclude any category of persons from access to news worthy events or either union or nonunion publications from newsstands opposes principles basic to our national institutions and to the public interest.

EDITORS ENDORSE CHOICE OF JERRY FORD

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. SHRIVER. Mr. Speaker, the President's nomination of our minority leader, JERRY FORD, has received strong endorsement from a large majority of my constituents and from the editorial writers of our major newspapers. Under leave to extend my remarks, I am submitting for the RECORD a representative sampling of this editorial response:

[From the Newton Kansan, Oct. 29, 1973]

EDITORIAL OPINION: FORD NOMINATION WISE

President Nixon made a wise decision last week when he nominated Gerald Ford of Michigan, minority leader in the House of Representatives, as the successor to Spiro Agnew as vice president.

In doing so he avoided a bitter fight with Congress, he assured that an able man would be available to succeed him in case that becomes necessary, and he assured that the office of the vice president would not be vacant for a long period.

For Ford to become vice president, he must be approved by both houses of Congress.

In view of what has happened in the recent past, both houses of Congress assuredly will make a thorough investigation of Ford's background, just as it would of the background of anyone the President would have nominated.

But it has this advantage—Congress seldom turns down one of its own for an appointment.

Had Nixon named John Connally of Texas, or Nelson Rockefeller of New York, or any of the other Republicans who have acted as if they might be a candidate for the GOP presidential nomination in 1976 a bitter fight would have been assured, and because the Democrats control both houses, the nomination would have undoubtedly been turned down.

Not only that, but the other Republican aspirants to the presidency would have been upset, because the new vice President would have started the race with an advantage.

In any case, the confirmation of the appointment would have been delayed and more bitterness would have been added to the running battle between the executive and the legislature.

[From the McPherson Sentinel, Oct. 15, 1973]

FORD SHOULD BE ONE OF OUR BEST VICE PRESIDENTS

President Nixon's nomination of Gerald Ford for vice president looks like an excellent one.

Ford doesn't seem to come from the rich men crowd like some other vice presidents did. He and his family live a simple middle class life without a lot of the rich men's favors we have seen too much of in recent years.

Further he is a thoroughly experienced congressman with 25 years in the House. He knows how to campaign. As leader of House Republicans he has proved he works well with both parties.

And he thinks along with the President on vital issues.

Unless Senate investigation uncovers some bad information, this man should be thoroughly capable of serving as president if

that were to happen. May he be confirmed by Congress very soon.

[From the Wichita Eagle and the Beacon, Oct. 14, 1973]

FORD IS A BETTER IDEA

In his nomination of Gerald Ford to fill the vacant office of vice president, President Nixon appears to be extending an olive branch to the Congress. And initial reaction indicates the Congress might eagerly accept the peace offering

This in no way demeans the selection of Ford for the nation's second highest office He has many factors going for him that make him an excellent choice; but great among them appears to be the healing balm for a sore Capitol Hill

Nixon could have made his choice from among a number of persons prominently mentioned—Connally, Rockefeller, Bush, to name three—and justified any one of them on the grounds that the selection would have been for the good of the nation

The President was clearly in the driver's seat The initial selection was up to him; it could not go unrecognized that the choice should be in tune with the President's own philosophies; the selection certainly had to be someone with the ability to carry on should some ill fate befall Nixon. Congress could buck and snort, but it would have to approve any clean selection

But Ford was different: Of all those being prominently mentioned most of the others were considered potential candidates for the next presidential nomination, and Ford has never given any hint as to desiring that; he holds great respect from colleagues in both parties; he had been one of those considered as a running mate by Nixon in 1960 and he has been well tested in all the attributes required by Nixon in this instance.

Had one of the 1976 contenders been named there would have been trouble not only from Democrats, but from Republicans as well; for among politicians any advantage is considered unfair. And while Congress would have approved in the end, old sores would have been opened and new ones created.

Although he is low key compared to a person such as Connally, Ford appears to have the qualities needed for the job; especially for the job at this time. He has 25 years of legislative experience, a reputation for getting Congress to move his way (six vetoes sustained by a Democratic controlled House) and an ability to bridge philosophic lines. He is widely recognized as the strongest leader among the four congressional caucuses (though some say this is more a commentary on the weakness of congressional leadership). At this time he appears to have no taint of scandal in his background.

It must not go unrecognized that there is a very real chance that this selection could be called on to fulfill the number one reason for a vice president—that of moving up. With Mr. Nixon's many problems—not the least of which is the tapes question in which once again a court has gone against him—the possibility of a resignation or impeachment must be realized. It also is obvious from his personal appearance that all of his troubles are weighing heavily upon the President's shoulders and affecting his health.

During his administration Mr. Nixon has made many blunders in the selection of people to assist him. There also have been high points: Dr. Kissinger, Elliot Richardson, William Ruckelshaus.

In the selection of Gerald Ford the President appears to have picked a capable man and also to have taken steps toward uniting the nation. We would hope and pray that it is so.

[From the Wichita Eagle and the Beacon, Oct. 21, 1973]

PUTTING GERALD FORD UNDER THE MICROSCOPE

Gerald Ford, vice president designee, apparently is destined to be the most closely scrutinized politician in the history of America.

To an extent, the congressional reaction was predictable and even laudable, but recent reports suggest that Congress has developed either a touch of paranoia or an inclination to turn Ford into a political hostage pending the outcome of a court decision on whether or not Mr. Nixon must release his tapes. Neither prospect is likely to set well with the general public.

As is proper, the FBI has investigated Rep. Ford thoroughly and apparently found nothing that would reflect ill upon a national leader. The House investigating committee has requested his income tax returns, medical records and evidence that there has never been any diagnosis of or treatment for mental illness. This, too, is within reason, and probably should have been standard procedure before granting congressional approval of any potential holder of a major office—even before the revelations of Watergate and Agnew pricked the national conscience.

It seems highly improper and wholly unnecessary, however, for Congress to examine the man's political views and voting record. It should be plain enough that Ford supports the basic Nixon philosophy and whether or not Congress approves it, it is Ford's right and it is only logical that the President would select a man whose views support his own.

Neither is a televised hearing either necessary or desirable. Indeed, one could speculate that such a hearing might almost become obscene as Ford is placed in the witness chair to discuss the intimate details of every illness he may ever have suffered. It seems like one more bid by Congress to get some free television publicity.

The idea that the Democratic Congress might be deliberately delaying confirmation of Ford as further leverage to use against Nixon in the matter of releasing the tapes is the most distasteful prospect of all. The nation well knows that should the President be killed, or be incapacitated by illness, or forced to resign from office while we are without a confirmed vice president, the leadership would fall to Democrat Carl Albert.

The capture of the White House by a deliberately staged default would surely be sufficent to finish souring the American voter on our entire politic process. No contentious congressman could be party to such a ploy after the agony this nation has just endured as the result of political corruption.

GERALD FORD'S NOMINATION

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. ESCH. Mr. Speaker, on Friday, October 12, the Honorable GERALD FORD, the Congressman from Michigan's Fifth District, was nominated by President Nixon for the office of Vice President. Of course, we are honored to have such a distinguished man from Michigan nominated to the Nation's second highest office. And I believe the bipartisan support from both Houses, the public, and the favorable media response highlight the fact the choice was a popular one.

I am confident the House and Senate will move expeditiously—but not hurriedly—to consider GERALD FORD's nomination. Thorough and complete hearings are needed to reassure the Nation in this troubling time.

An opportunity will be afforded us to comment on Congressman FORD's qualities at a future date. I did want to emphasize now, however, that the real significance of the choice of GERALD FORD for Vice President lies in his ability to respect differences and to bring divergent views together in a systematic way to solve the country's problems.

During my tenure in Congress during the last 7 years, I have not always agreed with the substantive positions which he has taken and indeed, he has not always agreed with me. But he has respected our differences and respected my right to disagree.

We live at a time when in this country we must learn as never before to respect differences, to find a common ground and to move ahead on the problems the country faces. I think the choice of GERALD FORD will be a major determinant in moving the country forward in the next 3 years.

DISCRIMINATION IN VOTING: THE LANGUAGE BARRIER

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. RANGEL. Mr. Speaker, the board of elections for New York City will, for the first time in its history, conduct bilingual elections. Acting under court order, there will be Spanish translations of the November ballot, amendments and other election materials provided. In addition, bilingual translators will be located at each election district in the city where 5 percent or more of the population is Hispanic according to the 1970 census.

This progressive step represents a major first effort to break down the language barrier in the electoral process. Discrimination against citizens who are unfamiliar with or nonfluent in English is constitutionally unjust and denies equal protection to those citizens.

This is a national problem, however, and the rest of the Nation has failed to respond. Any comprehensive election reform measure passed by Congress should include provisions requiring bilingual ballots in areas with a significant proportion of non-English speaking voters. If necessary, Federal funds should be made available to local governments to help them set up bilingual election programs.

The election process will be little more than a farce if large numbers of our citizens are wrongfully disenfranchised. Already, aside from discrimination against Spanish-speaking voters, State voter registration laws discriminate against the handicapped, against the poor, and against those who cannot travel to regis-

ter. America's registration laws are unduly restrictive and discourage, not encourage, voter participation.

It is the job of Congress and the States to tear down the barriers that prevent citizens from voting. That is the mandate of the Constitution.

LEGISLATION FOR AN INDEPENDENT SPECIAL PROSECUTOR

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. ICHORD. Mr. Speaker, the events of the past several days and the immediate and enormous public outrage expressed toward them have demonstrated beyond doubt that President Nixon's decision to turn the tapes over to Judge Sirica has not ended the constitutional and leadership crisis now facing the Nation.

Many vital questions remain unresolved concerning the Watergate affair and related activities that Special Prosecutor Cox and his staff were investigating until their disbandment. Turning the tapes over to Judge Sirica has not answered these questions, and they are questions which demand answering.

The only way to find the truth in this whole Watergate affair and quell the divisive speculation which is ripping this Nation apart is to immediately reestablish a completely independent special prosecutor to continue the work of Mr. Cox and his staff.

With this goal in mind, I am today introducing legislation which would establish an Office of Special Prosecutor, the head of which is to be appointed by the Chief Judge of the U.S. District Court for the District of Columbia, Judge John Sirica. Only by establishing a special prosecutor completely independent of the exective branch can this Nation be assured of a prosecutor whose integrity and independence are beyond dispute.

To allow the Watergate investigation to return to the authority of the Justice Department only places the executive branch in the position of investigating itself once again. This was not tolerable to Congress and the American people then, and it is not tolerable now.

This Nation must be assured that the Watergate and related investigations will be carried out under due process of law and that all criminal activity associated with these incidences shall be prosecuted to the fullest extent possible in the most honest and open manner possible. Until this end is accomplished, the turmoil and scandal in which this Nation has been cast will not subside.

With the benefit of hindsight, we must today—through legislation—establish a special prosecutor wholly independent of the executive branch in authority and financing and more directly answerable to the American people than to the administration. We do so in the hope that this avenue will provide a more direct path to the truth.

The legislation I am introducing today is designed to accomplish this end.

The national political scandals which paralyze this Nation go far beyond the break-in of the National Democratic Headquarters in 1972. As such, my legislation empowers the special prosecutor with the authority to investigate and prosecute all offenses to the United States arising not only out of the campaign irregularities of the 1972 Presidential campaign, but also all offenses against the United States arising out of activities of members of the White House staff, other Presidential appointees and other persons working on behalf of the President.

Additionally, this legislation makes provision for the special prosecutor to have full access to the former prosecutor's materials and assures the full cooperation of all governmental agencies and departments in the carrying out of the prosecutor's investigations.

Finally, this legislation addresses the important topic of removal of the special prosecutor.

My legislation, by placing the office of prosecutor outside the executive branch solves the problem of precipitant removal of the special prosecutor. It provides that the special prosecutor be removed for extraordinary improprieties only by the chief judge of the U.S. District Court in the District of Columbia.

CAMPAIGN FINANCING

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. FRENZEL. Mr. Speaker, in the current issue of New Republic, Walter Pincus writes an article entitled "Let's Look Before We Leap" on public campaign financing. I do not know who Mr. Pincus is, but I invite the attention of all Members to his thoughtful piece of work.

Mr. Pincus raises some interesting questions about the Scott-Kennedy public finance bill, in particular, noting that under it political money would be diverted to other stages of the selection process. He also makes a thoughtful statement about the dangers of "dislocating" our various local and State processes which may have some weaknesses but have worked well over the years.

Mr. Pincus is not opposed to the concept of public financing. On the contrary, he suggests making limited use of the check off in the 1976 Presidential election and also suggests the use of some features of past and present Udall-Anderson bills, a provision for free mailing and subsidized television.

I believe the central theme of the Pincus article is that we do not fall for what he calls the "utopian note;" that is, public financing will not suddenly make everything beautiful, and, as a matter of fact, might do some real harm.

In my judgment, what is needed right now is that Congress shore up the holes in the present system—contribution limits, expense limits and Federal Election Commission, and so forth, and then give closer and a little more leisurely look at the real effects of some of the most prominent of the public financing schemes.

The article follows:

LET'S LOOK BEFORE WE LEAP—CAMPAIGN FINANCING

(By Walter Pincus)

For more than 10 years I have written about the financing of presidential and congressional campaigns, and until last year the toughest part of that assignment was to get accurate, complete information. Neither candidates nor their fund-raisers wanted to talk frankly; explaining who gave and why could only cause them trouble. The public did not undertsand how or in what amounts money was raised and for the most part did not care. The campaign fund reporting laws in those days permitted every politician, whatever his views on reform, to keep his benefactors hidden.

The secrecy was often advantageous to the donor as well as the receiver. And yet both the candidates and the contributors were uneasy as they dealt with each other in this dimly lit world of political financing. Then, with the advent of television, campaigning costs skyrocketed. The rich, the interest groups, labor and business were the first to be squeezed for more. And they did give more and got others with similar views to begin giving. New contributors sprang up on opposite sides of legislative battles. The doctors gave to block "socialized medicine," and the unions gave to secure medicare. Competing corporations gave; so did opponents of the Vietnam war. Racists and anti-racists gave; polluters and environmentalists gave. How much each gave, whether the amounts on both sides were roughly equivalent or not, and what effect that money had on executive decisions or congressional votes were not known. The public generally assumed the worst—government could be bought. The press—and I was part of it—helped to bolster that assumption. Stories about campaign funds usually left the impression that donors were putting in the fix and that politicans went along. As for the general public—well, it was unwilling to dig into its pockets to pay to elect anyone.

In the 1960s a reform move got underway, pushed by President Kennedy (who was amazed at how much it cost to run and win) and by President Johnson (who was embarrassed by the nasty notices he received for fund-raising in 1964 and 1966). There were some off-stage whispers about the need for federal financing, but reform efforts were then directed at complete financial disclosure, enforcement, limitations on spending and contributing, coverage of primary as well as general elections and, above all, encouragement to small contributors. With a broadened base of funding, it was argued, candidates would be freed from dependence upon the large interest-group donors.

With the passage of the election reform act of 1971, the public got its first good look at the costs of a presidential campaign, the now notorious campaign of 1972. The sight was appalling. Corporations, which are barred from donating company funds to campaigns for federal office, were solicited—and some gave illegally. Individuals doing business with governments were tapped, as were those seeking favors. The number of those who gave $500,000, $100,000 or more was beyond anything the public had imagined. And when it became apparent that some of this money had paid for illegal burglaries and buggings and faked documents and spying by the Republican campaign organization, the cry for more radical reform was loud. This time, however, the reformers aimed to eliminate or minimize private financing, replacing it with federal funding of elections.

The senators, representatives and organizations promoting the new reform insist that public financing would do away with the "distortion" or "subversion" of our politics since candidates would no longer be bound by obligations to "special interests"; anyone, regardless of his resources, could run for office; the unemployed worker, the welfare mother or the steelworker would have the same access to his congressman as the president of General Motors. The Utopian note was best struck by Senator Kennedy when he told a Senate Rules Committee that, "At a single stroke, by enacting a system of public financing, Congress can shut off the underground rivers of private influence money that poisons politics at every level of federal government."

Now let's pull back for a moment and try to see where we are. Congressmen elected in 1972 filed complete reports on all contributions they received—at least those that came after April 7, 1972, the date the new law took effect. Common Cause, among other organizations, has a major study underway of the linkage between contributors and members of congressional committees, and that study may tell us a good deal more about why the committees vote as they do. Will the "underground rivers of private influence" go right on flowing if Common Cause documents the charge of bought votes? Won't the publicizing of such contributions have some disciplining effect on pressure groups and lobbyists whose activities would not be shut off in any case, whatever the mode of campaign financing? If officials of Union Carbide in 1972 gave to every member of the House Commerce Committee, that would be on record; knowing that record, those on the other side of a Union Carbide issue will know where in the Congress to put their energies and their publicity. Full disclosure of contributions in effect may help neutralize the advantages gained initially by donors, and in addition should encourage other pressure groups, including those representing the public interest, to get into the business of contributing. That to me is broadening the base. Is not that prospect good enough reason for giving the 1971 act a chance to prove its worth, especially if it is strengthened, as it ought to be, by new limitations and enforcement provisions recently passed by the Senate, including the setting up of an independent election commission?

Campaign funds do more than influence the votes of legislators or the decisions of policymakers. They are an integral part of a very complex system of nominating candidates and of electing them, and the process is different on almost every level of government. The nomination process for the House varies from state to state, district to district, and a House race differs from statewide Senate campaigns, which themselves vary from state to state. The presidential nomination process varies not only from state to state, but from candidate to candidate. To impose a uniform method of financing on all candidates, both in primary and general elections, would inevitably require one uniform selection process thereby dislocating a variety of local and state arrangements whose strength as well as weaknesses have been certified by experience. When we speak of public financing we are suggesting not simply some casual reform but a fundamental change in the heterogeneous ways candidates for federal office are chosen.

We have, I believe, exaggerated the limiting effect the need to raise campaign funds has on prospective candidates. And we are in danger of forgetting that the present system is largely responsible for our having two parties, as against three, four or more parties in congressional, senatorial or presidential elections. Do we want to change the two-party system? If so, we are talking of a major structural change, a hazardous one, and not one that should come about as a side effect of public financing.

How much serious study has been given to the impact of public financing of the multitude of campaigns that would be covered? One plan, using public funds to finance only the general election of a President, *has* been studied. The 1971 tax check-off, allowing each taxpayer to put one dollar into the 1976 presidential campaign chest of either or neither party is now law. It is reported that some three million dollars was designated on 1972 tax returns for that purpose, a low amount attributed in part to the Internal Revenue Service's failure to include the proposal on page one of the return. More should come in over the next few years, and a sizable pot could be divided by the nominated candidates of the two major parties in 1976.

Senators Kennedy and Scott are pressing to open this kitty to House and Senate candidates in the general elections of 1976, and to eliminate all private contributions once the nominations are over. The idea is very attractive to incumbents. By keeping public financing out of the primaries, the Kennedy-Scott bill will gain support from dozens of their colleagues from one-party states or districts who do not relish the prospect of challengers financed by federal funds—challengers who under the present system have little incentive to run and no chance to win. And though Kennedy and Scott would eliminate the private contributor from giving in the general election, they do not diminish his importance prior to nomination, in a primary, state convention or national convention. On the contrary the Kennedy-Scott measure would, in my opinion, assure that more money will be pumped into the nominating process, followed by costlier primary and state convention campaigning—all in the knowledge that there will be no need to go back to contributors for more once the nomination is attained.

When the public financers go further and apply their concept to primary or pre-nomination electioneering, the problems multiply. How do you separate serious from frivolous candidates for a House or Senate seat, particularly when the prospect of public money guarantees candidates an opportunity for exposure at a minimum of cost? Do you require signatures on a petition before a candidate is qualified to get federal funds? A firm can be hired to get them—at $50 per 100 in California. Do you require a prospective candidate to raise some amount in small contributions? How much? Since interest groups already are organized and making just such small contributions upon direction, they could have more clout from their traditional donations, while letting the US Treasury pay part of the costs.

What about the presidential race, which may begin for any one of a number of hopefuls at least a year before any primary? Do you require a man to raise $100,000 or $250,000 in small contributions before he gets any federal funds? Must he do that before the first primaries have started or can he start after? Can he do it just before the national convention, even if he has no delegates? Can he keep getting federal funds after losing several primaries? Can a favorite son get his small contributors from his own state, then use his federal money to run in other states?

In all this discussion of public financing, where does the political party fit in? Should federal funds go directly to the candidates? If so, how does a party organization support itself? Won't this make candidates more indifferent to party discipline than they are now? Is this desirable? Or if the party becomes the custodian of federal money, won't we be encouraging various interest groups to set up their parties?

The present system of private contributions certainly has flaws, but disclosures are illuminating them and past political advantages may be turned to disadvantages. Future fund-raisers have new guidelines and future donors have a clearer sense of what they are getting into. Public financing is a tempting shortcut, but it will not eliminate interest groups, only divert their energies to other channels of influence. For the congressional elections of 1974, at least, it is worth finding out how the current law, the Watergate affair and public oversight work to cleanse the system. For the 1976 elections, the check-off, limited in scope, deserves a fair trial. One additional step might be taken: provision for free mailing and subsidized television.

The Agnew case had added momentum to the drive for public financing; indeed the former Vice President has suggested this very reform. Here, too, a second look is in order. The Justice Department's 40-page summary describes a kickback system allegedly instituted by Mr. Agnew when he was Baltimore County executive and carried on while he was Vice President. The cash funds delivered to him from contractors allegedly were to be used to meet "substantial political financial demands"; that is, they were political contributions, Agnew and others now say. But were they? In court Mr. Agnew declared that payments he received in 1967 (the year for which he was charged with tax evasion) "were not expended for political purposes." Evidently they were used as income.

In other kickback prosecutions around the country, public officials and contractors have defended themselves by saying that the funds involved were political contributions. Yet many politicians, like Agnew, pocketed the money. Public financing would do nothing to remedy this. It is plain crookedness. For these cases we need to change the contract award system, not the system of campaign financing—unless we think that by making public money available to corrupt officials, they will not need or want to put the arm on the contractors.

RIGHT ON, CONGRESSMAN HAMILTON

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. ROUSH. Mr. Speaker, our colleague, Congressman LEE HAMILTON, in an address made in the Ninth District of Indiana, which he so ably represents, hit the nail right on the head when he spoke of the needs and demands of the American people in the months and years to come. Congressman HAMILTON not only speaks eloquently on this subject but has exemplified integrity by his own life and has given meaning to his convictions through his work in the U.S. House of Representatives. The following editorial appeared in the Lawrenceburg Register on October 4, 1973. It deserves the attention of all of us.

RIGHT ON, CONGRESSMAN HAMILTON

Congressman Lee Hamilton made one of his most important talks Friday night at St. Leon. The subject matter has been voiced by him previously through the years, and as a supporter of the congressman for the last decade we can assure you it has been his personal political philosophy. In summary, here's what Congressman Hamilton stressed is needed to restore public confidence in politics and government:

1—Reduce secrecy in government.

2—Reduce the influence of money in public systems.

3—No concentration of power in any one office.

Right on, Congressman Hamilton. We have, and will continue to share his views. Polls indicate that the majority of Americans, regardless of their political leaning, support these views, also.

The three points aren't confined to national politics. Congressman Hamilton was referring to the Washington to local level. He emphasized this when he asked his audience Friday night if they knew the number one item Dearborn County voters will be interested in during the 1974 elections. The candidate's integrity. In other words, you can't point the finger at the President and the Watergate misdeeds if you have some of the same in your own communtiy. Washington, and its sometime far-removed elected officials, is a far-off place to most voters. It's easy to put the blame on someone who isn't your neighbor. It's much easier to remain silent about a neighbor's campaign or political organization that isn't up to snuff than to speak out, to ask questions. We encourage the latter. By doing so, you'll find out that it is your government, locally or nationally, and there's much more to an election than going to the polls to vote or worse, making up your mind you aren't going to vote.

Returning to point one. This newspaper, and any media worth its salt, will support this point-reducing secrecy in government. As readers of our newspaper have observed, we are opposed to secrecy in any type of government, elected or appointive. We oppose not to make people uncomfortable. We oppose secrecy in government because it is the people's government, your city hall, your courthouse, your schools, your hospital, your police department. The public too often is made to feel uncomfortable in public offices and in public meetings, resulting in a lack of respect for all public officials and worse, public apathy and lethargy. How often have you heard this statement, "What's the use. They won't listen to me!" Our newspapers listen. That's our second reason for opposing secrecy. That's our job—to represent the people, regardless of their station in life. Ours is a business, true. But we are custodians of freedom of information and freedom of speech, diametrically opposed to secrecy in government. Support us in this quest and you will have an improved government, and a much greater role in governing your community.

Point number two, reducing the influence of money in government, is extremely important. Money corrupts is an ancient axiom, and is best illustrated by the $60 million raised, some of it illegally and much of it used illegaly, to re-elect President Nixon. Again, it was the news media which focused attention on Watergate and subsequent election irregularities. We support the news media pressure to keep digging into election irregularities, despite opposition from some people and the mounting costs. Halting the investigations in mid-stream is just another opportunity for financial irregularities in government to occur at a later date. It's a costly lesson we are learning in Washington today. Again, it is your privilege on local level to ask questions of a candidate, and to learn how your tax money is being spent locally.

Point three, concentration of power in any office, does occur at all levels of government, and again is best illustrated by President Nixon's unilateral stance. Power corrupts is another age-old axiom. This disappointing degeneration in government has occurred at all levels of government. It isn't confined to a single political party, either. It is somewhat intertwined with secrecy in government. The end result is lack of confidence in government, a lethargy that sweeps the community and "keeps people in their places." We support public access to public business-public buildings and public officials. We ask for the public's support in our day-in and day-out monitoring of public business.

Congressman Hamilton's talk could not have come at a better time. Next week is National Newspaper Week. We renew our commitments to provide freedom of information. Newspapers are your foundation for free choice.

THE IMPEACHMENT PROCESS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. KOCH. Mr. Speaker, last Tuesday at noon, I joined with 28 of my colleagues on a resolution of impeachment of President Nixon. I did so for the sole reason that the President had made clear he would not comply with Judge Sirica's order requiring the production of tapes, documents, and other materials for inspection by the judge in connection with the Watergate grand jury proceedings.

Last Tuesday at 2 p.m., the President's lawyers announced that the President would comply with Judge Sirica's order after all.

Since last Tuesday at 2 p.m. it has been my position that immediate impeachment, which is equivalent to a formal indictment of the President to be followed by a trial in the Senate, is not in order but that the House Judiciary Committee should conduct a preliminary investigation to determine whether or not sufficient grounds exist for the committee to recommnd a resolution and articles of impeachment to the House of Representaives. And I am a cosponsor of a resolution to that effect as well as a cosponsor of a joint resolution authorizing Judge Sirica to appoint a new special prosecutor.

I think that the credible threat of impeachment did chasten the President and led to his turn-about on the tapes. Furthermore, I think the Judiciary Committee inquiry in the House and the continuing threat of impeachment proceedings are necessary to protect the existing Watergate investigations from further White House interference. But, if they do not prove to be sufficient deterrents and the President resumes a course of conduct that amounts to a defiance of court orders or criminal obstruction of justice.

I believe the House must then impeach the President forthwith or there never will be a satisfactory conclusion to the Watergate investigations and justice will be mocked.

In my opinion the primary responsibility of the House of Representatives at this time is to take all steps necessary to assure the American people that there will be a fair and thorough investigation of all Watergate related matters by the Ervin Committee, the grand juries, a new Special Prosecutor and the House Judiciary Committee. If, after the President has been given the opportunity to defend himself under adequate procedural safeguards, substantial evidence is presented to the House of Representatives that there is reasonable cause to believe that the President has committed high crimes and misdemeanors, I will vote for impeachment.

My paramont consideration is that the Constitution and the due process which it requires be defended and protected from both executive and legislative abuses.

Reading about the history of the impeachment process leads me to believe that except under circumstances such as I have already described, we should proceed with great care when we speak of impeaching the President of the United States.

Article II, section 4 of our Constitution says that the President shall be removed from office on impeachment for, and conviction, of, treason, bribery or other "high crimes and misdemeanors." The weight of historical and legal authority argues that "high crimes and misdemeanors" are not limited to acts which are indictable under our criminal laws but include also "great offenses" which I would describe as serious official misconduct doing great injury to the Government and the people.

Thus, the broad scope of "high crimes and misdemeanors" is consistent with the established view that House impeachment and Senate trial to not constitute criminal proceedings. Otherwise the fifth amendment protection from "double jeopardy" might arise. Impeachment is only a method of removal and prescribes no other punishment except barring the person convicted from ever holding public office again.

Since the criminal law does not control the substance of the accusations or the trial procedures utilized, there is no way to avoid the political nature of impeachment. Hamilton remarked in the "Federalist Papers" that the prosecution of impeachment "will seldom fail to agitate the passions of the whole community, and to divide it into parties more or less friendly or inimical to the accused * * * and in such cases there will always be the greatest danger that the decision will be regulated more by the comparative strength of the parties, than by the real demonstrations of innocence or guilt."

Therefore, to recognize what impeachment means and the partisan dangers inherent in the process should encourage care and restraint on the part of Congress.

There have been 12 impeachments and only 4 convictions in our history. Nine of the 12 impeached, and all 4 of those convicted were Federal judges. The impeachment process is obviously most needed when a judge, with a life-long appointment, has to be removed for serious misconduct.

Resolutions to impeach Presidents Tyler and Hoover were introduced but rejected. Only President Andrew Johnson was impeached by the House but his conviction failed by one vote in the Senate.

Johnson's impeachment was a sorry chapter in American history. It is too long a story to tell here but it should be required reading for anyone who forgets that legislative tyranny can be just as great a menace to the separation of powers as executive tyranny.

Remembering Hamilton's warning, let us be sure that our "passions" do not get the better of us. It was 1868 when Thaddeus Stevens, an impeachment leader in the House declared:

> Let me see the recreant who would vote to let such a criminal escape. Point me to one who will dare do it and I will show you one who will dare the infamy of posterity.

But it was just yesterday when I read a statement on impeachment by the American Civil Liberties Union which declared—

> It cannot be stressed strongly enough or often enough that Representatives who do not move to impeach and who thereby fail to bring President Nixon to trial, are accomplices to a cover-up.

I have no use for such talk and I am sure that most responsible ACLU members do not either. This is not a time to be unreasonable or vindictive. Too much unreason and spite have already been employed by the White House. The President's contempt for honesty and fairness cannot become the prevailing attitude in Congress for resolving this crisis. Too much is at stake. For our "democratic experiment" almost two centuries old is in grave jeopardy. And, if the checks and balances of our American constitutional system fail to work now, we will have repudiated our past and lost our future.

CRIME CONTROL NO. 1

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. LANDGREBE. Mr. Speaker, guns like any other object, may be used to protect life and property or to endanger life and property. In the first case guns are used against criminals; in the second, by criminals. It is the intent of the person using the gun that determines whether its use is proper or not. Now the gun control lobbyists, like a squad of squid, have been beclouding the waters of argument by continually squirting the black ink of illogic into the discussion concerning crime and guns. Unfortunately these lobbyists have succeeded in completely confusing many people on the matter of guns and crime with the result that the clamor for gun control is once again rising. It is my intention to dissipate their black ink by presenting from time to time an illustration of the proper use of guns, a use that would be prohibited by gun control legislation. Like all liberal proposals, gun control laws are misnamed: the laws are aimed at the control of people, just as price and wage controls are aimed at the control of people. Gun control laws would prevent the proper use of guns, and guarantee that they would be used improperly, for such laws are aimed not at criminals, but at their victims. To illustrate the proper use of guns I am including the following article from the Evansville Press in the RECORD:

WOMAN REPORTS GUN SCARED OFF WOULD-BE ROBBER

A female employe at a pizza shop told police she scared off a would-be robber early today when she responded to his demand for money by producing a gun.

Mrs. Rhonda Perry reported a young man with shoulder-length brown hair entered the Pizza Barn, behind the Coachman Tavern at Indiana and Second Avenue, at 1:25 a.m. She told officers he held a hand under his shirt as if he had a weapon and demanded money.

She drew a gun on the youth, however, and he fled, she reported. Alan Ratliff and Police Sgt. Donald Austin, owners of the shop, were not in the shop at the time.

NASA OUSTS TOP BLACK WOMAN IN DISPUTE ON EQUAL EMPLOYMENT

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Ms. ABZUG. Mr. Speaker, Ruth Bates Harris was discharged last week from her position as NASA's Assistant Administrator for Equal Opportunity. Her discharge was the culmination of a conflict with NASA's administration over the programs which she thought should be implemented for NASA to achieve a more equitable employment record.

Ms. Harris has had a distinguished career in equal employment administration, coming to NASA from the Washington, D.C., and Montgomery County Human Resources Divisions.

NASA, on the other hand, has a history of unequal employment practices. NASA has consistently bypassed women astronauts who were eminently qualified to fly space missions and has assigned male astronauts instead.

I am inserting this article from the Sunday, October 29 Washington Post by Tim O'Brien into the RECORD because this is an issue which deserves our immediate attention:

NASA OFFICIAL FIGHTS OUSTER

(By Tim O'Brien)

Ruth Bates Harris, a top official of the National Aeronautics and Space Administration who was fired in a dispute over equal employment opportunity, said yesterday she will seek reinstatement by the Civil Service Commission

Mrs. Harris was the highest ranking woman in NASA until her dismissal Friday. She was dismissed as deputy assistant administrator for equal opportunity after she and two of her aides accused the agency of refusing to move fast enough in hiring minority and women workers.

Before joining NASA two years ago, Mrs. Harris was the human relations director for the Montgomery County school system.

Along with NASA equal opportunity officials Joseph M. Hogan and Samuel Lynn, Mrs. Harris prepared a 40-page report showing that the agency lags behind the government as a whole and behind private NASA contractors in employment opportunities for minorities and women.

The controversial report said NASA's equal opportunity program "is a near-total failure. The representation of minorities is the lowest of all agencies in the federal government. Women are clustered and largerly restricted to clerical jobs."

The report was given in mid-September to NASA Administrator James C. Fletcher. A series of meetings between Fletcher and Mrs. Harris followed, culminating in her dismissal.

The report charged the agency with a lack of commitment to equal job opportunity and described NASA's middle management as "insensitive" to the problem. It called for the replacement of Dudley McConnell, who as assistant administrator for equal opportunity was Mrs. Harris' immediate superior at the agency.

McConnell said yesterday that Mrs. Harris was "not dismissed because of the critical report."

"Most of the data in the report is on the public record," he said. "But the time they spent preparing it should have been devoted to more positive kinds of things.

McConnell said her dismissal was based on "differences of opinion on NASA's equal opportunity priorities and methodologies."

Fletcher confirmed that Mrs. Harris had been fired and said "there was a basic incompatibility in the organization in which she was placed."

Fletcher will testify on the space shuttle before the Senate Aeronautical and Space Committee Tuesday, and a staff aid to committee Chairman Frank E. Moss (D-Utah) said "there will certainly be every conceivable opportunity to question" Fletcher on equal employment problems in NASA.

In addition to firing Mrs. Harris, Fletcher transferred Hogan from his job as director of the agency's contractor equal employment program. McConnell said Fletcher also warned equal employment officer Lynn that he would stay in his job only as long as he "got along with" McConnell.

The report said only 5.19 per cent of NASA's employees were minority group members, compared to 20 per cent for the federal government as a whole.

At its present rate, the report said, NASA would employ only 9 per cent minorities by the year 2000.

As of last June, 70 per cent of NASA's employees were in Civil Service grades 10 and above, while only 29 per cent of its black employees were at similar grade levels.

"NASA's requirement to lower the average grade levels," the report said, "is being accomplished at the expense of minorities and females."

Mrs. Harris said she would file for reinstatement "or whatever other remedy is possible" through the Civil Service Commission in connection with her dismissal. She said she has already been in touch with the Legal Defense Fund of the NAACP.

"Dr. Fletcher, in terminating my services, said that as an excepted employeed, I did not have the protection of Civil Service that other civil servants might have." Mrs. Harris said. "But I will go ahead anyway."

She joined NASA two years ago and for the first year and a half was director of the agency's equal employment office. But when the post was elevated to assistant administrator, McConnell said Mrs. Harris was passed over in favor of him.

DANGERS OF SPORTS INJURIES

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. DELLUMS. Mr. Speaker, as part of my efforts to inform my colleagues about the problems of athletic injuries and the need for qualified athletic trainers, I would now like to insert into the RECORD articles from the Macon, Ga., Telegraph and the Washington Post.

[From the Macon (Ga.) Telegraph, May 22, 1973]

INJURIES TO PREP ATHLETES

(By Harley Bowers)

Macon's schools, coaches and athletes have never been offered a better deal than the one proposed by Dr. Antonio Fernandez. Acting as a spokesman for three orthopedic surgeons, Dr. Fernandez has offered to work out with local public and private school coaches a way to provide proper attention for injuries that previously have gone unattended.

This is a proposition that local coaches cannot ignore, one that school officials and parents cannot let them ignore. They need only to listen to Dr. Fernandez tell about the alarmingly high number of Bibb County athletes who sustained injuries during the past 12 months that will cause them problems for life simply because there was not a proper method for providing them with treatment.

Dr. Fernandez was most emphatic in saying that he blamed the doctors, not the coaches. He wants to do something about the problem. Specifically, Dr. Fernandez and other orthopedic surgeons who have agreed to assist him, want to meet with local coaches this summer and instruct them in ways to recognize orthopedic-type injuries.

If it is felt that an athlete should then be checked by an orthopedic specialist instead of a general practitioner who might not recognize an injury of this type, a designated member of the coaching staff would contact one of the three orthopedic specialists.

They would see the youngster immediately, thus assuring treatment, if necessary, within the critical five-day period when such injuries need to be attended to. Dr. Fernandez says that no charge will be made to the school, or the athlete, if it is found that treatment is not required.

NOW UP TO ATHLETIC DIRECTORS

The next move is up to the local private and public school athletic directors. What they need to do is agree with the doctors on a time for the clinic. With expert medical attention assured by Dr. Fernandez and his group there is no need for Bibb County athletes to suffer the rest of their lives because of injuries that can be corrected.

When informed of the offer of Dr. Fernandez and the other local surgeons to help with this situation, Warren Morris, head trainer at the University of Georgia and a leader in the move to require all athletic teams to have a certified trainer on their staff, was elated.

"We need more of this," Morris said. "We must make the public aware of the problem. People simply have not realized how serious this is. If injuries of an orthopedic nature aren't checked and treated immediately by an expert there is a strong possibility of permanent injury."

Morris said he felt there was a good chance that legislation would be passed by Congress within the next year which would require all high school teams playing competitive sports to hire a certified trainer on a full time basis.

"We've got to have this," Morris said. "There are many times more injuries to high school athletes than to pro and college athletes, yet they are the only ones who do not have the benefit of a professional trainer. Coaches may wonder how they can afford such a person on their staff. I think they are going to find that a trainer will be one of the most valuable men they've ever had."

[From the Macon (Ga.) Telegraph, May 20, 1973]

DOCTORS CONCERNED—PREP GRID INJURIES SERIOUS PROBLEM

(By Harley Bowers)

Three Macon orthopedic surgeons, alarmed over the number of local high school athletes who are suffering permanent disability because injuries weren't immediately attended to, have proposed a joint effort with local coaches designed to lessen the problem.

The doctors, according to the group's spokesman, Dr. Antonio Fernandez, want to conduct a clinic during the summer, which they hope will be attended by all public and private school coaches.

They would provide free instruction to the coaches in the area of recognizing injuries of an orthopedic nature, largely ankles, knees, arms and shoulders.

"We would then like for each school's athletic director to make one coach responsible for contacting one of us immediately about the type of injuries we are talking about," Fernandez said.

"We aren't blaming the coaches for what has happened in the past. We blame ourselves. We know that it is almost impossible for anybody to see any of us without referral from another physician and generally this is after a minimum of two weeks wait.

"But we are so concerned about this problem that we will make ourselves available immediately when we are called by one of the coaches designated as being responsible at his school.

"We will spend whatever time it takes, eight to 15 hours, we estimate, to train coaches to better recognize the type of injury that is leaving so many of our local athletes injured for life.

"Right now we need the cooperation of every coach in Macon, at both private and public schools, so that we can get this program going.

"We fear that neither the coaches nor the general public is aware of the number of injuries that go unrecognized and unattended until it is too late.

"The coach is busy with so many things. He may send a boy to a doctor who is not an orthopedic specialist and X-Rays may show nothing to a person who does not know what to look for.

"So the boy doesn't get the treatment he needs. When there is ligament damage it desperately needs attention within five days. Otherwise permanent impairment is likely.

"I can cite at least 20 cases right now of athletes who have come to me who fall into this category.

"They were told they have a sprain, or something of this nature. They never see an orthopedic specialist.

"It is a sad thing. We have had to recommend to several within the last few months that they end their athletic careers. Some of these were college prospects.

"I have a case right now where a boy sustained a shoulder injury identical to what Rex Putnal suffered at Georgia last season.

"Putnal received proper and immediate treatment and was playing again within four weeks. The high school boy was told that he had a sprain and he finally was sent to me months later.

"It is doubtful that I can do much for him now. I am afraid his athletic career is over and he was a college prospect.

"Again I emphasize that the coaches are not negligent. They are simply in an impossible situation.

"They are confronted, too, with an insurance problem. Who pays for the treatment? They've all run into parents angry over large bills for treatment of such injuries.

"We believe that schools can get better insurance coverage for their athletes if the insurance companies know that they will get immediate attention from orthopedic surgeons."

Dr. Fernandez said that he wholeheartedly endorsed the idea of having a qualified trainer on each high school athletic staff, which is being proposed by the National Trainers Association.

"This would be the ideal solution," he said, "and would be very beneficial to coaches, schools and players.

"But this isn't going to take place immediately. We need to do something now to reduce the number of injuries that our young high school athletes are suffering and which do not receive proper treatment.

"These injuries are difficult to diagnose and must be treated by orthopedic specialists immediately.

"With the help and cooperation of the local coaches we hope to see that this is done."

Dr. Fernandez pointed out that 12 times as many injuries are suffered by high school athletes as by college and professional athletes.

"And they receive far less medical attention," he pointed out. "College and professional staffs not only include a qualified trainer but an orthopedic surgeon, plus the best of equipment.

"It is time we begin doing something for the high school players in this area."

[From the Washington Post, Aug. 12, 1973]

COACHES LOOK FOR DOCTORS

(By Thomas Boswell)

"If a player died in an Interhigh football game and there was no doctor in attendance, you'd have a stack of paper and red tape as high as the Washington Monument from all the people trying to wash their hands of the responsibility," says Dr. Major Gladden, head of orthopedics at D.C. General Hospital.

For the past several years the orthopedic residents under Gladden have been the physicians in attendance at every Interhigh League game. They are paid $25 a game.

"You couldn't get a doctor to touch a game at low pay like that. The residents do it to pick up a few dollars and for the experience," said Gladden.

Gladden is proud of the work his residents do and is glad he was instrumental in getting orthopedic men to Interhigh games, rather than the interns who previously went and "felt out of place."

The only problem with the current arrangement is that Interhigh football coaches say they don't think any doctors at all are at the games.

"I think we had a doctor at maybe two league games last year," said McKinley's Ike Jackson. ". . . Maybe at a couple," said Roosevelt's Jim Tillerson, president of the D.C. Coaches Association.

"I can't dispute anyone who says they were there," said Anacostia's Wyman Colona, "but they didn't make themselves known to me if they were there. We've made complaints about it. In my years we (the coaches) have had to do more than the doctors when they are there; it's almost a waste. They just tell us to call an ambulance. We can figure out to do that."

"If there were doctors at a majority of my league games, I didn't see them," said Sam Taylor of city champion Coolidge. Taylor has been acutely aware of doctors since one of his players suffered a compound fracture of the thumb.

"The bone came on through and I panicked, naturally," he said. "I grabbed it and put it back in just to stop looking at it.

Luckily, I did it right. I guess I could have messed up his hand for life."

Another of Taylor's players, Aaron Whitaker, played with an infected jugular vein about which several doctors had warned him. Since Coolidge had no regular team doctor or even a qualified trainer, Whitaker found it easy to keep the seriousness of his injury a secret from his coach until he began passing out from lack of blood to the brain.

"Whitaker could have sued the city for a mint for the equipment he was playing in when he was injured and the lack of care he got. That is, if he and his people had been that way about it," said Taylor.

From an administrative point of view, Interhigh athletic director Otto Jordan can say, "We paid for a doctor to be at every league game last year. I'd hate to think we were paying somebody who wasn't doing his job."

Gladden has the records that show his residents were sent, but it is hard to find an Interhigh coach who can remember the last doctor to treat an injury at a game.

"Of course, it's hard to pick the doctors out in the crowd," said Colona. "They used to wear white coats and introduce themselves to each coach. They're supposed to. Now, if they're there, they come in civilian clothes and wear turbans."

Meanwhile, there has been difficulty getting ambulances.

Each game has an ambulance "on call." "That means if there is an ambulance available, you send it. If not . . ." said Gladden. "You can imagine how hard it would be to get an ambulance into some of those fields at a big game with 2,000 people." Crowds at many Interhigh games do not remain in the stands but ring the fields and sometimes stand on them six deep during the game.

For every gripe that coaches have about invisible doctors, the medical men have a counter charge.

"A lot of coaches ignore the doctors unless somebody is maimed. They want the umbrella of protection of having the doctor responsible but in the heat of the game they may want a player to stay in. I've had teams circle around an injured player so I couldn't get to him and the coach or trainer could put a dislocated shoulder back in and send the player back into the game," said Gladden.

"If a player goes down on the field, let me tell you what happens," said Richard Janigian, athletic director for years at Bell.

"A couple of students who don't know anything run out on the field and try to get the player off, no matter what the injury is. If there is a doctor in attendance, he comes on the field and he's a complete stranger. He hasn't introduced himself to anyone, there's been no communication, and he has to prove who he is. On top of all that some of the refs have the nerve to tell you to get the player off the field so they can continue the game."

AMERICAN PRISONS FAIL SOCIETY

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. KEATING. Mr. Speaker, more than 97 percent of those in prison today will eventually return to society, and more than two-thirds of those released will be rearrested within 4 years, according to information supplied by the Federal Bureau of Investigation.

The available evidence clearly shows that America's prisons are not really "correctional" institutions at all. Rather, they are "colleges of crime" which graduate men and women even more prone to crime and skilled in criminal ways than when they entered.

Moreover, conditions inside our prisons are causing widespread destruction in rioting by the prison populace. This year, for the first time in the history of corrections, a warden and a deputy warden were killed in the Holnesburg Prison in Philadelphia.

In the last 4 months, two correctional officers had been reported killed in prisons in Arizona and in my own State of Ohio. In Oklahoma, four persons were killed, 34 injured, and at least $20 million in damages recorded in the bloodest revolt since Attica in 1971.

Despite the public shock and furor that ensued following the Attica outbreak 2 years ago, there has been no significant improvement in our Nation's penal institutions. Hearings have been held, recommendations made, and dozens of bills introduced—yet no action has taken place. The number of riots and prison disturbances constantly increases, and recidivism claims more and more lives.

Mr. Speaker, it is time to bring a halt to the senseless waste of human lives and money resulting from our neglect of the correctional system. We need to ask why our correctional institutions are failing and what we, as our Nation's lawmakers, can do to reverse this alarming situation.

In 1967, the President's Commission on Law Enforcement and the Administration of Justice concluded that prison conditions in this country were the poorest possible preparation for the successful reentry of offenders into society. Correctional institutions, they found, were nothing more than grim, fortress-like structures housing thousands of prisoners in impersonal, highly regimented environments.

The majority of these institutions were old—some built as many as 100 years ago—and most were remotely located. As a result, offenders were cut off from schools, jobs, families and other community-related influences, and qualified staff personnel were difficult to attract.

Moreover, these institutions offered few job training or educational programs that could equip the offender to lead a productive, law-abiding life upon release.

The President's Commission concluded that a principal reason the ex-offender returns to crime is his inability to find a job on release. In fact, the Commission found that, surprisingly, the most formidable barrier to employment is not the criminal record of the offender; it is his lack of marketable job skills.

In our Federal institutions alone, 85 percent of the prisoner population lack marketable skills; and, in our State prisons, the percentage is often higher.

Despite the fact that studies have shown conclusively that steady employment upon release is directly related to lower recidivism rates, our Nation's prisons are failing to provide the offender with the necessary job training that makes postrelease employment possible.

Those programs which do exist are woefully inadequate. They are limited in scope and content, and bear little relevance to outside employment needs.

Consequently, about one-third of our inmate population is idle, while the few who do work spend much of their time on meaningless chores, working with obsolete equipment, or in industries bearing little resemblance to potential jobs in private industry. It should not surprise us that the unemployment rate for ex-offenders is three times the national average.

As Chief Justice Warren Burger has stated:

> It is no help to prisoners to learn to be pants pressers if pants pressers are a glut in the labor market, or bricklayers or plumbers if they will not be admitted into a union.

Moreover, average hourly wage rates for inmates in State correctional institutions range from 4 to 17 cents an hour. While wages for Federal inmates are somewhat higher—ranging from 21 to 51 cents an hour for work done in the Federal Prison Industries—they, too, are too meager—too meager to adequately motivate a man to learn his job well or perform at higher levels.

The President's Commission concluded that it was the warehousing of offenders in these large and impersonal institutions, combined with the lack of suitable programs, that explain the failure of America's prisons.

Despite the recommendations of the Commission to phase out these large prisons and to replace them with small community-based institutions, we have seen little progress. The majority of our prisons are still massive, antiquated institutions, and they are still ill-equipped to return offenders to their communities as productive citizens. Today, I am introducing legislation to combat the most serious shortcomings of our correctional institutions. The objectives of my legislation are fivefold:

First. To provide measures to minimize the impact of prison riots;

Second. To provide for the improvement of communication between prison inmates and prison authorities and the outside world;

Third. To provide an up-to-date recruitment and training program of correctional personnel, and to encourage a more effective organization of State correctional agencies;

Fourth. To improve and expand inmate education, job training and employment opportunities; and

Fifth. To encourage the States to build smaller community-based facilities.

Title I of this legislation will expand in scope and quality existing vocational training and employment programs for Federal offenders. It does so by authorizing the Federal Prison Industries to initiate programs for the training or employment of all qualified offenders in Federal correctional institutions.

Emphasis is to be placed on creating a realistic work situation for the offender by encouraging the involvement of the private sector, the payment of the prevailing wage, and a competitive market situation.

The bill I am introducing today also authorizes the Federal Prison Industries to make loans to, or contract with, private organizations such as corporations, labor unions, and private nonprofit groups, for the purpose of establishing inmate training or employment projects

within or outside of their correctional institutions.

These organizations would also be encouraged to provide the inmate with supportive services, such as counseling and educational programs, all of which would be designed to increase the employment potential of the inmate.

Under this title, eligible applicants for loans must adhere to the following conditions:

First, applicants must pay prisoners the prevailing wage for the work or training to be performed.

Second, the work or training performed must be of such a nature as to provide the offender with the likelihood of post prison employment.

In this regard, the bill provides that the wages paid to inmates will be subject to all State or Federal regulations providing for keeping of funds in trust for incarcerated persons. The bill also requires the deduction of a reasonable portion of the inmate's wages to support dependents, and the further deduction of costs incident to the inmate's confinement, such as room and board. These wages also will be subject to any State or Federal tax laws and require the deduction of not more than 10 percent of an inmate's wages to compensate the victims of his crime.

Title II also provides that section 1761 of title 18 of the U.S.C., which bars the shipment in interstate commerce of prison-made goods, shall not apply to any products produced as a result of programs financed under this title.

This Federal program would be supported by a Federal employment and training fund whose moneys would be derived from payments of loans and proceeds from sales where the employer is a Federal agency, such as the Federal Bureau of Prisons. The fund would also be supported by annual congressional appropriations.

By creating this new program within a competitive market, and assuring reasonable wages and profits, it will be possible for the inmate to accept responsibility of the debts to himself, his family and the community. By doing so, the inmate may be able to maintain his sense of dignity and self-respect, which is so vitally important.

In order to coordinate the various activities of State correction ombudsmen and to provide the same sort of assistance to Federal inmates, title II of this legislation would establish a national correctional ombudsman.

For administrative and funding purposes only, this office would be placed in the Law Enforcement Assistance Administration and would be funded out of LEAA's discretionary fund.

The national office would report annually to the President and Congress on the activities of the office, and in this report it would review the status of prisoner treatment, grievances and complaints, and would evaluate the efficacy of Federal and State correctional grievances and ombudsman programs.

The purpose of the omsbudsman office would be to help resolve prisoner grievances on a day-by-day basis before they reach crisis proportions.

Each ombudsman would act as an impartial arbiter in all correctional disputes, investigating and reporting on all complaints from inmates, probationers and parolees.

In addition, the national correctional ombudsman would participate in the preparation and review of the States' annual correctional plans prepared in accordance with the Omnibus Crime Control and Safe Streets Act, and he would also prepare an annual report to the Governor on prison activities and the state of prisoner treatment and grievance resolution programs.

The establishment of the national correctional ombudsman would also help relieve some of the serious administrative problems of the courts. Court dockets are now overloaded with various prisoner complaints, which actually could be dealt with more effectively on an informal, conciliatory forum.

As stated by Chief Justice Warren Burger before the American Bar Association Convention this year:

> There is one area of litigation in the district and circuit courts that must be carefully examined to determine whether other methods may be available. Twenty years ago, complaints filed in Federal courts by prisoners in state prisons were hardly enough to give any concern. In fiscal year 1972, however, there were more than 16,000 petitions filed challenging the validity of the conviction even after full review by other courts. In addition, prisoners have filed more than 4,000 cases under the Civil Rights Act claiming mistreatment or denial of rights.

One alternative, suggested the Chief Justice, would be to "create a statutory procedure for Federal prisons to provide for hearing prisoner complaints administratively within the prison, and require that these procedures be exhausted before any proceeding can be filed in Federal courts."

Title II of the legislation I am introducing today would accomplish these objectives.

Title III of this legislation would require the Attorney General of the United States to establish a voluntary high school equivalency training program for all qualified inmates in each Federal penal and correctional institution. This program is to be administered by the Federal Bureau of Prisons.

In recent testimony before a Senate committee, the Director of the Federal Bureau of Prisons revealed that fewer than 5 percent of all inmates committed to Federal prisons function at the 12th grade level. Moreover, a sizable number of our inmates in both Federal and State facilities are functionally illiterate.

By 1975, the U.S. Department of Labor predicts the unskilled labor market will utilize less than 5 percent of the entire work force. The possibility of employment for those without even rudimentary reading or writing skills therefore grows more improbable, and their return to crime more likely in the following years.

In order to improve the State correction systems, title IV of the bill amends current Law Enforcement Assistance Administration—LEAA—legislation in several areas affecting State corrections programs, and provides financial assistance to the States for the establishment of community-based facilities and programs.

Over two-thirds of our total correctional population of over 1.5 million people are not imprisoned. Of the 400,000 who are incarcerated, 9 out of 10 reside in State rather than Federal institutions.

The Omnibus Crime Control and Safe Streets Act of 1968 was enacted to provide assistance to States and localities to improve and strengthen their law enforcement systems. Funds for corrections programs were generally available under part C of the program, which provided block and discretionary grants to the States and localities for general law enforcement purposes.

In 1970, however, the legislation was amended to provide for a special program of grants to be used specifically for correctional programs and practices. Under this new part E, States wishing assistance must first make assurances in their comprehensive State plans that their correctional systems will meet certain requirements.

Among the most important of these is the requirement that the States place satisfactory emphasis on the development and operation of "community-based correctional facilities and programs," such as probation, parole, halfway houses and work release programs.

State plans must also include provisions for advance personnel recruitment programs, and as a result of a recent 1973 amendment, States must also provide for the development and operation of narcotic and alcoholism treatment programs for offenders in correctional institutions, or on supervisory release programs, such as probation and parole.

Mr. Speaker, all of these requirements are necessary and desirable. I believe, however, that we could improve this legislation further by mandating that States desiring LEAA assistance to meet additional requirements designed to improve and expand further their correctional programs.

Title IV of the bill I am introducing today would amend the LEAA legislation to provide for certain programs designed to reverse the trend of damage and violence resulting from prison riots. Title IV of this bill requires that any State seeking correctional improvement funds under parts C and E of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, include the following in its annual comprehensive law enforcement assistance plan:

First. A riot and disorder control plan which has been formulated by the State planning agency in concert with, and made available to, State and local law enforcement authorities. Riot and disorder control plans are presently required only in Federal penal institutions;

Second. A program for the development and operation of a high school equivalency training program for all qualified inmates in each correctional institution and facility in the State;

Third. A program for the development and operation of a program of instruction for State and local correctional officers designed to acquaint such officers

with urban ghetto problems in order to reduce racial discrimination in each correctional institution and facility in the State. Such programs could be modeled after those offered in the Federal training centers in Dallas and Atlanta;

Fourth. A program for the establishment and operation in the State of a correctional ombudsman office which shall act as an impartial arbiter in all State and local corrections disputes, and investigate each complaint from an inmate, probationer, or parolee of a State or local correctional institution or facility, participate in the preparation and review of such State plan, and prepare an annual report to the State Governor with respect to current State prison activities and treatment of inmates, as well as existing grievance resolution programs; and

Fifth. A program for the development and operation of a program of vocational training and employment of all qualified inmates in each correctional institution and facility in the State.

Title IV of this legislation would also encourage, through the use of LEAA part E and discretionary grants, a merger of State corrections departments, parole, and probation authorities into one centralized, unified State corrections department in order to improve upon the presently fragmented administration of most correctional services.

Finally, title IV of the bill would require States to abandon the old, Attica-type correctional institution, and to establish community-based, correctional facilities and programs in small, urban centered correctional institutions.

This objective would be accomplished by redefining community-based correctional facilities and programs in part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as those correctional facilities with a capacity of not more than 400 inmates.

This legislation would provide increased financial and technical assistance to the States to improve and expand their correctional facilities and programs, and it would also offer measures to improve corrections programs in our Federal institutions.

If we, in the Congress, are earnest about controlling crime and preventing the violence and bloodshed of prison riots, we can no longer treat corrections as the stepchild of the criminal justice system. The time for dramatic improvement in the operation of our Nation's correctional systems has arrived, and the legislation I am introducing today should provide a realistic and workable framework in which to achieve these objectives.

AUSTRIAN GOVERNMENT'S DECISION IS DEPLORED

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. EILBERG. Mr. Speaker, we have been forced to turn our attention almost completely to the problems in the Middle East. However, we must not forget the plight of the Russian Jews who are still trying to go to Israel despite that country's problems and the Government of Austria's threat to close down the transition center at Schoenau Castle.

At this time I enter into the RECORD a letter sent to the Chancellor of the Republic of Austria by the Association of Jewish New Americans of Philadelphia:

ASSOCIATION OF JEWISH NEW AMERICANS IN PHILADELPHIA,
Philadelphia, Pa., October 8, 1973.

Hon. BRUNO KREISKY,
Chancellor of the Republic of Austria, Vienna, Austria

DEAR SIR: The members of the Association of Jewish New Americans in Philadelphia, survivors of the Nazi holocaust, are deeply disturbed by your government's decision to close the transit camp in Schoenau.

Giving in to extortion by a group of terrorists and refusing transit-stop-over to Russian emigrants is so bitterly reminiscent of the closed door policies toward European Jews during the second world war.

We, therefore, strongly urge the Austrian government to reverse its unfortunate decision for the sake of Austria, for the sake of the emigrants and for the sake of humanity.

Respectfully yours,
SOL ROSEN,
President.
IRVING TEITELBAUM,
Secretary.

HYPOCRISY IN THE WEST AS PICTURED BY SOLZHENITSYN

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. CRANE. Mr. Speaker, possibly no writer in the world today enjoys, and undoubtably deserves, the enormous prestige of Alexander Solzhenitsyn. Probably no one has more thoroughly probed the depths of social turmoil and the effects of tyrannical rule on a heroic people than this 1970 Nobel Prize for literature winner. In his brilliant novels, only one of which has received public recognition in his own country. Solzhenitsyn authentically reflects profound understanding of the nature of man and the need for a transcendent rather than merely temporary basis of authority and meaning in life.

Through his novels over the years and resistance to Soviet persecution and repression, Solzhenitsyn earned the respect of almost all elements of Western society. Recently he drew the logic of his developing position further as he zeroed in on Western liberals for their hypocritical standards of judgment of American actions and failing to understand fully the nature of communism. The orgy of self criticism so often manifested in the attitudes of Western liberals reminds Solzhenitsyn of "the apparently impossible similarity" with the czarist regime in its last years. Several of the more critical questions raised by the Russian author are the subject of a recent editorial in the Phoenix Gazette and I insert it in the RECORD at this point.

[From the Phoenix Gazette, Sept. 15, 1973]

HOW NOW, HYPOCRITES?

Soviet novelist Alexander Solzhenitsyn's blast at the "hypocrisy" of the West in general and U.S. Democratic Party leaders in particular is rather like biting the hand that has been petting you.

Ever since he won the 1970 Nobel prize for literature (but was not allowed by the Soviet government to go to Stockholm to receive it), Solzhenitsyn has been celebrated by the liberals as much as anybody for his courageous stand against Soviet persecution and repression.

This endorsement has not stopped Solzhenitsyn from criticizing those who praise him. Quite the contrary. In a letter nominating another celebrated Soviet dissident, H-bomb physicist Andrei Sakharov, for the 1973 Nobel Peace Prize, Solzhenitsyn accuses Western liberals of a double standard in their judgments.

More telling than his comments on the hypocrisy of the Watergate political prosecutors was Solzhenitsyn's citing of the double standard practiced in connection with the Vietnam war. "The proven, bestial massacres" in Hue by the Viet Cong and North Vietnamese during the 1968 Tet offensive "were only registered in passing, almost immediately forgiven," he notes, adding that "it was only annoying that these counts of victims leaked out in the free press and for a time, quite brief, caused embarrassment, quite small, among the frenetic defenders of this social system."

It will be interesting to see how the liberals who dominate the American free press react to this point on which they are vulnerable as all get-out. The probabilities are that they will ignore it as much as possible, concentrating instead on excusing Solzhenitsyn for not understanding what Watergate—according to the Gospel of Sam—is all about.

Solzhenitsyn also noted in his letter that having devoted years to the study of "Russian life before its destruction," he is struck by "the apparently impossible similarity" between the Czarist regime in its last years and the United States of recent years, "years, I dare say, which are also the last ones before major chaos."

One can only hope that this is indeed an impossible similarity. If it is not, the blame seems likely to rest in large part in the liberal hypocrisy and double standard that Solzhenitsyn has fingered.

PSRO AND THE KENTUCKY STATE MEDICAL ASSOCIATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. RARICK. Mr. Speaker, the Kentucky State Medical Association on September 19, adopted a resolution urging repeal of professional standards review organizations—PSRO.

I have introduced H.R. 9375, calling for repeal of the PSRO provisions from the act in order to eliminate the threat of political interference into the area of medicine. The PSRO program for regional and national establishment of norms of medical practice are presently scheduled to become effective January 1, 1974.

I can assure our colleagues that if they have not heard of PSRO yet, they can expect to be hearing it as the effective date approaches. In order to avoid a medical rebellion among our doctors of medicine, I would urge you to introduce similar legislation to H.R. 9375 and work toward early repeal of the unnecessary and impractical provision of law which establishes the groundwork for Federal control of medical practitioners.

H.R. 9375 repeals, under the Social Security Act, the provisions for the establishment of professional standards review organizations to review medical services covered under medicare and medicaid programs.

It should be pointed out, however, that the same dangers that exist to the confidentiality of medical records from bureaucratic supervision of medical doctors through national or regional PSRO could also exist from a State PSRO. This is especially true in light of the fact that we have seen numerous State-controlled programs taken over by the Federal bureaucrats in the past.

H.R. 9375 has been referred to the Ways and Means Committee.

I include the resolution of the Kentucky State Medical Association and the text to H.R. 9375 at this point:

RESOLUTION OF THE KENTUCKY STATE MEDICAL ASSOCIATION, SEPTEMBER 19, 1973

Whereas, Public Law 92-603 stipulates the requirements for professional standards review organizations, and

Whereas, the board of trustees of the KMA on March 28, 1973, approved the concept of a single statewide professional standards review organization for Kentucky to be developed by the Kentucky Foundation for Medical Care, and

Whereas, a PSRO implementation plan was drafted and endorsed by many medical and health related organizations in the State, and

Whereas, on August 30, 1973, at a PSRO area designation hearing conducted by the Department of Health, Education, and Welfare, all organizations represented again endorsed the KFMC proposal, therefore be it

Resolved, That the House of Delegates support the concept of a single statewide PSRO for Kentucky as indicated in the KFMC implementation plan and confirm the position taken by the KMA board of trustees in this regard, and be it further

Resolved, That the KFMC may enter into a provisional contractual agreement to serve PSRO purposes if no substantial changes are made in the plans submitted by the Kentucky foundation for medical care to HEW, and be it further

Resolved, That if major changes occur, the new plan be approved by the House of Delegates at a regular or, if necessary, special called meeting, and be it further

Resolved, That this House of Delegates, as individual physicians and through its public relations committee and the Committee on Legislative Activities of KMA, work to inform the public and legislators as to the potential deleterious effects of this law on the quality, confidentiality, and cost of medical care, and be it further

Resolved, That this House of Delegates request and petition the Kentucky congressional delegation, every Member of both Houses of United States Congress and both houses of the Kentucky legislature to work for the repeal of PSRO. And that copies of this resolution be forwarded to the aforementioned individuals and legislative bodies, and be it further

Resolved, That this House of Delegates instruct its delegates to the American Medical Association to introduce a similar resolution in that House.

H.R. 9375

A bill to amend title XI of the Social Security Act to repeal the recently added provision for the establishment of Professional Standards Review Organizations to review services covered under the medicare and medicaid programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part B of title XI of the Social Security Act (as added by section 249F of the Social Security Amendments of 1972) is repealed.

SEC. 2. Title XI of the Social Security Act is further amended—

(1) by striking out "AND PROFESSIONAL STANDARDS REVIEW" in the heading; and

(2) by striking out "PART A—GENERAL PROVISIONS" immediately before section 1101.

A CALL FOR IMPEACHMENT

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. RIEGLE. Mr. Speaker, on October 25, I filed formal articles of impeachment in the House of Representatives and I would like to insert a copy of this resolution for the interest of those who read the RECORD:

H. RES. 661

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 impeachments 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 willfully 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 willfully 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 willfully 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 willfully and knowingly violated title 18, section 1510 of the United States Code in that he willfully 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.

THE DANGER OF AVOIDING IMPEACHMENT

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Ms. ABZUG. Mr. Speaker, there has been a general assumption for some time that impeachment of the President would be a long, drawn-out, deeply divisive affair. After months of investigation by other bodies, I see no reason why the process should be prolonged. As for divisiveness, we have always been divided and this is healthy, as Barbara Tuchman says.

In a brilliant summary in Sunday's Washington Post, famed historian Tuch-

man points out the dangers of avoiding impeachment proceedings.

She notes:

The executive has the advantage of controlling all the agencies of Government—including the military. The last should not be an unthinkable thought. The habit of authoritarianism which the President has found so suitable will slowly but surely draw a ruler, if cornered, to final dependence on the Army.

I would like to insert the complete article in the RECORD:

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

IMPEACHMENT: "THE ISSUE MUST NOT BE EVADED"

(By Barbara Tuchman)

"Those who expect to reap the blessing of freedom," wrote Tom Paine, "must undergo like men the fatigue of supporting it."

In the affairs of a nation founded on the premise that its citizens possess certain "inalienable" rights, there comes a time when those rights must be defended against creeping authoritarianism. Liberty and authority exist in eternal stress like the seashore and the sea. Executive authority is forever hungry; it is its nature to expand and usurp.

To protect against that tendency, which is as old as history, the framers of our Constitution established three co-equal branches of government. In October 1973, we have come to the hour when that arrangement must be called upon to perform its function. Unless the Executive is brought into balance, the other two branches will dwindle into useless appendages. The judiciary has done its part; by defying it the President brought on the crisis. The fact that he reversed himself does not alter the fact that he tried, just as the fact that he reneged on the domestic surveillance plan of 1970—a fundamental invasion of the Bill of Rights—does not cancel the fact that he earlier authorized it, nor does withdrawing from Cambodia cancel the fact of lying to the public about American intervention.

The cause for impeachment remains, because President Nixon cannot change—and the American people cannot afford—the habit of illegality and abuse of executive power which has been normal to him. Responsibility for the outcome now rests upon the House of Representatives which the farmers entrusted with the duty of initiating the corrective process. If it does not bring the abuse of executive power to account, it will have laid a precedent of acquiescence—what the lawyers call constructive condonement—that will end by destroying the political system whose two hundredth birthday we are about to celebrate.

No group ever faced a more difficult task at a more delicate moment. We are in the midst of international crisis; we have no Vice President; his nominated successor is suddenly seen, in the shadow of an empty presidency, as hardly qualified to move up; the administration is beleaguered by scandal and criminal charges; public confidence is at low tide; partisan politics for 1976 are in everyone's mind; and the impeachment process is feared as likely to be long and divisive and possibly paralyzing. Under the circumstances, hesitancy and ambivalence are natural.

Yet the House must not evade the issue, for now as never before it is the hinge of our political fate. The combined forces of Congress and the judiciary are needed to curb the Executive because the Executive has the advantage of controlling all the agencies of government—including the military. The last should not be an unthinkable thought. The habit of authoritarianism, which the President has found so suitable, will slowly but surely draw a ruler, if concerned, to final dependence on the Army. That instinct already moved Mr. Nixon to call out the FBI to impound the evidence.

I do not believe the dangers and difficulties of the situation should keep Congress from the test. Certainly the situation in the Middle East is full of perils, including some probably unforeseen. But I doubt if the Russians would seize the opportunity to jump us, should we become embroiled in impeachment. Not that I have much faith in nations learning from history; what they do learn is the lesson of the last war. To a would-be aggressor, the lesson of both world wars is not to count on the theory held by the Germans and Japanese that the United States, as a great lumbering mush-minded degenerate democracy, would be unable to mobilize itself in time to prevent their victory. I am sure this lesson is studiously taught in Russian General Staff courses.

Nor should we be paralyzed by fear of exacerbating divisions within this country. We are divided anyway and always have been as any independently minded people should be. Talk of unity is a pious fraud and a politician's cliche. No people worth its salt is politically united. A nation in consensus is a nation ready for the grave.

Moreover, I think we can forego a long and malignant trial by the Senate. Once the House votes to impeach, that will be enough. Mr. Nixon, I believe, will resign rather than face an investigation and trial that he cannot stop. If the House can accomplish this, it will have vindicated the trust of the founders and made plain to every potential President that there are limits he may not exceed.

THE MOOD OF THE NATION

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. ERLENBORN. Mr. Speaker, in his column in yesterday's Chicago Tribune, Bob Wiedrich spoke of the depressed mood of the Nation and called upon the President to let in fresh air. His message, I believe, deserves attention.

The message follows:

NIXON CAN STILL ACT TO RESTORE U.S. FAITH

(By Bob Wiedrich)

Too many Americans appear to have lost faith in just about everything. They have ceased to believe.

A decade of negativism, climaxed by nearly a year of Watergate, has drained the national conscience, and the effects are beginning to show, both at home and abroad.

Thus, whatever the personal cost to President Nixon, it is his responsibility to start pulling the country out of its national gloom and place it on a positive track. For if permitted to fester, negativism can prove almost as destructive as war. It just takes longer.

For 10 years, the nation endured the divisiveness of the Viet Nam War, divisiveness that bred open rebellion against the establishment, the government, the foundations of law that sustain this land, and finally laid waste our streets and college campuses.

It was a tortuous decade in which this country inexorably was drawn to a national psyche of suspicion, cynicism, and disrespect for just about everything. People appeared positive about only one thing—negativism.

There was no unity of purpose. Everybody was against something. Few were for something. Our language became a lexicon of skepticism.

In his first term, Richard M. Nixon began turning that around. However strong the feeling against him in some quarters, Nixon started to restore the national honor, to show the flag around the world with pride. He did and said many of the things we wanted to see and hear. He was reelected by a smashing victory.

But then came the rising tide of Watergate, along with a rash of official corruption across the nation, from dog catcher to Vice President. And the gloom that had begun to dissipate deepened.

Today, we are possessed almost by a national mood of numbness. There has been a deleterious effect upon us all. There is nothing we won't believe, as long as it is negative. We have been brainwashed to expect the worst. We have discovered that despite all our prosperity, we are a nation lacking a certain something. For the most part, we cannot even be polite to one another.

In a decade, we have managed to tear our country apart. And in attempting to reassemble it, we have left out a few parts, including our national self-respect.

Today, we do not have to honor the flag. Age is proof positive of dumbness. We don't have to be courteous. We don't have to be considerate. When we engage in a dispute, we no longer just yell. We kill. Even human life holds no respect. There is little regard for any institution. A decade of doing our thing has taken its toll.

And that is why today, as Watergate and international crisis compound the turmoil of 10 years, we find a labor leader like George Meany who does not hesitate to publicly accuse the President of "dangerous emotional instability." Or, a reporter who does not hesitate to ask Secretary of State Henry Kissinger if the President was "rational" when he placed the armed forces on alert in a time of developing crisis.

Everything is suspect, even the sanity of our national leaders. No motive is above suspicion. No individual is accorded the assumption of integrity.

Even in an unbelieving society, we believe Dr. Kissinger when he charges that Soviet leaders may have sought to exploit our internal weaknesses by deciding to brace us on the Middle East. From a distance, the greatest nation on earth must look like a pushover riddled with dissent. It has finally come to that.

Right now, the most courageous act President Nixon can perform is to once again turn the nation around, to act positively in opening up his administration to total public scrutiny. He must let in fresh air to heal the sores of Watergate. Let him place his arm around the American people and say to them, "Come in and take a look at whatever you want."

The worst depression this nation can endure is a depression of the spirit. It has already endured it too long. And in time, it will kill us all.

SPORTS SAFETY: INJURIES AIN'T IN THE BUDGET

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. DELLUMS. Mr. Speaker, the January–February 1972 issue of Kendall Sports Trail magazine contains an interesting article by John Husar on the need for qualified athletic trainers in our Nation's schools.

As the author of legislation designed to require that schools employ certified trainers, I now am inserting the article

into the RECORD for the information of my colleagues:

[From Kendall Sports Trail, January–February 1972]

INJURIES AIN'T IN THE BUDGET

(By John Husar)

How many times has a coach turned toward a limping player and said: "Run it off fella, run it off"?

And how many young athletes have gone to the dressing room, picked the skin off a blister, and then put on a dirty street sock?

More importantly, how many kids have decided it is manful to hide an injury and, instead of seeking help, gritted their teeth and gone into practice or another game too soon?

No one, of course, can say.

Who can count the number of injuries that might have been minimized by quick treatment from qualified persons on the practice field?

To many people, such questions point to a need for athletic trainers on the high school and junior high levels, where many chronic injuries get their start.

College trainers now insist that most joint injuries (ankle, knees, etc.) they encounter are the products of earlier mishaps that were not properly treated.

In every part of the country trainers shake their heads at the situation on the high school level.

In Chicago, or example, there are no qualified trainers at schools in the 53-team Public League.

In the Catholic League, where administrators have a little more money to spend, five schools have full or part-time trainers.

In some of the affluent suburbs, impressive programs are underway, but the poorer areas have nothing and, downstate, some tiny towns cannot even refer players to local doctors, because no doctors live there.

That, at least, isn't a problem in Chicago, where all prep football games are supposed to have physicians on the sidelines. The Public League has agreements with hospitals to handle injured players and all Catholic teams have school doctors who examine injuries. Both sectors provide medical insurance.

But on a day-to-day basis, the overall responsibility for preventive taping diagnosis, therapy, and guidance rests with the coach and his assistants, who may have had some helpful college courses—and then, maybe not.

They do the best they can, but coaches are not physical therapists. They also teach, administer, and handle public relations. Some even help maintain the athletic plant. They can only stretch so many ways.

Therefore, it has become common for coaches to delegate part of the burden to student managers, who quickly learn to tape ankles and apply merthiolate. But by the end of the season, some are playing doctor.

Injuries, as a result of ignorance, risk getting worse instead of better.

Untended cuts and blisters turn into infections. Muscle tears are treated as sprains. Youngsters who should go to doctors are sent home instead, where parents feed them aspirin in hopes of avoiding "needless" medical bills.

Some of the worst cases involve unsophisticated therapy. Each year, twisted knees are bloated when injured legs are thrust into hot whirlpool baths instead of given first aid with ice.

"It's hard to stomach the idea of a 17- or 18-year-old boy being responsible for the physical well-being of athletes," said Tom Monforti of Loyola Academy. "But I know it exists, although I can't tell you where."

Monforti is one of the area's handful of qualified prep trainers and he has come to deplore the "sad state of affairs." He said most administrators either are unaware of the need for trainers because there's never been an outspoken demand, or they care but are unwilling to spend their limited money in that area.

Schools which have trainers now are focal points for the "have-nots."

"A lot of kids from other schools will stop in here for training," said the Rev. Walter McNicholas, former St. Rita athletic director. "They'll have notes from their coaches: 'Please stick this guy in the whirlpool,' or 'Teach him how to tape his knee.'

"Sure, our medical bills are astronomical, but we tape more kids now in one afternoon than we used to tape in a week."

Larry Hawkins, the outspoken Carver basketball coach, points to Al Granz at Northern Illinois and men at other local colleges, including Chicago Circle. "These are the people who are our trainers," he said. "They'll take some of our kids. We have nobody else."

Dick Hoover, the Northwestern trainer, says coaches bring him youngsters from Hammond, Elgin, and other schools miles away, "which is kind of a waste for them because maybe I'll spend five minutes telling them what they should do. I don't treat them, I just consult. I think, God, there's got to be somebody closer than me for them to talk to, but there isn't."

He says charity in the college training room may do high schools a disservice by relieving some of the pressures that might force schools to develop programs of their own.

"But you've got to take these kids," he said. "You feel so sorry for them, especially for some of the cases of ignorant mistreatment that come through the door."

CHICAGO TRAINING ROOMS

Imagine a typical Chicago high school training room.

It depends, of course, upon the neighborhood—and how old, crowded, and large the school is.

Sometimes, it is a tiny enclave off the locker room with rubbing table, cabinet, and little else.

For want of enough tape, the players put cloth wraps on their ankles. Some do it themselves, others are helped by a buddy, assistant coach, or student manager.

In Chicago public schools, you see, there are no qualified trainers.

There never has been a provision for this supposed luxury and, therefore, the schools are discouraging from giving any secondary injury treatment at all. Presumably, there's no one around who can supervise it professionally and legally. And so, strict policy calls for first aid for injuries—and then the matter rests with the doctors and parents.

But every coach insists on doing a little training on the side, not only in the team's interest, but for the sake of a bumped or bruised boy.

Not all have the comfort of even little training rooms. Sometimes, the table is in a corner of the locker room. Occasionally, you'll find it in the coach's office, which also may serve as film room, meeting room, and hangout for between-class athletes.

One school even uses an abandoned boiler room—but quietly, because those areas are frowned upon for student use, even when the boilers no longer are working.

Here and there, you'll find an illicit whirlpool bath—banned because the public schools do not provide qualified people to govern them safely—or an old heat lamp donated by an interested doctor. And not much else.

In contrast, the handful of Catholic and suburban schools which provide athletic training facilities glisten with whirlpools and other modern machines. Store rooms bulge with cases of tape, medicines and other equipment for the treatment and prevention of injury.

Take the room used by Tom Monforti of Loyola Academy—one of the area's few prep trainers.

"When I came to Loyola, I told the administration what we would need—and they got it," he said. "There was an empty room and two of the brothers who can do concrete and electrical work and carpentry remodeled it extensively. Its value now is around $15,000."

He has two diathermy machines, ultrasound, a whirlpool, ultra-violet, and a $1,000 training table donated by a doctor who retired from practice. His budget for tape and supplies reaches $2,500.

In the public schools, the budget rarely surpasses a few hundred dollars. Some coaches keep the tape in their pockets so it won't get lost.

Monforti came to Loyola three years ago from DePaul Academy and University, where he virtually ran an open clinic.

"Why, we used to have kids in the hall every day from other schools," he said. "We treated them free for 20 years until I just couldn't handle it any more. One time I had eight kids in my training room and none were from DePaul. My kids had to wait. They came from everywhere—Wells, Crane, Lane, Dunbar, DuSable, Waller, maybe 15 schools, Public and Catholic."

He and the handful of other local trainers have begged for improvements over the years, all to no avail. It's been like hollering up a dark tube and not even hearing an echo. "I became very passive when I came up here from Ball State," said Dick Hoover, the Northwestern trainer. "I had expected big programs and I was kind of ashamed when I found nothing."

School leaders, of course, are not opposed to having trainers. They think it's a great idea—if you can find the money, or even a room in today's overcrowded schools. But sympathy is one thing, performance another. Some admit they wouldn't spend any extra money on sports—even if they had it—with so many other basic needs.

This second-class treatment riles many coaches. Says Larry Hawkins of Carver, an outspoken advocate of training programs: "Such an attitude seems strange to me because our sports programs are becoming more and more important in the light of today's problems. You know, it's the only area where you can't snow people."

But can the school afford trainers? "Heck, we can't even get footballs and basketballs," he said.

NEED FOR HIGH SCHOOL TRAINERS

Why are there so few trainers at the high school level?

Probably because there never has been a demand by parents, coaches and athletic personnel—although tens of thousands of youngsters are hurt in sports every year.

"It's just never been brought up in our system," said Richard Fee, director of health and physical education for the Chicago Board of Education, which provides no trainers at all.

It doesn't make sense when you're dealing with health, but a lot of schools consider it a luxury to have a trainer," said Dan O'Brien of Fenwick, one of the few trainers in the local prep area. "They just don't realize how important a trainer can be—or even how the profession has improved in recent years."

Every coach contacted in a Tribune inquiry swears to the need for trainers, and has definite ideas how they could be worked into a school's budget with little extra cost.

"I don't think we realistically could expect full-time trainers," said Ralph Miller, basketball coach and athletic chairman at Kennedy High. "But I can see maybe one person being assigned the job and getting $500 or $600 extra for serving the team."

This is the way it is done at the handful of parochial and suburban schools which take the burden—mainly amounting to preventive taping and secondary injury treatment from often unqualified coaches. The trainers simply double as members of faculty or staff.

At Fenwick, O'Brien also is alumni director

and business manager. Tom Monforti of Loyola Academy teaches three health classes, but his primary responsibility is in the training room. Gordon Tech's Bronco Telkes is assistant principal.

"There's nothing wrong with having athletic trainers," said Fee, who oversees the 53-school Public League. "But it would be a large financial item, and many schools are so crowded there isn't even a room available. Then, we would have to clear it with our legal department—for example to establish just how far a trainer can go."

In Houston, a model program has been working for 12 years, supported primarily by ticket sales. Three basic athletic plants handle the games of 59 junior and senior high schools. Each plant has a full-time trainer who attends games and looks after injured players in modern training rooms.

At each school there are specially trained student managers who handle basic taping and routine chores under the overall supervision of the trainers. In addition, 107 doctors are on a call sheet.

"The thing is, we get a lot more boys back on the football field than we would if we didn't have the type of therapy and training we do have," said C. L. (Dike) Rose, supervisor of athletics for the Houston Independent School District.

Why is there no general program here?

Presumably, because none seemed mandatory—or even possible—to the people involved. School officials, beset with chronic problems, have paid little attention to athletics. Many coaches, perhaps hoping for promotion, chose not to rock the boat over the years. There even are suspicions that most athletic departments would not trade a coaching slot for a trainer, if it came to that.

"The expenditures for athletics are somewhat confining," admitted Richard J. Martwick, Cook County superintendent of schools. "To many districts, athletics is not necessarily a priority program. It is considered extracurricular, a matter of fringe benefits, which is unfortunate because it very well may be the last frontier for conditioning and discipline." Martwick, who was head football coach at Ridgewood High in Norridge for eight years before taking office, is convinced that many school boards would respond favorably if shown the need for trainers. "That would mean the coaches and athletic people joining forces for a good presentation," he said.

Many administrators aren't sure they could get a trainer if they wanted one. Most seem to graviate toward colleges. Yet, many trainers are produced annually through three channels—specialized graduate courses, physical therapy converts, and on-the-job apprenticeships.

Here and there, enlightened schools also hold clinics to expose coaches and students to improved techniques. Some colleges, like the University of Illinois, have summer-long programs. A few trainers even are promoting summer camps for interested pupils.

Therefore, it hardly seems difficult for a school to find a trainer—or develop one of its own.

The central problem is apathy based on ignorance. "Every trainer is trying to do something about it," said Northwestern's Dick Hoover, who has a grant from the Kendall Sports Division to produce a film for the National Athletic Trainers Association. "But it's tough."

About the only service of major proportions is the Sports Clinic conducted by Dr. Bryan Minor at Chicago Osteopathic Hospital.

This year, 65 schools subscribed to the injury treatment service, including 51 from Chicago. This was an overall increase of 53 in one year, an indication that schools are becoming aware of the problem.

As a rule, 100 boys make it to the clinic each week, usually on Mondays and Tuesdays. Most are serious injuries, some requiring surgery.

Hoover once had in mind a different kind of service, which he offered to 40 schools on the north and west sides. By utilizing student help and a central clinic—much like Houston—he was going to provide complete training services at an annual cost of $1,000 per school.

He worked up the presentation and waited for the replies. Guess how many answered.

Would you believe—one?

SCIENCE AND TECHNOLOGY POLICY: THE CITIZEN ENGINEER'S ROLE

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. GUBSER. Mr. Speaker, as a member of the Technology Assessment Board, I wish to call to the attention of my colleagues an article, by Dr. Robert W. Lamson of the National Science Foundation, appearing in the October 1973 issue of "Mechanical Engineering." In addressing the "citizen engineer's" role in formulating science and technology policy, Dr. Lamson stresses the need for maintaining a broad sense of the "citizen-generalist" perspective in making sure that a complete range of options and effects is presented to decisionmakers. Another good point, in my opinion, is the importance at all times of full disclosure to the public. Finally, Dr. Lamson urges that professionals involved in science and technology policy remember "that they are citizens as well as experts." The article follows:

SCIENCE AND TECHNOLOGY POLICY: THE CITIZEN ENGINEER'S ROLE

(By Robert W. Lamson)

Science and technology, no matter how sophisticated, are insufficient to abate the crisis arising from endemic war, rapid population growth, and environmental destruction. Long-range goals in which people themselves are of paramount concern must be established. A better U.S. Science and Technology Policy is needed. Here the engineer can join with the scientist, the government official, the public representative, and the citizen in a dialogue to help hammer out overall policy.

Scientific knowledge and technological development give mankind unprecedented capacity to modify nature, society, and man himself. The misuse of this power has played its role in such crises as war, rapid population growth, and environmental destruction, crises whose scope today places the well being and even survival of mankind in grave jeopardy.

KNOWLEDGE, CAPACITY, AND WISDOM

However, science and technology are not inherently bad. To restore their benefits to mankind, we must achieve a balance between:

Our knowledge of nature.

Our technological capacity to modify nature, man, and society and . . .

Our wisdom, (here, we include perceptions, attitudes, values, and intellectual and institutional processes) which help to determine whether, for what ends and how we shall use our knowledge and technology.

To date, many of our problems can be traced to the fact that our technological skill greatly exceeds our wisdom. This imbalance results in the use of our power, often for the wrong ends. And the contribution of technology to the requirements of a society which fosters the well being and growth of the individual is often adverse or at best accidental.

We need only look in such areas as defense, economic growth, population, agriculture, transportation, communications and information processing, health, housing, and recreation to see the fruits of such imbalance. In all of these areas, the long range, cumulative, and often synergistic, impact are, for all practical purposes, ignored or at best inadequately evaluated.

We, for example, create new technologies without, at the same time, acting to prevent or limit their damaging side effects. We promote economic and population growth, but inadequately protect and promote environmental quality. We are succeeding in extending the lifespan, but not, at the same time, and in the same degree, attempting to limit births. As a result, population now outpaces production in many parts of the world with tragic results.

BETTER SCIENCE AND TECHNOLOGY POLICIES NEEDED

If we are effectively, as scientists and engineers, to help solve the various problems which confront the nation and the world, we must create better science and technology policies as well as institutions from which such policies can emerge.

We, therefore, need an ongoing system of periodic reports and hearings to analyze and display problems, and their solutions—setting forth probabilities, options, costs, benefits, risks, and uncertainties—in a thorough, systematic, and up to date manner. Such an approach should help stimulate and structure discussion and debate, and hopefully, create among policymakers and the public the understanding and agreement required for effective action. A model for such a system already exists for the economy and the environment in the annual "Economic Report of the President" and the annual "Report on Environmental Quality."

IMPORTANT ELEMENTS AND QUESTIONS

We need to ask and attempt to answer systematically a set of questions about problems and options concerning various elements in U.S. Science and Technology Policy. Such elements include:

Institutions and policy processes for science, technology, and national goals.

Resources for science and technology, for example, funds, manpower, education, and facilities.

Uses of science and technology.

Synthesis and interaction of institutions, resources, and uses.

With regard to each element, there is an important set of questions concerning which the nation needs systematically to study, answer, debate, achieve consensus, and to act.

The important questions include:

Problem: What is the problem?

Solutions: What are the options or alternative solutions (goals and means) for solving the problems now and in the future?

Source of Option: What is the source of the option?

Effects: What are its probable effects?

Conditions for Success: What are the conditions required for its success?

Principles of Implementation: What principles should be followed in its implementation?

Costs, Benefits, and Feasibility: What are the costs and benefits of the various options—for what values and groups—and what is the feasibility of the various options?

Criteria for Evaluation: What criteria should be used to evaluate the options?

Priority: What priority should we assign to each option?

Recommendation: What specific option should we pursue?

Table 1 presents an initial attempt to answer the first two questions concerning problems and solutions for each element of science and technology policy.

TABLE 1.—*Outline of problems and options in U.S. science and technology policy*

ELEMENTS OF SCIENCE AND TECHNOLOGY POLICY	QUESTIONS FOR ANALYSIS: PROBLEMS?	SOLUTIONS—EXISTING AND PROPOSED?
I. Systems interaction and Synthesis of II, III, and IV	The interactions, integration and adequacy of our perception, evaluation, assignment of priorities, choice, and implementation of: 1. National problems and goals; 2. Elements of Science and Technology Policy (Institutions and Policy Processes; Resources; and Uses)	OMB, Domestic Council, CEQ, CEA
II. Institutions of Policy Processes for Science Technology, and National Goals	Policy Analysis, Goal Setting and Coordination for Science and Technology Research on science and technology policy problems	A Science and Technology Policy Act, Council of Science and Technology Advisors, Council of Social Advisors, National Goals Institute Science Policy Institute, National Institute of Research and Advanced Studies, Department of Science and Technology, Annual Report on Science and Technology Joint Committee on Science and Technology Annual Hearings on Science and Technology Policy
	Better analysis, display, coordination and understanding, by policymakers and the public, of problems and options in U.S. Science and Technology Policy	
III. Resources for Science and Technology A. Funds	Adequacy of funding for R&D and its relation to changing national problems and goals	Tie funding to GNP
B. Manpower	Adequacy of manpower for science and technology, and its relation to changing national problems and goals Unemployment of scientists and engineers Conversion of aerospace and defense scientists and engineers to work on civil problems	
C. Education	Adequacy of education system and its relation to changing national problems and goals	
D. Facilities	Health of universities and educational system Adequacy and health of research facilities, and their relation to changing national problems and goals	
IV. Uses of Science and Technology	Relation of research and development to economic policy—international economic competitiveness, balance of trade, domestic productivity, invention, innovation, diffusion technology transfer, incentives	New Technological Opportunities Program Technology Incentives Program R&D Assessment Program
	Solve social problems through science and technology, transfer of defense and space capabilities to civil sector	Research Applied to National Needs Program Civil Science Systems Administration
	Need to perceive, evaluate, and control the effects of using technology	Office of Technology Assessment, Environmental Impact Statements Interdisciplinary, problem oriented research centers in universities and elsewhere

If we are to create better policy for science and technology, we need to develop, refine, and maintain the answers to such a framework of questions and communicate its contents systematically to policy makers and the public at various levels and through various media channels (press, radio, movies, television), multi-media presentations, policy oriented exhibits, computer and other graphic displays, games and simulation, charts, maps, photos, and by involving the policymaker in the planning and conduct of the research designed to answer each question.

How might we perform such needed actions? A number of existing institutions and organizations are already involved. Such organizations include, in the executive branch of the federal government: the Office of Management and Budget, the Domestic Council, the Science and Technology Policy Office, the National Science Foundation, the National Science Board, and the Department of Commerce. In the legislative branch: many Congressional Committees, the Science Policy Research Section of The Congressional Research Service of the Library of Congress, and the General Accounting Office. In addition, there is the Committee on Science and Public Policy of the National Academy of Sciences, the Committee on Public Engineering Policy of the National Academy of Engineering, some universities and policy research organizations, and more recently, some professional societies, including the engineering professions.

However, we have not done the needed task systematically and thoroughly. We have placed more emphasis on analysis than synthesis, and have not kept our research on problems and options current in a form which is readily useable.

As a result, we do not, as a nation, properly link our policies for science and technology to national problems and goals; we do not look and plan far enough ahead; our planning and implementation tends to be fragmented; we tend not to consider a wide enough range of options for specific policy problems; nor do we consider a wide enough range of values and groups in calculating the costs and benefits of various options; and we lack sufficient understanding and agreement among policy makers and the public concerning problems, options, goals, and means.

CHALLENGE, OPPORTUNITY, AND RESPONSIBILITY

This is the challenge and opportunity for individuals and organizations concerned with U.S. Science and Technology Policy and a responsibility to be shared by the engineering profession.

Mankind's and the nation's margin for error have diminished due to increases in population and in per capita pressure on the environment, to the increased impact of technology on nature, man, and society, and to the historic momentum of these trends. The mistakes made in the use of our scientific knowledge and technology tend to be more intense and destructive, more difficult to control, long lasting, and difficult to reverse.

Wise policies to support and use science and technology are therefore crucial to a proper balance between our knowledge, our capacity, and our wisdom to avoid such mistakes. As professionals actually involved in the attempt to transform scientific knowledge into technology and to use this capacity to modify nature, man, and society, engineers have a responsibility which is enormous and a challenge and opportunity which is unprecedented.

Many engineering societies are now beginning to demonstrate, in a coordinated way, increasing interest in the problems and options involved in U.S. Science and Technology Policy. Eight societies representing approximately 440,000 scientists and engineers have opened Washington offices, are vitally interested in national policy issues, and are moving toward closer liaison, coordination, and possibly eventual federation. They include The Institute of Electrical and Electronics Engineers (IEEE), The American Society of Civil Engineers (ASCE), The American Institute of Aeronautics and Astronautics (AIAA), The American Society of Mechanical Engineers (ASME), The American Society of Engineering Education (ASEE), The National Society of Professional Engineering (NSPE) and the American Chemical Society (ACS).

However, this is only a beginning. Many tasks remain for engineers: to analyze, synthesize, and commuicate problems, needs

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and options in U.S. Science and Technology Policy, and to move toward increased cooperation and unity.

As the engineering professions move ahead on these tasks, they need to be aware of several risks: (1) the threat to such values as freedom and representative democratic government, which can stem from domination of policy making by experts, and from the failure to keep the public informed about the policy problems and options involved in the support and use of science and technology; (2) the damage to the physical and social environment which can result from the attempt to develop and use technology for its own sake, without regard for the nature of the goal sought or values affected; and (3) the damage to public policy which can result if scientists and engineers use the power which they gain through increased cooperation: (a) to press for a "single" solution without attempting to enlighten policy makers and the public concerning the costs and benefits of a range of options, and (b) to create a lobby solely to enhance their own position, forgetting that they are citizens as well as experts.

NIXON CAN STILL ACT TO RESTORE U.S. FAITH

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. HANRAHAN. Mr. Speaker, at a time when our emotions and intellects are undergoing frequent shocks, it is refreshing to read articles such as the one written by Bob Wiedrich for the Sunday, October 28, Chicago Tribune. I would like to share Mr. Wiedrich's overview of the situation with my colleagues here in Washington:

[From the Chicago Tribune, Sunday, Oct. 28, 1973]

NIXON CAN STILL ACT TO RESTORE U.S. FAITH

(By Bob Wiedrich)

Too many Americans appear to have lost faith in just about everything. They have ceased to believe.

A decade of negativism, climaxed by nearly a year of Watergate, has drained the national conscience, and the effects are beginning to show, both at home and abroad.

Thus, whatever the personal cost to President Nixon, it is his responsibility to start pulling the country out of its national gloom and place it on a positive track. For if permitted to fester, negativism can prove almost as destructive as war. It just takes longer.

For 10 years, the nation endured the divisiveness of the Viet Nam War, divisiveness that bred open rebellion against the establishment, the government, the foundations of law that sustain this land, and finally laid waste our streets and college campuses.

It was a tortuous decade in which this country inexorably was drawn to a national psyche of suspicion, cynicism, and disrespect for just about everything. People appeared positive about only one thing—negativism.

There was no unity of spirit. There was no unity of purpose. Everybody was against something. Few were for something. Our language became a lexicon of skepticism.

In his first term, Richard M. Nixon began turning that around. However strong the feeling against him in some quarters, Nixon started to restore the national honor, to show the flag around the world with pride. He did and said many of the things we wanted to see and hear. He was reelected by a smashing victory.

But then came the rising tide of Watergate, along with a rash of official corruption across the nation, from dog catcher to Vice President. And the gloom that had begun to dissipate deepened.

Today, we are possessed almost by a national mood of numbness. There has been a deleterious effect upon us all. There is nothing we won't believe, as long as it is negative. We have been brainwashed to expect the worst. We have discovered that despite all our prosperity, we are a nation lacking a certain something. For the most part, we cannot even be polite to one another.

In a decade, we have managed to tear our country apart. And in attempting to reassemble it, we have left out a few parts, including our national self-respect.

Today, we do not have to honor the flag. The courts have held it can be worn on the seat of the pants with impunity. And prominent athletes have reviled it.

We don't have to listen to our elders. Age is proof positive of dumbness. We don't have to be courteous. We don't have to be considerate. When we engage in a dispute, we no longer just yell. We kill. Even human life holds no respect. There is little regard for any institution. A decade of doing our thing has taken its toll.

And that is why today, as Watergate and international crisis compound the turmoil of 10 years, we find a labor leader like George Meany who does not hesitate to publicly accuse the President of "dangerous emotional instability." Or, a reporter who does not hesitate to ask Secretary of State Henry Kissinger if the President was "rational" when he placed the armed forces on alert in a time of developing crisis.

Everything is suspect, even the sanity of our national leaders. No motive is above suspicion. No individual is accorded the assumption of integrity.

Even in an unbelieving society, we believe Dr. Kissinger when he charges that Soviet leaders may have sought to exploit our internal weaknesses by deciding to brace us on the Middle East. From a distance, the greatest nation on earth must look like a pushover riddled with dissent. It has finally come to that.

Right now, the most courageous act President Nixon can perform is to once again turn the nation around, to act positively in opening up his administration to total public scrutiny. He must let in fresh air to heal the sores of Watergate. Let him place his arm around the American people and say to them, "Come in and take a look at whatever you want."

The worst depression this nation can endure is a depression of the spirit. It has already endured it too long. And in time, it will kill us all.

AMERICA'S NEED TO KNOW

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. FRASER. Mr. Speaker, Norman Cousins, editor of Saturday Review/World, often uses his editorial voice to speak on issues affecting world peace. His comments on the rule of law and disarmament have had wide impact. In the October 23 issue of his magazine, Mr. Cousins printed an adaptation of a talk he made at a Magazine Publishers Association symposium. The symposium and the Cousins' essay both were entitled 'America's Need To Know."

Mr. Cousins addresses himself to the "natural right and expectation" of Americans that their government will tell them the truth and the fact that "structural flaws that have developed in government in recent years" have subverted this right to be told the truth.

Mr. Cousins, in the penultimate paragraph of his editorial says:

The big challenge, therefore, is to create a situation in which truth can live a less unnatural and precarious existence than at present, and in which the right to know doesn't depend on special dispensations. We do this best by making the achievement of world law the central and open objective of our foreign policy.

I believe he is right. The complete editorial follows:

AMERICA'S NEED TO KNOW

(EDITOR'S NOTE: On September 18 a symposium on the subject "America's Need To Know" was held in New York under the auspices of the Magazine Publishers Association. The following editorial is adapted from a talk by the editor of SR/World for that occasion.)

The subject before this symposium is "America's Need To Know." Need to know what? Obviously, the need to know the truth. Truth may be an esoteric language, as Carl Van Doren once suggested, but it is the only language that the U.S. government is authorized by its people to speak. Americans need not be grateful for being told the truth by their government; this is their natural right and expectation.

In recent years, however, a strange new notion has gained ground. It is the idea that government has options with respect to the truth. A possible beginning date for this departure is 1947, when the government was authorized by Congress to practice secret violence, deceit, and subversion as essential parts of the conduct of U.S. foreign policy.

The underlying theory was that we were living in a hard, predatory, cloak-and-dagger world and that the only way to deal with a potential totalitarian enemy was to imitate him.

We may live in a world of plot and counterplot, but we also live in a world of cause and effect. Whatever the cause for the decision to legitimize and regularize deceit abroad, the inevitable effect was the practice of deceit at home. Examples are not difficult to find. When it was revealed that the United States was secretly involved in an attempted coup against the government in Laos in 1959, we couldn't compartmentalize our denials. We couldn't tell the outside world that we had nothing to do with it and not expect the American people to be deceived along with everyone else.

Another example was the Gulf of Tonkin Resolution in 1964, which provided the legal basis for enlarged military operations in Indochina. It turned out that the administration had lied to Congress and the country about the episode in an attempt to obtain the authorizing resolution. Again, in 1966, the government announced a pause in the bombing of north Vietnam in order to probe for Hanoi's willingness to undertake negotiations. The bombing was resumed a month later with the announcement by the President that the efforts to arrange negotiations were unavailing. It was later learned that the probes had in fact turned up a positive response. Still another example: Late in 1971 the President declared that no military operations had been conducted against Cambodia. Pentagon officials testified to the same effect before a Congressional committee. It was later established that more than 3000 bombing operations had been carried out against Cambodia.

The main danger in all these and other episodes is represented not just by the break with truth but by the things we did that we had to deny. If truth is to mean anything,

it must be a total process, including policies and actions of government that require neither concealment nor later denials or apologies.

Another prime liability of authorized lying in foreign policy is that it makes for bad habits. It makes officeholders casual about the practices of deception. In a world in which it is difficult to know where foreign policy ends and national policy begins, it is all too easy to transpose bad habits from one to the other. Not that it is all right to lie if the practice is confined to foreigners. The main point is that we went off the track the moment we went into the international business of deceit. From that point it was only a short and convenient step to use deceit and underhanded tactics in the general affairs of government at home.

It is all too easy to assume that all we have to do to correct these ominous failings is to identify rascals and throw them out. The cleansing process is essential, of course, but at some point soon it will be necessary to go beyond names and faces and to get at the structural flaws that have developed in government in recent years, flaws that will have to be repaired if an open society is to be preserved.

Truth in government will not assert itself. It has to be institutionalized. Truth needs a form of its own that transcends the men who happen to be in charge of the machinery of government at any given moment. This is what is meant by a government of laws rather than of men. This is what the main design produced by the Philadelphia Constitutional Convention of 1787–89 was all about. But this design has been slipping away from us in recent years. We have permitted exceptions from principle in the operation of our society, exceptions that should not be accommodated or metabolized. We have made it possible for men in government to become bigger than the laws they have sworn to uphold.

The problem, to repeat, is not met just by changing men. The problem can be met only by restoring and bolstering the basic principles of the society. There should be a test at the earliest possible moment, for example, of the constitutionality of any government agency that can spend large sums without public accounting, or that can make decisions vitally affecting the foreign policy of this nation without constitutional sanction, or that can engage in subversion abroad.

Former Attorney General Nicholas deB. Katzenbach, writing in the current issue of Foreign Affairs, proposes that only intelligence-gathering activities be maintained. "Specifically," he declares, "there should be no secret subsidies of police or counter-insurgency forces, no efforts to influence elections, no secret money subsidies."

Mr. Katzenbach's proposal seems incontestable. Nothing is more basic in American history than the need to respect the principle of self-determination for all peoples. It is no accident that the Declaration of Independence begins with a reference to a "decent respect for the opinions of mankind." This doesn't mean that all that is required of us is to acknowledge the existence of other peoples. What it means is that the rights of other people, including the right to truth from us, are no less inviolate than our own. For our society was dedicated to the proposition that it is a human enterprise before it is a national enterprise.

It will be said that we live in a chaotic and insecure world, that our style in the international arena is dictated by others, and that we have no choice but to play the game according to the way others play it.

Yet it is precisely because we have to take the world as it is that it becomes necessary to rise above the game if we wish to make our mark. We cannot expect to succeed in the world political arena by being more volatile than anyone else in the game of combustible anarchy. We will succeed only as we represent a rallying center in the world for a less hazardous and more sensible future for all people than is now apparent. We are apt to command a wider audience by talking about the possibilities for human progress than about shadowy balance-of-power or balance-of-terror strategies.

The proper model for America in its world position today is not Prince Metternich but Thomas Jefferson. And if we are looking for philosophical guidelines, we will find that James Madison and William James have far more to say to us than Niccolo Machiavelli.

Certainly let us take the world as it is. It is a world of anarchy, a world in which each nation regards its national security or national advantage as being its primary and frequently its solitary concern. But the sum total of all these individual national concerns is a volatile spew. There is not a government in the world that doesn't require traffic lights at the busy intersection of its metropolitan centers; yet the absurd notion persists that separate absolute national sovereignties can go their own way without mammoth collisions.

Everyone understands what happens when the machinery of law in a small community suddenly breaks down, but there is no comparable awareness of the dangers that confront every member of the human species because of the absence of law enforceable on nations. Heads of government unfailingly and unceasingly denounce lawlessness within their own countries; yet they totally resist the development of responsible law among themselves.

The essential truth, therefore, is that no rational process now exists for assuring the basic safety of the human species. We stumble into the future day-to-day, dependent for our survival more on the hope that our margin for error may not have been completely exhausted than on a working design for a peaceful world.

It is not reasonable or logical to assume that the national statesmen will lead the way in taming of nations or in the rebuilding of the United Nations into a governed world. Do not expect, Alexander Hamilton wrote, nations to take the initiative in developing restraints upon themselves.

Governments are not built to perceive large truths. Only people can perceive great truths. Governments specialize in small and intermediate truths. They have to be instructed by their people in great truths. And the particular truth in which they need instruction today is that new means for meeting the largest problems on earth have to be created. Individual nations can unleash wars but are incapable individually of preventing them.

A single government cannot by itself keep the oceans from becoming a global sewer or the sky a poisonous canopy. Nor can a single government eliminate the need for the weapons that cost the world's people 250 billion dollars a year with resultant impoverishment.

But an individual government can work with the large truth that our earth has to be governed. It can identify causes of world anarchy. It can come forward with a great design for safeguarding our small planet. It can recognize that we are dealing no longer with narrow concerns but with the safety of the human habitat.

The American people are paying a fearsome price today for the dominant condition of lawlessness among nations. This condition works back on the conditions of life inside the United States. It dominates the national budget. It is the prime cause of the inflation and the severe strain on our economy. It diverts energy, attention, and resources from our main needs. It subtracts from the quality of life. It makes a caricature of our ideals. It creates a mood and a context in which it is all too easy for the national security to be confused with the security of political parties or their leaders. It gives a President more personal options than it was originally intended he should have; nor is it healthy for the American people that he should have such options.

The big challenge, therefore, is to create a situation in which truth can live a less unnatural and precarious existence than at present, and in which the right to know doesn't depend on special dispensations. We do this best by making the achievement of world law the central and open objective of our foreign policy.

Any nation that comes forward with such a design can expect to be rebuffed. But there is a distinction between rebuff and defeat. There is no defeat for the American people when they tie themselves to the great idea that human intelligence is equal to human needs. Beyond the clamor of clashing ideologies and the preening and jostling of sovereign tribes, there is a safer and more responsible world waiting to be created.

LIBRARY OF CONGRESS ASSESSMENT OF THE POTENTIAL OF SOLAR ENERGY IN NORTHEASTERN OHIO

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. VANIK. Mr. Speaker, solar energy certainly will not be the only answer to our energy shortages. But solar power has some distinct advantages which must be considered in charting our energy future: it is safe and clean; it is a low-technology alternative; and there is little risk of failure. To encourage the discussion of solar energy in my own community, I requested the Congressional Research Service to conduct a preliminary assessment of the possibilities that solar energy could contribute to meeting northeastern Ohio's future energy demands. In the memorandum I include here, Mr. J. Glen Moore of CRS points out that the major difficulty for solar applications in northern Ohio is cloud cover—in 1972, skies in the area were cloudy or partly cloudy 300 days. In another area, however, Mr. Moore suggests that wind power—which is, in essence, one form of solar power—has significant potential for the area.

Mr. Moore's memorandum follows:

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C., October 9, 1973.

To: Honorable CHARLES A. VANIK.
From: J. Glen Moore, Research Assistant.
Via: Walter A. Hahn, Acting Chief, Science Policy Research Division.
Subject: Utilization of Solar Energy in Northeastern Ohio.

This responds to your letter of July 17 and subsequent telephone conversations with Ed Morrison regarding the possibilities for utilizing solar energy to meet future energy requirements in Northeastern Ohio. Responses to your specific questions follows a brief overview.

OVERVIEW

There are numerous techniques for converting sunshine into useful energy. However, as I explained to Mr. Morrison, the only application that has near term potential for Northeastern Ohio is the use of solar energy to partially heat and cool homes and office buildings. This is due, not so much to climatic condition, but primarily to the fact

that this is the only application not impaired by formidable technical and economic barriers.

Although the potential energy savings for these purposes appear to be modest, the application of solar heating and cooling could be important to the Nation's energy budget. By 1985 it is estimated that energy consumed for household and commercial purposes will amount to about 21 percent of the total energy used in the United States. A substantial reduction in fuel requirements could be made if solar energy is used for heating and cooling buildings and for water heating. For example, a 1 percent saving is equivalent to more than 100 million barrels of oil a year. Potentially about half of the fuel used to heat and cool buildings could be conserved through the use of solar energy.

Although savings of this magnitude are attractive, the cost of achieving them is high. Contrary to popular opinion, solar energy is not free. Roof installations to gather solar energy for individual buildings or homes is a practical and proven art. However, this application is usually supplemented by conventional energy sources. The cost of the solar system is, therefore, an additional cost to the conventional system. Also, it will at least equal the cost of the conventional system and can exceed it, sometimes by a factor of 2 or 3.

The use of solar energy for larger applications, such as power plants, is hampered by several inherent difficulties. Solar energy in any form, wind, thermal gradients, or direct sunlight, is highly diffused, cyclical and variable. Because of the diffused nature of the energy, a plant for a given output must be several times the size of a conventional one. Because of the cyclical and variable output of a solar plant, it cannot operate directly "on line" as do conventional ones. It must produce a storable potential energy such as lifting water into elevated reservoirs on a storable fuel, such as hydrogen.

The storage facility, a secondary but major cost must in turn be coupled to a full size conventiional generating plant which can use the fuel to produce power. The generating plant is a third major cost. In short, the capital investment, operating and maintenance costs could be 5 to 10 times the cost of a conventional plant. The power produced would be correspondingly more costly.

Less costly "part time" systems are feasible. These systems would gather solar energy to produce steam for a conventional turbo-generator plant. These solar plants would be useful as auxiliary to aid with peak load conditions during the 6 or 7 hours of maximum sunlight.

Since peak load patterns do not match the hours of maximum sunlight, the main generating plant would be sized to meet the demand without the aid of the solar system. The merits of this solar system are therefore determined by weighing its total capital investment, operating and maintenance costs against the cost of the fuel saving it provides during its hours of operation.

RESPONSES TO SPECIFIC QUESTIONS

1. What are the climatic conditions in Northeastern Ohio and how do they relate to the feasibility of solar energy applications?

Cloud cover, temperature and wind data for three representative cities in Northeastern Ohio are summarized in enclosure 1 (Climatological data for three cities in Northeastern Ohio).

Cloud cover effects. During 1972 skies over each of the three locations were cloudy or partly cloudy for more than 300 days of the year. Clouds and haze will reduce the efficiency of any solar energy system, but research has shown that the effect on the different conversion systems varies considerably. For example, the concentrating collectors proposed for some solar power plants are extremely sensitive to atmospheric conditions and require clear, haze-free skies to work at all. Flat plate collectors of the type proposed for most solar buildings, on the other hand, continue to perform acceptably during cloudy weather, although not as efficiently as during clear weather.[1]

Photovoltaic and biological conversion systems are two other major technologies which are adversely affected by poor sky conditions. According to Mr. Ed Gatty of NASA solar cells having an efficiency of 10 percent under the best of conditions might have that efficiency reduced to 5 percent or to as little as 1 percent by clouds and haze. For the biological systems, assuming that conversion efficiency is influenced by (1) light intensity, (2) length of growing season, and (3) average annual temperatures, Northeastern Ohio climatological data would indicate conditions unfavorable to biological conversion.

Wind effects. Available wind energy seems to be marginally adequate to support wind conversion systems. According to meteorological data from the Federal Power Commission, Northeastern Ohio lies in a narrow belt of winds with annual velocities averaging between 10 and 12 miles per hour and perhaps somewhat higher on the shores of Lake Erie. Dr. William E. Heronemus, possibly the Nation's leading authority on wind-power conversion, concluded in a research proposal submitted to the National Science Foundation in 1971 that vast quantities of electricity could be generated from the winds over the Great Plains in a region of 12 mph annual average winds. It follows therefore, that since the winds in the Northeastern Ohio area (10–11 mph) are comparable to the winds over the Great Plains region, then the Ohio area would be an acceptable location for wind conversion systems. The NSF/NASA Solar Panel determined that a wind conversion system along the W–E axis of Erie could produce 23 x 10^9 kWh of electricity annually.

Temperature effects. Low ambient temperatures increase collector losses and thus decrease the efficiency of all solar conversion technologies except solar cells. The physics of solar cells is such that they actually perform better in colder weather. Power output of solar cells decreases 0.5 percent per each degree rise above 0° Centigrade.

The cold cloudy winters typical of Northeastern Ohio will severely strain the heating capacity of home and office solar heating systems. Existing solar systems have demonstrated reasonably good performance during cloudy moderate weather, but acceptable performance during both cold and cloudy weather is doubtful. During prolonged periods of cold cloudy weather, stored solar heat is depleted and cannot be adequately replenished by the sun. Standby power systems must be used during these periods.

A note of caution: It is not clear at this time what effect the use of standby electric heating might have on the peaking problem normally experienced by utilities during the winter. It may be that a widespread climate induced, switch to electric auxiliary heat could accentuate the peaking problem of utilities.

2. In using the sun for thermal energy in buildings, what are the initial capital costs that are incurred?

Cost of solar heated and cooled homes. Dr. George Lof, a leading proponent of solar housing technology, testified before the House Subcommittee on Energy on June 7, 1973 that "a solar heating system for an average house is going to add perhaps $2000 to the price of that house." During the same hearing, Dr. James Comly of the Thermal Branch of the General Electric Company said that "present cost estimates show solar equipment as a several thousand dollar supplement to existing equipment." Harry Thomason, a local resident and builder of several solar homes, has designed and installed a solar heating system for about $2000 to $2500.

Because of his practical experience, Thomason's is probably the most accurate cost estimate of a solar heating system for homes. But even the best estimate of today's cost is no indication of what it will cost three or four years from now to install commercial equipment in large housing developments. There are several reasons for this: First, the estimates of Thomason and others are based on their experiences with specially designed systems installed in custom crafted houses. To be a commercial success solar equipment must be standardized, mass produced and installed in volume constructed housing. While costs are certain to go down with commercialization, there is no way to project from the cost of the custom built houses just what commercial costs will be. Second, although it is technically possible to provide sufficient collector surface and storage capacity to carry the entire heat load of a house, it is more economical to use an auxiliary heat supply to get the system through prolonged periods of inclement weather. The cost of the auxiliary system is in addition to the cost of the solar equipment, so in effect, a solar house must bear the expense of two heating systems. Third, the use of solar energy to power cooling equipment has not been demonstrated in any solar home, thus the cost of this technology cannot be estimated. In fact, a residential cooling system that can operate on the low temperatures attainable with flat plate solar collectors has not yet been developed.

It is unlikely that solar heating and cooling equipment can ever compete with conventional systems on a first cost basis. Only with life-cycle cost accounting can the economic advantages of solar technology be realized. Thomason, for example, installed his most recent solar heating system for a cost of about $2500, or about $1500 more than the cost of conventional heating. With his system, he is able to keep the house at a comfortable 70 to 72°F during Washington, D.C. winters using only 40 to 50 gallons of supplemental fuel oil for auxiliary heating. This compares to 700 to 800 gallons of oil per winter for a conventional house. By saving 80 to 90 percent on his oil bill each year, it is only a matter of time before the solar heating system pays for itself.

Cost of solar heated and cooled buildings. Office buildings are especially well suited for solar heating and cooling for a number of reasons: (1) Peak occupancy is usually during daylight hours. (2) Commercial buildings generally require large collector surfaces resulting in lower cost per square foot of the total system. (3) Large capacity cooling equipment adaptable to solar power is already commercially available. And (4), compared to individual home owner, it is much easier for commercial ventures to absorb the high first cost of solar equipment by life-cycle cost accounting.

Several solar heated and cooled office buildings are being planned for construction in the 1975–1978 time frame. Like solar houses, these buildings are intended to demonstrate solar technology and are not expected to be economically attractive. One of their goals, however, is to show that when solar equipment becomes commercially available, favorable life cycle costs can be accrued.

One of the world's first solar heated and cooled office buildings will be a three-story Lincoln, Massachusetts structure designed by the Arthur D. Little Corporation for the Massachusetts Audubon Society. Scheduled for occupancy in 1976, the building will utilize rooftop solar collectors to handle up to 80 percent of the winter heating and a substantial portion of the summer air con-

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Footnotes at end of article.

ditioning. According to published company figures, about $154,000 of the building's $542,000 cost will be for the design, construction, and installation of the solar equipment. The company estimates that the cost of a similar solar installation will be reduced to about $31,000 when the hardware is mass produced and installation techniques become standardized. A summer/winter conventional air conditioning system, in comparison would have an installed cost of about $20,000.

3. What is the state of the art for applying solar energy to air conditioning? What investments are involved?

Because commercially available water-cooled absorption air conditioners can operate with hot water at temperatures within the range of solar collectors, these units are currently the system of choice for solar cooling. The two most common units use working solutions of either ammonia in water or lithium bromide in water.

The efficiency of absorption air conditioning units varies directly with the temperature difference between the heat sink (cooling water) and the heat source (solar collector). When the temperature difference is small, heat must either be added to the heat source or taken away from the heat sink. In solar powered units, electric resistance or fossil fuels can be used to add heat; electric pumps are used to remove heat by circulating water through a cooling tower. In either case, conventional energy is being used to assist the solar-powered unit.

Water-cooled absorption air conditioners can cool reasonably well when operated with hot water at the peak temperature delivered by flat plate collectors (about 2000 ° F.) However, the temperature level in the collector is not constant—it rises to a peak and then falls off. Also, only the sunniest days will yield maximum temperatures. During the peak period, which lasts for about 2 hours, the heat load is carried by the solar collector, on either side of the peak and on cloudy or hazy days, the solar heat must be supplemented by conventional energy. The amount of conventional energy required to sustain adequate cooling will depend upon many factors: the size and design of the solar hardware; the size and design of the absorption cooling unit; the size of the cooling tower; and area weather conditions. Demonstration projects are needed to establish efficiency as well as the optimum mix of the many engineering parameters in the solar-powered system. While water-cooled absorption air conditioning is the best (if not only) technology for solar cooling, until there is some practical experience, it cannot be stated with any certainty that it will be commercially attractive. If the use of supplemental energy is found to be excessive, then the positive aspects of solar technology are canceled and a new approach will be needed

4. Is the science of photovoltaics (generating of electricity from the sun) sufficiently developed to expect that a significant amount of electricity (e.g., to meet the requirements of a large office building) could be generated at a reasonable cost and with minimum disruption to land use patterns?

The terrestrial application of solar cells for the production of electricity for homes and office buildings may become practical within the next 10 years. However, their use today and in the immediate future is limited by cost. Except for some new cells, being marketed by the Solar Power Corporation, the average cost has been $100.00 per peak watt.[2]

At this price, solar power is about 1000 times more expensive than fossil fuel power. In recent testimony before the House Subcommittee on Science, Research, and Development, Dr. Alfred J. Eggers, Jr. of NSF states that in terrestrial applications of photovoltaics, "the big issue initially appears to be reducing costs of solar cells. The costs of producing photovoltaic cells will have to be reduced by a factor of a hundred to a thousand." (1974 National Science Foundation Authorization Hearings, March 6, 1973, p. 430.)

Solar Power Corporation, an affiliate of Exxon, has recently marketed a 1.5 peak-watt, five-cell module for terrestrial applications. In lots of 1000 or more, the modules sell for $30 each, or $20 per peak-watt. While this is a substantial reduction in the $100 to $200 cost per peak-watt for cells produced for the space program, the cost is still prohibitive for most earth applications. The applications where it is economically sensible to use solar power are usually in remote locations, where other sources of electricity are not available. Solar Power has sold arrays of cell modules to power such devices as navigation lights for offshore gas-production platforms, radio-message repeater stations, and railroad signaling devices.

Photovoltaic power for office buildings. In sufficient numbers, commercially available solar cells could, of course, provide all of the power needs of a large office building, but their high cost makes such an application extremely impractical as the following exercise illustrates.

For air conditioning alone, a large five or six-story office building having 120,000 sq. ft. of floor space would require about 200 tons of cooling. As a thumb rule, one ton of cooling uses 1000 watts of electricity. The building this would thus require 200 kw. Solar Power's modules deliver 1.5 peak watts at standard conditions. Under average operating conditions their efficiency will be much less, depending upon ambient temperatures and atmospheric conditions. For this exercise, we will assume a 50 percent efficiency, or .75 watts/module. The number of modules required to deliver 200,000 watts of power will be:

$$\frac{200{,}000 \text{ watts}}{.75 \text{ watts/module}} = 267{,}000 \text{ modules}$$

The cost of these modules:

267,000 modules×$30/modules=$8,010,000.00

An $8 million investment for the hardware to power just the cooling equipment of a large office building puts photovoltaic power out of range for office buildings and almost all other terrestrial power applications. However, new solar cell technologies are under development which may make cells more economical. Jack Eckert, program manager for Solar Power Corporation, stated that the company has a research program underway to develop high-efficiency organic photoconductor systems which they hope to market within a year or two at a cost of $5 to $10 per peak-watt.

Another photovoltaic system is being developed at the University of Delaware. The University's Institute of Energy Conversion recently set up a pilot production line to build a new type of solar cell, in which cadmium sulphide and copper sulphide materials are substituted for silicon. Dr. K. W. Boer, director of the program, hopes that the lower material and production costs may enable power production at a cost as low as 15 cents per watt. Boer explains the projected economics of cadmium sulphide solar cells for home use on page 399 of enclosure 10.

5. Is there any potential application of wind power in Northeastern Ohio?

As mentioned in the response to question 1 under subsection winds, the average annual wind speed in the Northeastern Ohio area is comparable to the average wind speed in the Great Plains area which was selected by Heronemus as a candidate location for a massive, 300,000-unit wind conversion proposal. Thus, wind conversion systems have potential application in the area. While winds are the primary consideration, available wind energy is not the only factor that must be considered in examining the potential of wind conversion in an area. The Plains region is sparsely populated. Northeastern Ohio, on the other hand, is densely populated. Because of existing land use priorities in a populated area, a wind conversion system of the size required to generate significant quantities of electricity would probably meet stiff opposition since many would consider the land is more valuable when used for other purposes and others would object to a landscape filled with large windmills.

Heronemus has made an alternate proposal which avoids some of the problems of land-based windmills and which may have application in the Northeastern Ohio area if proved feasible. He proposed an offshore wind power system consisting of a number of floating structures, each housing from three to 34 wind turbines. He proposed to place the array off the coast of New England to catch the prevailing westerlies. The electricity generated by the wind turbines would be used to power electrolyzers which dissociate water into hydrogen and oxygen. The hydrogen could be used directly as a gaseous fuel, or compressed and stored for later use. The proposal faces serious economic and technical problems, particularly in the utilization of hydrogen as a fuel. However, if these problems can be solved, the prevailing winds on the Great Lakes may some day be tapped as an energy resource.

FOOTNOTES

[1] It should be noted that not all solar power plant concepts use concentrating collectors. The Meinels recently devised a collector for solar power plants which can operate in cloudy weather like flat plate collectors do but at temperatures approaching those reached by concentrating collectors. This new design combines features of both concentrating and flat plate collectors to achieve temperatures up to 600°F without the focusing and tracking problems of concentrating collectors. While this collector leaves open for now the possibility of solar power plants for Northeastern Ohio, several basic questions must be answered before the system can be put into operation. Of particular concern is whether 600°F temperatures can be achieved and maintained in the Ohio area under all weather conditions and whether this temperature is sufficient to operate modern steam turbine equipment for electric power generation.

[2] A "peak-watt" of solar cells is a cluster of cells capable of producing 1 watt of power at standard conditions, i.e. 100 mw/cm sq. solar intensity, 0°C cell temperature at sea level (STP).

WHY AREN'T SCHOOL SPORTS SAFER?

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. DELLUMS. Mr. Speaker, scholastic athletic competition has become one of the major injury-causing areas in our society. For many young Americans subjected to sports injuries the results can have long-term—even disastrous—effects.

While steps are being taken to lower the probability of serious injuries, the problem of injury treatment remains. I have introduced legislation which would require all schools which engage in interscholastic athletic competition to employ certified athletic trainers, and I hope that my colleagues give serious consideration to this proposal.

As a perspective on the problem, I am now inserting an informative article from the September–October 1972 issue

of Kendall Sports Trail, "Why Aren't School Sports Safer?" by John S. O'Neill into the RECORD along with some other related material:

[From Kendall Sports Trail, September-October 1972]

WHY AREN'T SCHOOL SPORTS SAFER?

(By John S. O'Neill)

Sixty-four percent—better than six in ten—of those who go out for high school sports sustain injuries.[1]

One very significant reason for so many injuries among high school athletes has to be the lack of adequate training room programs for student-athlete health and safety at the secondary school level.

To find out just how significant it might be, *Kendall Sports Trail* conducted a poll of secondary school athletic directors, asking twenty-one relevant questions about their departments' training room programs.

SURVEY PROFILE

The vast majority of the 450 secondary school athletic directors who responded represented public schools, 59 percent of which were of less than a thousand enrollment, and located in cities and towns of less than 25,000 inhabitants.

School Affiliation (Base: 450)

[In percent]

Public	87
Private	7
Church related	6

Geographically, 40 percent of the replies came from the North Central state; 20 percent, from the Eastern Seaboard; 15 percent, from the Far West; and 10 percent, from the South Central states.

SCHOOLS WITH TRAINING ROOMS

Surprisingly, reflecting on the high ratio of injuries to participants, two-thirds of the athletic directors polled head departments having training room facilities; 87 percent of these are public schools; 5 percent, private; and 8 percent church-related. Two-thirds of the public schools surveyed have an athletic training room. The ratio climbs significantly for private and church-related schools: 73 percent and 82 percent, respectively.

Predictably, larger schools show the higher percentage of training rooms: 80 percent for schools of a thousand or more enrollment; 70 percent for schools of five hundred to a thousand enrollment; and 53 percent, for schools of less than five hundred enrollment.

HOW THEY ARE USED

Seventy-eight percent of the schools polled as having training rooms use them for their varsity sports programs; 73 percent, for junior varsity. Use diminishes markedly for physical education programs and intramural programs: 56 percent and 31 percent, respectively.

Basketball ranks as the sport for which most of the training rooms are used; track and football run a close second. Two-thirds are used for baseball; and about half for field sports and wrestling. All others, including soccer, cross-country, tennis, ice hockey, golf, gymnastics, and girls' sports, don't fare nearly as well.

Use by Sport (Base: 297)

[In percent]

Basketball	81
Track	78
Football	77
Baseball	67
Field	52
Wrestling	50
Other	43

[1] *Letterman* Magazine Poll No. 4, November, 1971.

REASON FOR NO TRAINING ROOM

One-third of the schools surveyed gave two fundamental reasons for not having an athletic training room: (1) there is no room in or near the athletic department which can be properly outfitted as a training room, and/or (2) they have no money to establish and maintain such a room.

Thirteen percent of those schools without a training room of their own have access to a nearby training room facility, usually connected with a college or university athletic department. Including this 13 percent, a total of 70 percent of the schools polled have the use of an athletic training room, theirs or another.

REASONS FOR SO MANY INJURIES

If so many of the schools surveyed have the use of an athletic training room, why are so many high school student-athletes getting hurt?

1. TOO FEW CERTIFIED TRAINERS

It takes more than a training room facility to make a training room program. It takes a skilled para-medic, educated to accept and fulfill the responsibilities of competent medical supervision of a high school athletic program.

Our survey found that only 6 percent of all the schools polled, and 11 percent of the schools polled as having a training room, employ a certified athletic trainer as a member of their staff. More than half of the athletic directors who have no certified trainer on their staff named lack of funds as the primary reason. A third of the athletic directors declined to say why so important a member of any athletic staff is not on theirs.

In place of the certified athletic trainer, 87 percent of those schools who do not employ one delegate the responsibility for student-athlete health and safety to one of the coaches who does the best he can under the circumstances, but has little knowledge, education and experience in the area of medical supervision. In 56 percent of the cases, the coach is fortunate enough to have a student trainer assisting him in fulfilling these responsibilities; still, their combined para-medical knowledge and experience cannot compare with that of a certified, professional athletic trainer.

Nowadays, high school trainers are not a luxury, but a necessity; and college curricula, sanctioned by the National Athletic Trainers Association, are providing dedicated young men with the education and the experience to become certified secondary school teachers and athletic trainers. In addition to his studies in education and the major area in which he wishes to teach, the student-trainer's course-work includes anatomy, physiology, physiology of exercise, kinesiology, psychology, first aid and safety, nutrition, remedial exercise, personal hygiene, basic athletic training, and techniques of athletic training. Requirements for certification by the N.A.T.A. demand, also, that each student trainer complete a minimum of two years' internship in practical athletic training at the college level under the close supervision of a certified athletic trainer.

To date, the N.A.T.A. has approved eight college undergraduate curricula in athletic training which meet or surpass their standards.

In addition to fostering collegiate educational programs to make professional athletic trainers available to high schools, the medically recognized National Athletic Trainers Association conducts a national certification examination to maintain standards within the profession.

Athletic directors or school officials interested in the availability of a qualified teacher-trainer for their staffs will find the N.A.T.A.'s placement service very helpful. Job vacancies and inquiries should be submitted to the N.A.T.A. placement service committee chairman, Mr. Alan Hart, Head Athletic Trainer, Ohio State University, Department of Athletics, 410 W. Woodruff, Columbus, Ohio 43210; phone: 614-422-1164.

Recently, Kendall Sports, in cooperation with the National Athletic Trainers Association, produced a 29-minute, sound, color motion picture, "The Absent Link", which dramatizes the need for an athletic trainer, and depicts his role in high school student-athlete health and safety. Those wishing to obtain this film on a free loan basis for showing to school board members, interested parents and civic groups may do so by mailing the coupon on page 15 to the closest Modern Film Library.

2. TOO FEW TEAM PHYSICIANS

Another critical reason for the high ratio of athletic injuries at the high school level is that less than half of all the schools surveyed have a team physician who attends all of their home games; and only 20 percent have one on call during home games.

Athletic directors whose teams are without the services of an athletic trainer or attending team physician would do well to scout a local M.D. or osteopath interested in sports and the health and safety of young students. Since most doctors fill these requirements, the search may not be as difficult as one might imagine. A good source for referrals are the members of the Committee on Sports Medicine of your state's medical association.

3. INADEQUATE TRAINING ROOMS

A third important factor in the high incidence of high school athletic injuries is the admitted inadequacy of 43 percent of the existing training room facilities surveyed.

Extremely limited space and lack of proper equipment are given as the major reasons for the inadequacies.

FUNDING: THE ULTIMATE PROBLEM

Ultimately, these problems—lack of or inadequate training room facilities and lack of a certified athletic trainer—boil down to inadequate training room program funding in 45 percent of the schools polled, the annual budget for athletic training is less than a thousand dollars; in 26 percent, less than five hundred dollars. Thirty-nine percent of the athletic directors declined to disclose their current annual expenditures on student-athlete health and safety.

Defining the present value of their training room facility with its equipment and inventory, 29 percent of the athletic directors surveyed valued it at less than a thousand dollars; 15 percent at between one and two thousand dollars; and 17 percent at more than two thousand dollars. Again, 39 percent declined to disclose the monetary worth of their training rooms.

In an effort to keep costs down, nearly half of the schools polled have furnished their training rooms with some home or shop-made equipment. Equipment bought used makes up some of the furnishing in 18 percent of the training rooms, and 18 percent were fortunate enough to have a portion of their equipment donated. Two-thirds of the training rooms surveyed boast some new equipment; half of these have at least 75 percent of their furnishings bought new.

TRAINING ROOM FURNISHINGS (BASE: 297)

[In percent]

	1 to 25	26 to 50	51 to 75	76 to 100
Homemade	20	15	4	8
New	7	17	8	36
Used	12	4	1	1
Donated	13	3	----------	2

The big problem in funding a high school athletic training room program is the method

of funding itself. Funds for 77 percent of the training room programs surveyed are derived from the athletic department's annual budget. The remaining programs are funded independently by means of booster or touchdown clubs, student fund-raising drives, gate receipts, alumni contributions, and the like.

With increasing pressures on school administrators to trim expenses, athletic department budgets are frequently pared to bare minimum. If the training room program depends on the severely reduced general administrative budget for its sustenance, in most cases, it will surely founder unless the school administration and the athletic director are highly motivated about student-athlete health and safety.

A more dependable method would be to budget for a training room program, based upon an independent means of fund raising; and to plan, and construct or remodel a training room facility with its necessary furnishings and supplies within that annual budget.

How do you go about it? We asked the six knowledgeable and experienced trainers who make up our Bike Training Room Foundation Board of Directors (see pages 8 & 9) the same question. Their interesting and informative answers will appear in "How to Plan a Training Room on a Budget" in our November-December issue.

[From the Athens (Ga.) Banner-Herald & the Daily News, Jan. 21, 1973]

SMALL PRICE TO PAY

(By Johnny Futch)

"How safe are school sports?", wonders a recent Sports Trail Magazine issue. The answer, apparently, is "not very!".

Something like 64 per cent of all participants in high school sports will wind up on someone's injury list, many with ailments that could have been avoided or reduced in seriousness had they been recognized in time.

Attempts to improve the situation so far have centered around convincing athletic programs to include a training room in their setup and the training of student-trainers through courses co-sponsored by schools like the University of Georgia and the training supplies companies.

The magazine staff surveyed 450 secondary schools, 59 per cent with less than 1000 enrollment and found that two-thirds of them had training room facilities. Only six per cent of the schools polled employed certified trainers although 56 per cent had qualified student trainers. The responsibility usually fell on the shoulders of an assistant coach, who had only rudimentary knowledge of athletic injuries and sport medicine.

The National Association of Athletic Trainers (NATA) decided at its annual meeting last week in Chicago that the situation had become critical. The NATA, hoping to turn the flood tide of prep injuries, is asking Congress to require all schools receiving aid under the Elementary and Secondary Education Act of 1965 and participating in interscholastic competition to employ a qualified trainer.

Certification as a trainer would be accomplished by one of three methods: (1) by meeting the athletic training curriculum requirements of one of the 20-odd schools currently approved by the NATA; (2) by holding a degree in physical therapy or corrective therapy and spending at least two academic years working under the supervision of an athletic trainer or (3) having completed at least four years beyond the secondary school level as an apprentice athletic trainer serving under the direct supervision of a certified athletic trainer.

The big problem, of course, will be funding, but with the growing participation in prep sports, it's difficult to argue against a bigger expenditure for student-athlete health and safety.

One look at a prep injury survey is enough to convince you that something must be done. The NATA bill is a giant step in the right direction.

[From the Richmond (Va.) Times Dispatch, Aug. 29, 1972]

A GAME OF PAIN—TRAINERS IN SHORT SUPPLY

(By Bill Millsaps)

Last fall, a young high school football player in a nearby state suffered a severe spinal injury in an attempt to make a tackle. His coaches and teammates had no idea of the extent of the injury. There was no qualified athletic trainer present to tell them the boy should not be moved.

So they carried him off the field. He was paralyzed, and he died less than a month later.

Of the 75 football players who died in the 1970 and 1971 seasons, 57 were high school boys. It is a wonder that more are not killed or seriously hurt playing the game, not because the sport is so rough, but because proper medical care is quite often nonexistent.

Dr. Frank Bassett of the Duke University Medical Center and a team orthopedist for the Blue Devils, said, "Across the nation, more than 50 per cent of high school football players are not covered either by trainers or by team physicians.

"And inadequate medical supervision is a poor excuse for the death of a healthy, strong young athlete."

With the physical well-being of more than 1,000,000 boys at stake, it would seem the public would want something done. In Texas, they have made a beginning. A 1971 state law requires adequate medical care for every schoolboy athlete, and the result is that almost every Texas high school has or is in the process of acquiring a trainer.

Elsewhere, the situation is the same as it has been for years. A few more than 15,000 high schools in the nation have football, and fewer than one per cent have a full-time teacher-trainer. There are 53 teams in Chicago's public school athletic league, and not one has a trainer.

In Chicago's public schools, as elsewhere, coaches also double as trainers. On a day-to-day basis, they have the over-all responsibility for taping, diagnosis, therapy and guidance. They may or may not have had the training necessary to effectively perform such duties.

Many schools have team physicians, but often they are present only for games, not practices, where the schoolboy football player spends 90 per cent of his playing time and suffers most of his injuries. And, noted Bassett, "many doctors do not have the sports injury background to treat athletic injuries."

The result is that most high school football players do not get the best treatment when they are hurt, and if they go on to college football, an injured extremity is more likely to be injured even more severely than before.

"You take a kid coming in as a freshman," said Lewis Martin, trainer at Wake Forest University. "If he hurts his ankle, I'm almost afraid to make X-rays of the ankle because I know what I'm going to find: spurs or calcium deposits from where he was hurt four or five years back and not given the proper treatment.

"Most of the injuries you get in college football can be traced directly to old high school injuries."

Getting trainers into high school football programs is mostly a matter of money, or the lack of it. Trainers apparently are a low priority when it comes to school athletic budgets.

"Administrators tend to look on athletic training as a specialized field," said Jack Rockwell, former trainer for the St. Louis football Cardinals, "and they forget trainers as teachers."

The situation is particularly galling to Joe Gieck, trainer at the University of Virginia and a member of the board of directors of the National Athletic Trainers Association.

"What gets me is that a school board will authorize $1,500 for a blocking machine a school doesn't need," said Gieck, "and then won't pay $600 for a supplement to a teacher who has had athletic training experience.

"You go into the equipment room of so many high schools, and they have new expensive stuff up there on the shelves they'll never use. Yet they don't have a trainer. And their kids aren't adequately protected."

Bobby Gunn, trainer for the Houston Oilers and the president of the NATA, said, "because the high school athlete is less mature physically, close observation for physical disability is essential. High school athletes probably have a greater need for trainers than athletes at any other level."

At the moment, the need is not being met.

FIFTEEN SOLID YEARS OF CAPTIVE NATIONS WEEK

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. FLOOD. Mr. Speaker, despite all the fluctuations and shifts in our foreign policy toward the various sectors of the Red Empire, firmness of conviction and deep faith in the future are consistently manifested by our people and others in the annual observances of Captive Nations Week, which Congress provided for back in 1959. A rational sense in the strategic importance of the captive nations for the free world, not to mention our own national survival, has suffused this conviction in 15 solid years of the week's observance.

Since the third week of July—the 1973 Captive Nations Week—a continuous stream of reports on the successful week has appeared in the RECORD. Processed through the National Captive Nations Committee, which guides the annual observance and serves as a clearing house for local committees across the country and beyond, these additional examples of the recent week show the nature and scope of the event: First, a report in Svoboda on "Mayor Lindsay Signs CN Week Proclamation"; second, the China Post Editorial "Captive Nations Week," and article "Meaning of Captive Nations Week," and the China News editorial "Spirit of Freedom"; and third, the Ukrainian Congress Committee of America's appeal on the Brezhnev visit before the week.

The articles follow:

MAYOR LINDSAY SIGNS CN WEEK PROCLAMATION

NEW YORK, N.Y.—John V. Lindsay, Mayor of New York, signed the Captive Nations Week proclamation, in the Blue Room of the City Hall, on Tuesday, July 17, in the presence of some 100 representatives of the captive nations, in their national folk costumes and with national flags.

In the group was a delegation of 18 Ukrainians lead by Roman Huhlewych, president of the local UCCA branch. Also included in this delegation were Ivan Bazarko, Executive Director of the UCCA, and Dr. Walter Dushnyck, editor of "The Ukrainian Quarterly."

After the signing of the proclamation, Judge Matthew Troy, president of the Captive Nations Week Committee of New York thanked the Mayor on behalf of the assembled, and stated that it was the "obligation of the people here to inform the press, political leaders, and the free world about the fate of the captive nations."

Vaclavas Sidzikauskas of ACEEN and Dr. Ivan Docheff, of AF-ABN, also expressed appreciation to the Mayor for his action.

On Sunday, July 15, the Captive Nations Week observances here were launched with a Liturgy at the St. Patricks Cathedral. The celebrant was Rev. Mladen Cuvalo, of the Ss. Cyril and Methodius Croatian Catholic Church. Very Rev. Provincial Patrick Paschak, OSBM, delivered the sermon. The mass rally which was scheduled for the Central Park Mall that afternoon was cancelled due to the rain. In its place a brief rally was held at 61st Street and Fifth Avenue. After reciting the "Pledge of Allegiance," Judge Troy spoke to the assembled. Among the participants of the CN Week observance was Rep. Mario Biaggi.

Captive Nations Week

Beginning from yesterday Captive Nations Week is being observed in many democratic countries in the world. Here in Taipei a mass rally will be held at the Dr. Sun Yat-sen Memorial Hall tomorrow with representatives from many organizations participating in it.

The first observance of Captive Nations Week dates back to the time when General Dwight D. Eisenhower was President of the United States. More than a decade has passed by since then, and it may not be inappropriate to ask what concrete results have been achieved. The answer is None, but it certainly cannot be claimed that the observance of Captive Nations Week has been entirely in vain. At least it can be said that there is a special occasion each year for reminding all freedom-loving peoples that there are still some nations in the world which have lost their freedom and are being held in bondage by their oppressors.

Obviously this is not enough. No matter how many high-sounding speeches may be made at Captive Nations Week rallies, those aggressors who have enslaved other nations can easily remain unmoved and keep on ridiculing the futility of such speeches. In this connection, it must be admitted that Soviet Russia is the chief culprit. It is Moscow which is holding quite a number of European and Asian nations in bondage. If the observance of Captive Nations Week is to mean anything at all, it is taken for granted that all of Soviet Russia's satellites must be emancipated.

If the captive nations are to regain their freedom, two things are essential. First, those enslaved peoples must be constantly reminded of the necessity of offering resistance to their oppressors. They must be encouraged to struggle for their freedom—by force whenever it is opportune to do so. Second, the free nations must be ready to give the enslaved peoples armed assistance when the right moment arrives. This, of course, requires great courage on the part of those free nations which make such a promise.

Unfortunately, in the democratic camp such courage is conspicuous by its absence. Once upon a time, the Hungarian people rose in arms to struggle for their freedom, but that revolt was ruthlessly suppressed by Soviet Russia. Some years later, the people of Czechoslovakia put up a similar struggle, but it also met with the same fate. The free nations of the world watched those two struggles with folded arms and did not lift a finger to champion the cause of freedom.

In the meantime, Red China has been trying to play a role similar to that of Soviet Russia—not only in Asia but even in Africa. But so far it has met with very little success. Nevertheless, the Chinese people on the mainland have lost their freedom, just as the Russian people have lost theirs. Hence the enslaved Chinese and Russian peoples are both in urgent need of regaining their freedom. What is the prospect? When will such a day come to pass? Frankly speaking, the prospect is not very bright. Those democratic powers which are the pillars of the democratic camp are now busily engaged in fraternizing with the Kremlin and the Peiping regime to the detriment of their own interests. When will they wake up from their folly.

Inside Mainland Meaning of Captive Nations Week

(By L. Chen)

The "Captive Nations Week" Movement to counter Communist attempts at enslavement of mankind was initiated in the United States in 1959 through congressional authorization and presidential proclamation.

But the air of appeasement in the recent years has been such that steps taken by many free world nations vis-a-vis the Communist bloc are now not necessarily in line with the spirit of the movement.

In the Republic of China, however, the people are keenly aware of the responsibility to free 800 million Chinese mainland compatriots from the yoke of Communist rule. Captive Nations Week has been faithfully observed in the third week of July each year along with the January 23 World Freedom Day that marks the return to freedom in 1954 of more than 14,000 exChinese Communist POWs of the Korean War who refused to be sent back to the mainland.

CHANGED ERA

For more than two decades since the end of World War II, the world remained sharply divided. Mankind still is half free and half enslaved, but dealings between free world governments and Communist bloc regimes began to undergo changes in 1969 with President Nixon's inauguration and proposal to replace confrontation with negotiation.

The Chinese Communists are now in the midst of an all-out offensive smiles and the world at large appears to feel that peaceful coexistence is possible and lasting peace is already in sight.

But the facts are not so. Ceasefire in Indochina has been violated time and again. Talks involving Communist negotiators are not being fruitful from free world viewpoints. To the Communists, negotiation is just another form of struggle. To them "peaceful coexistence" is just a label of their united front campaign to damage freedom camp unity and rob the people by hook or by crook.

SAME LINE

As has been repeatedly pointed out, the Chinese Communists are continuing their internal suppression along with external political maneuvers. Whatever concession the free world makes in the face of Peiping only makes the regime bolder and more demanding. The slave labor at home is for war preparation.

History has abundantly proven that tyrants and totalitarians must resort to aggression as a way to preserve themselves. When the oppressed people turn defiant in the absence of freedom and comfort, further suppression becomes necessary. Peace is never possible in a world without freedom.

The Captive Nations Week observance this year in the Republic of China is under the major theme: "No Peace Without Eliminating Slavery." In other words, peace is possible and can last only on the foundation of adequate freedom.

It does not require much intelligence to see that the enslavement of a substantial part of the world's population by Communist imperialism makes a mockery of the idea of peaceful coexistence.

REMINDERS

To remind ourselves of what mankind as a whole should be doing to make the Captive Nations Week Movement meaningful and effective toward lasting peace and freedom for all, here are some facts and quotations:

—Passages from the "Captive Nations Week Resolution" (Public Law 86-90) of the U.S. Congress in 1959:

"Whereas it is vital to the national security of the United States that the desire for liberty and independence on the part of the peoples of these conquered nations should be steadfastly kept alive . . .

"Whereas it is fitting that we clearly manifest to such peoples through an appropriate and official means the historic fact that the people of the United States share with them their aspirations for the recovery of their freedom and independence. . . ."

—Portions from U.S. Presidential Proclamations pertaining to Captive Nations Week:

"I invite the people of the United States of America to observe such week with appropriate ceremonies and activities, and I urge them to study the plight of the Soviet-dominated nations and to recommit themselves to the support of the just aspirations of the peoples of those captive nation."—Eisenhower, 1959.

"It is in keeping with our national tradition that the American people manifest their interests in the freedom of other nations."—Kennedy, 1961.

"The principles of self-government and human freedom are universal ideals and the common heritage of mankind."—Kennedy, 1962.

"The cause of human rights and personal dignity remains a universal aspiration, and . . . this nation is firmly committed to the cause of freedom and justice everywhere."—Johnson, 1964.

"Whereas freedom and justice are basic human rights to which all men are entitled; and whereas the independence of peoples required their exercise of the elemental right of free choice; and whereas these inalienable rights have been circumscribed or denied in many areas of the world; and whereas the United States of America, from its founding as a nation, has had an abiding commitment to the principles of national independence and human freedom. . . ." Johnson, 1967.

"Ten years have passed and there have been many changes in international affairs, but one thing that has not changed is the desire for independence in Eastern Europe."—Nixon, 1969.

—The Captive Nations "Who's Next?" (country and people followed by year of Communist domination):

Armenia, Azerbaijan, Byelorussia, Cossackia, Georgia, Idel-Ural, North Caucasia, Ukraine (1920), Far Eastern Republic, Turkistan (1922), Outer Mongolia (1924), Estonia, Latvia, Lithuania (1940), Albania, Bulgaria, and Serbia, Croatia, Slovenia, etc. in Yugoslavia (1946), Poland, Rumania (1947), Czecho-Slovakia, North Korea (1948), Hungary, East Germany, Chinese mainland (1949), Tibet (1951), North Vietnam (1954), and Cuba (1960).

Spirit of Freedom

Confucius said food, troops and the confidence of the people were essential to the survival of the state.

Asked about the order of priority, he said troops were the least important.

As between food and the confidence of the people, he said food should be dispensed with first.

"Death has been the lot of all men from the beginning," he said, "but a people without faith cannot survive."

Jack Kemp, a member of the U.S. House of Representatives, spoke similarly in his address to the Captive Nations Week rally in Taipei Tuesday.

Representative Kemp found ample room

for optimism at a time when some others are able to see only the towering waves of appeasement.

Pointing out much that can be done, he said that above all "We must keep the faith and promote the spirit of liberty that burns in the hearts and minds of people everywhere. For after all, it is this spirit that provides our greatest hope. It is a spirit that will never die as long as there are freedom loving people."

He recalled asking an American held by the North Vietnamese for nearly eight years what sustained him.

The former POW told how his faith had been preserved by belief in freedom.

"If you lose your money, you have lost nothing," he said. "If you lose your health, you have lost something. But if you lose your spirit, you have lost everything."

So said Confucius 2,500 years ago.

Representative Kemp spoke some of the most encouraging words the Republic of China has heard in a long time.

He cited the determination of members of the U.S. House and Senate to preserve the sovereignty and territorial integrity of the Republic of China.

"I totally reject the idea that the Republic of China can be used as a bargaining counter in any negotiations between major powers," he said. "The status of your nation is not negotiable because your freedom is not negotiable."

The commitments to the Republic of China are not mere words, he said, but a pledging of America's sacred honor by the president, the Congress and the American people.

The ROC is one of the United States' "most trustworthy and loyal allies," the Congressman from New York said, adding that the Congress believes the United States "has an equal commitment to you both militarily and morally."

He pointed to many hopeful signs: Taiwan as a symbol of freedom and progress, instability on the Chinese mainland and the continuing refugee exodus from territory held by the Chinese Communists.

Representative Kemp went beyond rhetoric and his welcome praise of the Asian revolution of freedom carried out by the Republic of China in Taiwan.

He pointed the way toward specific acts which can further the Captive Nations movement and speed the day of Chinese mainland liberation.

More freedom rallies are needed, he said, and more pressure can be put on captors to grant basic human freedoms to their captives. Trade, credit and diplomacy can encourage those who strive to be free and discourage the slavemasters. Information programs can dramatize the plight of captive peoples and tell the stories of those who have risked death to reach the free world.

With such friends as Representative Kemp, our enemies become less fearsome and our hopes are raised high. He represents not only the Congress of the United States but the real America that stands with all who fight in the cause of freedom.

From Confucius to the Captive Nations movement, the spirit of freedom has always been, as Mr. Kemp puts it, "the hope of the world."

UKRAINIAN CONGRESS COMMITTEE OF AMERICA APPEALS TO PRESIDENT NIXON ON EVE OF BREZHNEV VISIT

(EDITOR'S NOTE: The following letter was dispatched to President Nixon in the White House on the eve of Brezhnev's visit in the United States):

JUNE 8, 1973.

Hon. RICHARD M. NIXON,
President of the United States of America,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: On behalf of the Ukrainian Congress Committee of America, representing over 2 million American citizens of Ukrainian ancestry, we have the honor to address this letter to you on a matter of extreme importance and urgency to our membership throughout the United States.

Within a week you will meet with Mr. Leonid I. Brezhnev, General Secretary of the Communist Party of the Soviet Union. We believe that your invitation to him was extended in good faith and in conjunction with your continuing efforts to bring about a genuine and lasting peace throughout the world. We are fully aware, Mr. President, that such a meeting is part and parcel of your responsibility to our nation, and to the world as well.

However, as Americans of Ukrainian origin, we are deeply perturbed and concerned about the plight of the 47-million Ukrainian people who are under the totalitarian rule of the Soviet government, of which Mr. Brezhnev is uncontested ruler, and which has been responsible for the oppression and persecution of the Ukrainian people.

Mr. Brezhnev comes to our shores with the declared purpose of bettering relations with our country. Yet he also seeks more American loans, American grain and American technological equipment to bolster his sputtering economy. Thus, your guest visits the United States to ask for specific favors of our government and, in the final analysis, of the American people.

As American citizens, Mr. President, we not only enjoy the right, but also have the duty to petition for your intercession and assistance in a matter of vital significance to many of our citizens.

As you know, the government which Mr. Brezhnev heads has been engaged in widespread repression of Ukrainian intellectuals in Ukraine for alleged "anti-Soviet agitation and propaganda." In January, 1972 over 100 Ukrainian intellectuals were arrested by the KGB, the Soviet secret police. Most of these young men and women have been reared under the Soviet system. Their only "crime" was their defense of the Ukrainian language and their resistance to hard-pressed Russification policies of the Soviet government in a blatantly chauvinistic attempt to Russify not only the Ukrainian people, but the other non-Russian peoples of the USSR as well. One must not forget that both the Soviet constitution and the U.N. Universal Declaration of Human Rights guarantee Soviet citizens certain basic rights and freedoms regardless of their ethnic background and religious persuasion.

Mr. President: We have written and appealed to you on numerous occasions, the last being prior to your historic journey to the Soviet Union in May, 1972. We regret to state we have never received any meaningful response to the effect that you and our government listen to the voices of a portion of your constituency. Presumably, the matter of the Kremlin's repression of the Ukrainian people is an "internal matter" of the Soviet government and the United States cannot and should not interfere in such "internal matters." Yet, we are fully cognizant that our government has intervened and presently does intervene in the internal matters of many nations, including the USSR in the case of crass discrimination of certain groups in the Soviet Union that are fortunate to have strong advocates and spokesmen in the United States.

Why then is there discrimination against the Ukrainians?

Mr. President: In the name of humanity and justice, we appeal to you to convey to Mr. Brezhnev the great concern of the United States and its citizenry over the mass arrests, trials and convictions of Ukrainian intellectuals, measures that are characteristic of the virulent Russification policy being pursued by the government of your visitor. We specifically implore you, Mr. President, to communicate to Mr. Brezhnev our sense of outrage about the persistent oppression of the Ukrainian people, as demonstrated only partially by KGB arrests of the intellectual elite of Ukraine, and to ask him, in the name of improving U.S.-Soviet relations, to do the following:

1. To discontinue mass arrests of Ukrainian intellectuals by the Soviet government because such arrests are illegal and in violation of Soviet and U.N. laws regarding the human rights of man.

2. To release imprisoned Ukrainian intellectuals who have been sentenced to severe terms in prisons and concentration camps and to detention in psychiatric wards on spurious charges of "anti-Soviet activities." What they actually did was to write petitions, memoranda, articles and scholarly dissertations on the rights of the Ukrainian SSR, on the status of the Ukrainian language in their own country and on the insidious policies of Russification, policies which were one of the anti-human features of Russian Czardom.

Specifically, Mr. President, we ask you to intervene with Mr. Brezhnev for the release of the following Ukrainian intellectuals who have been unjustly and illegally sentenced by Soviet courts in Ukraine:

Vyacheslav Chornovil, Ivan Dzyuba, Valentyn Moroz, Yuriy Shukhevych, Svyatoslav Karavansky, Ivan Svitlychny, Eugene Sverstiuk, Ivan Hel, Mykhailo Osadchy, Ihor Kalynets, Vasyl Stus, Irena Stasiv-Kalynets, Alexander Serhienko, Nina Strokata-Karavansky, Stephania Shabatura, Anatole Lupynis, Nadia Svitlychny-Shumuk, Danylo Shumuk and others.

These intellectuals do not merit treatment as criminals, for their actions are allowed by the Soviet constitution.

Mr. President: You will perform an outstanding humanitarian act, if you will prevail upon Mr. Brezhnev to order the release of these Ukrainian intellectuals and to put an end to the suppression of Ukrainian culture and its leading representatives and spokesmen.

We appeal most earnestly to you to speak out for the cause of freedom and human rights in Ukraine. Your so doing will be expressive of the true sentiment of the overwhelming majority of the American people.

Sincerely yours,

EXECUTIVE COMMITTEE, UKRAINIAN CONGRESS COMMITTEE OF AMERICA,
LEV E. DOBRIANSKY,
President.
IGNATIUS M. BILLINSKY,
Secretary.
JOSEPH LESAWYER,
Executive Vice President.
STEPAN SPRYNSKY,
Secretary.
IVAN BAZARKO,
Executive Director.

H.R. 10752: TO CORRECT INEQUITIES IN THE FEDERAL RETIREMENT PROGRAM

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. EILBERG. Mr. Speaker, I recently introduced H.R. 10752. This proposal seeks to correct certain inequities presently existing in the Federal civil service retirement system which work an unjustified hardship on employees who were instrumental in establishing international organizations of interest to the U.S. Government, but who have lost retirement credit due to such service. At this point, I am placing explanatory material and the text of the bill in the RECORD for the review of our colleagues:

BACKGROUND

A number of employees between 1943 and 1955 left the Federal service for positions in international organizations and later returned to the Government. Some were granted leave without pay with half credit for retirement but others were not. As a consequence, some of these employees received no retirement credit for this service either in the international organization or the Federal Government. In 1958, PL85–795 granted Federal employees transferred to international organizations full credit for retirement in the Federal system up to a maximum of 3 years and this was made retroactive to 1955.

The proposed bill would rectify this discriminatory treatment by amending the retirement law to consider the employees concerned to have been on leave without pay for a maximum of 6 years service with up to 3 years retirement credit. It is analogous to the provision of the retirement law which regards as leave without pay a period of separation between tours of Government service when an employee is in receipt of workmen's compensation or when he is on military service.

While World War II was still being fought, the United States decided to take the lead in creating a group of international organizations to repair the destruction of war and lay the foundation for international peace and cooperation. The first of these international organizations, the United Nations Relief and Rehabilitation Agency (UNRRA), was established in November, 1943. (This later became the International Refugee Organization and the Intergovernmental Committee on European Migration.) Other organizations followed: the International Civil Aviation Organization in 1944, the Food and Agriculture Organization in 1945, the United Nations, 1945, etc.

It was recognized at the start that staff to operate these organizations would have to be drawn from the various participating governments' civil services. Thus, the UNRRA Council and the General Assembly of the United Nations adopted similar resolutions calling upon their member governments to release competent staff and to protect their status and their rights, including pension rights, during their assignments to the international organizations.

However, it was only in 1957 that the International Atomic Energy Agency Act (PL85–177) authorized retention of full Federal retirement, life insurance and other rights and privileges of Federal personnel who transferred for a limited period of service to the International Atomic Energy Agency. One year later PL85–795 extended these rights to all Federal employees and made them retroactive to 1955.

Between 1943 when UNRRA started and 1955, the effective date of PL–85–795, the "ground rules" for the assignment of Federal employees to international organizations rested upon three principal actions: The Minute of the Civil Service Commission dated March 22, 1944, Executive Order 9721 of May 10, 1946 and Executive Order 10103 of February 1, 1950.

The Civil Service Commission Minute of March 22, 1944 provided that Federal employees may be transferred to the United Nations Relief and Rehabilitation Administration (UNRRA) under the provisions of Section 4 of War Service Regulation IX provided they meet the requirements of War Manpower Commission Directive No. X. This meant they could transfer to UNRRA with the consent of their Federal agency and be placed on leave without pay for a period not to extend 6 months beyond the end of World War II. *Executive Order 9721,* May 10, 1946, provided for the transfer of Federal employees to international organizations without loss of civil service status and for their reemployment within three years in their former agencies. The provisions of this Order were made applicable to any person then serving with a public international organization. *Executive Order 10103,* February 1, 1950, amended Executive Order 9721 by providing that an employee transferred under Executive Order 9721 should, for a period not to exceed 3 years, be considered as being on leave of absence and thus entitled to half credit for retirement provided he was subsequently reemployed by the Federal Government.

NO RETIREMENT CREDIT

In the course of administering these ground rules, some employees did not receive any retirement credit for their service with the international organizations:

1. Federal employees serving in the Armed Forces of the United States at home and abroad were notified by the War Department in Memorandum No. 620–45 of March 24, 1945, entitled "Employment with UNRRA", and in other related memoranda that they could apply for vacancies in that organization and, if selected, they would be discharged from military service. Some of these employees accepted posts with UNRRA in Europe, the Mediterranean and Far East areas but in doing so they failed, through lack of information, to secure the consent of their Federal agencies and consequently lost their reemployment rights and right to leave without pay. Some served for the life of UNRRA and a few continued with its successor agencies, the International Refugee Organization and the Intergovernmental Committee on European Migration before they returned to Federal service. They received no retirement credit for this service in the Federal system and none in these international organizations because they had no retirement system.

2. Other Federal employees were involved with the preparations for and establishment of the new system of international cooperation through the United Nations and its specialized agencies that started in 1944 and 1945. They also assisted in the operation of the international conferences that founded these organizations. Since the successful launching of the new international organizations depended upon these cadres of knowledgeable persons, they were urged to join the organizations' staffs by their Federal employers and by senior officials in the Federal Government who were appointed to top positions in the international organizations. In the absence of any applicable ground rule covering their assignments to the new international organizations they were compelled to separate from the Federal service. In so doing, they lost service credit for retirement in the Federal system and received no service credit in the international organizations because the latter had no pension system or did not adopt one for some years. While the promulgation of Executive Order 9721 in March 1946 provided these employees with reemployment rights if they returned within 3 years, it seems that only the Civil Service Commission contacted its transferred employees to advise them that they could return under this Executive Order.

3. Finally, there was a small number of Federal employees who left the Federal Government for service with certain international organizations, such as the United Nations Korean Reconstruction Administration, the United Nations Works and Relief Agency, etc., between 1946 and 1955. Because of the exigencies of their international service, they remained away from the Federal service beyond the 3-year limit laid down by Executive Order 9721 and 10103 and as a consequence received no retirement credit in either the Federal or the International organization systems.

The difficulty faced by the above described employees is that they left the Federal service for posts in international organizations when there were no ground rules which provided for service credit for their period of absence. EO 9721 provided only for reemployment but this was not in itself of vital importance to a group of employees confident that they could find new jobs. However, if retirement credit or even half credit had been offered from the start, the reason for returning to the Federal service within 3 years would have been more compelling. In retrospect, it would have been preferable if government policy had followed the recommendations of UNRRA and the United Nations—as, in fact, the Civil Service Commission proposed to Congress—and granted employees from the beginning full retirement credit for service with the international organizations. Failing this, the grant of leave without pay for such service would have regularized and simplified this problem for all concerned. Leave without pay was not a new benefit; it had been in existence for years before and it was not limited as to time. This, in fact, was the policy eventually adopted toward all public international organizations by Executive Order 10103 in 1950 except that the leave without pay was limited to 3 years, but by that time it was too late to assist most of the group affected by the proposed bill.

H.R. 10752

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8332 of title 5, United States Code, is amended by adding the following subsection at the end thereof:

"(1) An employee or former employee who—

"(1) was separated before August 28, 1955;

"(2) entered service with an international organization as defined in section 3581(3) of title 5, United States Code, within one hundred and twenty days after such separation;

"(3) thereafter served continuously with such an international organization; and

"(4) returned to duty as an employee within one year after separation from such an international organization;

is deemed, for the purpose of subsection (f) of this section to have been in a leave of absence without pay for a period not in excess of six years during his separation from the Government: *Provided,* That the service with the international organization is of official record and has not been credited under any other provision of law, Executive order, or regulation or under a retirement system of such an international organization.".

SEC. 2. The amendment made by the first section of this Act is effective only with respect to annuity accruing for full months beginning after the date of enactment of this Act. This amendment applies to a person retired before such date of enactment only upon application of the former employee.

SEC. 3. The benefits of this Act are hereby extended to any employee or former employee who is entitled to an annuity under any other Federal retirement system for civilian employees.

ANALYSIS OF H.R. 10752

Section 1. An "employee or former employee" refers to civilian employees, active, retired or separated. . . . August 28, 1955 is the date upon which the provisions of PL 85–795 became effective. Since full credit for retirement was granted under this Act, it effectively superseded all prior actions. . . . An international organization as defined in Section 3581(3) of Title 5, United States Code, refers to public international organizations in which the United States participates. The reference to 120 days after such separation follows existing practice regarding transfers of Federal employees to internation organizations. . . . Continuous service with such an international organization is understood to include service within the

family of international organizations. For example, an employee who transferred to UNRRA and, thereafter, worked for its successor agencies, the International Refugee Organization or the Intergovernmental Committee on European Migration, would be deemed to have served continuously for the purposes of this bill. . . .

A period of one year is provided between separation from the international organization and return to the Federal service. The main reason for this is that many of the employees concerned had no reemployment rights and found it difficult to locate positions in the Federal service upon their return. In some cases, it took them as long as a year to find reemployment. . . . Employees in a leave of absence without pay (except while in military service or in receipt of workmen's conpensation) are entitled to 6 months credit for retirement out of every year served. . . . A limit of 6 years is specified. The reason for this is that many of these employees, who had separated from the Federal service to join the international organizations, remained away beyond the 3-year limit contained in Executive Order 10103. In some cases, they spent more than 6 years in such service and the grant of one and a half years credit under the 3-year limit would be a poor recognition of the inequity of their situation. It is believed that a more appropriate remedy is to be found in PL 85–795 which set a limit of 3 years retirement credit for service with international organizations. Consequently, by setting a maximum of 6 years leave without pay with half-credit the 3-year limit would not be exceeded. This bill would not give the employees concerned any advantage over those who left for 3 years on leave without pay since the latter presumably returned to Federal service where they earned full retirement credit. . . . This provision ensures that no employee under this bill would receive double retirement credit for the same period of service in the Federal and international organization retirement systems.

Section 2. This is a normal provision for administrative efficiency, as well as precluding a windfall in retroactive annuity payments to persons already retired. . . . The normal channels of communication will give notice of the passage of the bill and responsibility for securing credit will devolve upon employees separated or retired from the Federal service.

Section 3. Some of the people who would be affected by this bill are under retirement systems other than the Civil Service Retirement System, e.g., the CIA and Foreign Service Retirement System. In view of the relatively small number of such persons and the limited scope of its effect, it is deemed more practical in these circumstances to cover them all in the same bill rather than present Congress with a series of bills to amend each civilian retirement system.

CONCLUSION

I believe H.R. 10752 should be regarded as an extension of a deserved benefit to which the employees covered by it were rightfully entitled and which they should have received. Note should be made of the following considerations:

First, *service of Federal employees on the staffs of international organizations was clearly in the national interest and H.R. 10752 would assure that employees who performed this service are not penalized with respect to their annuities.*

The principal international organizations are entities the United States played a leading role in creating, supervising and financing. We cooperate with these agencies in myriad ways and the successful conduct of their activities is an important national goal. Their success at their start depended in large part upon their ability to attract qualified employees. United States Government employees represented an important, and at times the sole source of qualified staff for these organizations. By the same token, service of Federal employees on the staffs of international organizations provided such personnel with valuable experience which was put to good use for the United States when service with the Federal Government was resumed.

Second, *it was recognized in the beginning that employees deserved this benefit and it is now past time for it to be granted.* Both the Council of UNRRA in 1943 and the General Assembly of the United Nations in 1946 adopted resolutions which this Government supported recommending that member governments preserve benefits, such as retirement rights, for their transferred employees. A number of member governments, the British and French, for example, adopted such provisions. A similar proposal for Federal employees was recommended to the Congress in January 1947 by the Honorable Harry B. Mitchell, then President of the Civil Service Commission. He acted with the concurrence and support of the Department of State and Bureau of the Budget. His letter of transmittal stated that: "Since these employees are representing the interests of the United States, the Commission believes that remedial legislation should be enacted for the purpose of granting them the same benefits as government employees under the provisions of Section 9 of the Civil Service Retirement Act so that they may receive credit for past service with international organizations." Unfortunately, no action was taken on this recommendation by the Congress and legislation on this subject was not again recommended to the Congress until 1958. Enactment of the present bill would rectify this lapse.

Third, *Federal employees with early international organization service have no way to obtain retirement credit for the service except by enactment of legislation such as H.R. 10752.* Most Federal employees served for less than five years in these organizations while a minimum of five years service is required by these organizations before credit is granted under the United Nations or any participating agency retirement plan. Before 1961 an employee who resigned after 5 years or more service received no pension rights in the U.N. system unless his age and length of service totalled 60 years or more. The United Nations Relief and Rehabilitation Administration and the International Refugee Organization, which are now defunct, and the Intergovernmental Committee on European Migration, as temporary agencies, had no retirement plans while others did not adopt retirement plans until five or six years after they were founded. Service in these organizations for United States social security purposes was not made creditable until 1954 and then only for those employed in the United States. Accordingly, unless this service is made partially creditable under Federal retirement systems, Federal employees involved who were not in a leave without pay status will not get any retirement credit for this service.

Finally, there is a precedent for such action in Section 8332(f) of Title 5 U.S. Code. Under this provision an employee, separated from the service while in receipt of Federal Employees' Compensation, who later returns to the service is deemed to have been on leave of absence without pay; he is entitled to full retirement credit for the period of his absence due to job related illness or injury. No time limit is placed upon the duration of his absence. A similar provision exists for employees on leave without pay while performing military service.

REJECTED DEAL BETTER—HARLOW

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. FISHER. Mr. Speaker, is it not high time for the Congress to regain its composure and, above all, avoid the temptation to allow partisan politics to cloud its reaction to this impeachment clamor. We all know there are a few Members of the House who would have voted to impeach President Nixon before they ever heard of Watergate. But most of our Members are not prone to go around impeaching Presidents unless there is proper reason for it.

The fact is there is no constitutional basis for impeachment. It is is inconceivable such will occur, or will be seriously considered.

First. The President has violated no court order.

Second. The President in having the special prosecutor fired exercised a prerogative accorded the Chief Executive by the Constitution. Thoughtful and responsible Members know that is no cause for impeachment.

The recent flareup of emotionalism was triggered by the President's plan to prepare for the Senate Watergate Committee and for Judge Sirica a summary of the contents of the nine controversial tapes, the accuracy and completeness of the summary to have been authenticated by Senator JOHN STENNIS, chairman of the Senate Committee on Standards and Conduct, who would have listened to every word spoken on the tapes and related his findings to the summary.

That plan, approved by the White House, the Attorney General and spokesmen for the Senate Watergate Committee, was for some strange reason vetoed by Professor Cox. The professor's intransigence brought about his removal, he having placed himself in an untenable position and his capacity to continue performance of his job having been brought into serious question.

It is no secret that Cox, with 35 handpicked special prosecutors—many of them law professors on leave—and 40 special investigators, spent 6 months in probing the Watergate scandal, and brought forth a very small handful of indictments—most or all of which, and perhaps more, would likely have been handed down had Prosecutor Henry Petersen been allowed to pursue his Watergate investigation. This is of course speculative, but people in the know firmly believe such would have been the case.

Mr. Speaker, there is a time and place for partisan politics. But not when dealing with impeachment of a President, regardless of who he may be or to which party he may belong.

The Washington Star recently carried results of a news conference with White House counselor Bryce Harlow, relevant to the proposed compromise of the tape issue. The article follows:

REJECTED DEAL BETTER—HARLOW

The Watergate tapes compromise that special prosecutor Archibald Cox rejected last week would have provided more information to the public than the procedure President Nixon now has agreed to, White House counselor Bryce Harlow said today.

"The Senate committee was going to get the essence of the tapes and the American people would get the tapes," Harlow said. "Now they don't."

Harlow told a group of reporters that Nixon agreed to surrender nine disputed tapes to U.S. District Judge John J. Sirica because of the outcry against the compromise from Congress, the press and the public.

Nixon agreed yesterday to abide by Sirica's order to submit the recordings of White House meetings to the judge to be listened to in his chambers.

"Judge Sirica can do what he wants with them," Harlow said. "Who knows what he will do?"

Although White House chief of staff Alexander M. Haig, Jr., said yesterday he assumed that the contents of the tapes eventually would become known to the public, Harlow said he doubted that.

Harlow noted that the judge would listen to the tapes in secret and, if he chose, turn portions of the recordings over to a grand jury, which also meets in secret.

Harlow said the compromise Nixon announced on Friday—to provide summaries of the tapes, authenticated by Sen. John Stennis, D-Miss.—"was a better deal than this."

Harlow said the President withdrew the compromise offer and agreed to abide by the original court order because "you folks, the Congress and the public all thought it (the compromise) was a rinky-dink attempt."

"Everybody thought the President was trying to hide something on the tapes," the White House aide said. "He wasn't. The whole reason for this throughout has been concern with the presidency. Sometime you'll have to believe that."

Harlow said Nixon was reluctant to abide by the letter of Sirica's order because he did not wish to set a precedent that would bind future presidents to abide by future court orders.

Harlow, who also served as a White House aide in the Eisenhower administration, said he met yesterday with a number of congressmen in an attempt to gauge sentiment on Capitol Hill.

Although he insisted there was no imminent danger that Nixon would be impeached, Harlow conceded that the lawmakers "were up pretty tight" on the tapes issue.

Harlow said he doubts the congressmen now fully realize the implications of the President's agreement to abide by the court decision and to cancel his summary plan.

Asked if it were possible that public pressure could force Nixon into making portions of the tapes public, Harlow conceded, "It could happen." He declined to speculate on the precise circumstances that would require additional disclosure.

Asked if Nixon would agree to demands that he appoint a new special Watergate prosecutor, Harlow said, "I don't know what the President will do."

"My own opinion is that (appointment of a special prosecutor) is desperately poor government. I realize the problem comes from the subterranean notion that the Department of Justice can't fairly deal with it (the Watergate matter). With that notion I strongly disagree," he said.

—NORMAN KEMPSTER.

RUBBER ON RAILROAD CROSSINGS

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. HANRAHAN. Mr. Speaker, any of my colleagues who have ever bumped and bounced across a railroad crossing should find this article on the use of rubber at rail crossings an interesting and informative one. It was published in the Cleveland Plain Dealer, on Tuesday, October 23, and for those of my colleagues who did not have the opportunity to read it, I am submitting it for the RECORD:

[From the Cleveland (Ohio) Plain Dealer, Oct. 23, 1973]

USE OF RUBBER RAIL CROSSING TO GROW

(By Donald Sabath)

The bounce and bump may be taken out of more railroad crossings around the nation as part of a new governmental emphasis on highway safety.

The bumps may be eliminated by 300-pound rubber slabs manufactured by the Goodyear Tire & Rubber Co.

Many methods of building a smooth surface across railroad tracks are known, but the problem has been building one that will last.

For almost 10 years, rubber railroad crossings have been used in the Chevrolet-Parma transmission plant of General Motors Corp. on Brookpart Road in Parma.

"As far as I know, there has been no maintenance on the crossings since they were installed," said William Palmer of the Chevrolet plant staff.

Palmer pointed at a truck-van which drove over the crossing loaded with two, large rolls of steel.

"Watch it glide over," Palmer said.

Glide over it did, without a bounce.

"We may have had to replace the wooden ties, to which the rubber slabs are attached," said Palmer. "But the problem would be with the ties and not with the rubber slabs."

A Goodyear spokesman said the crossings are virtually maintenance-free and deliver the long, troublefree life always hoped for—but never achieved—with conventional materials such as asphalt, timber, steel or concrete.

Rubber crossing pads will not rot, they will not crack in the Arizona heat or the Minnesota ice and they will not wash out in torrential Florida rains, Goodyear claims.

Furthermore, rubber absorbs the shocks and vibrations of train and vehicular traffic which shake rigid materials to pieces.

Every two days, a railroad crossing is padded with rubber somewhere in the United States, according to Westi Hansen, general manager of Goodyear's Industrial Products Division, sole manufacturer of the product.

"The first rubber crossing was installed 18 years ago and almost 1,000 are now in service," Hansen said. "It is possible for them to be damaged by snowplows, by derailments or, occasionally, by utter neglect. But we have no record of a single one ever wearing out."

In the past, most of the crossings have been installed inside industrial plants around the nation. Now, more and more cities and highway officials are noticing them.

Much of the enthusiasm for the rubber crossings, which cost $120 a running foot—two or three times as much as conventional crossings—is a result of the availability of federal financing.

The Federal Highway Administration recently ruled, "Improvement of the crossing surface may be included as work for the elimination of hazards, either singularly or in combination with other elements of grade crossing protection work."

Crossing surface improvement previously had been at least partially fundable under the TOPICS and urban renewal programs. TOPICS is a federal program providing funds for city street improvement and is usually 50% federal, 45% state and 5% local. This program covers major urban traffic routes that are not state and federal highways.

The city of Yakima, Wash., has just installed 34 rubber crossings in the downtown area. Moraine, O., an industrial suburb of Dayton, has installed three rubber crossings at its own expense. City Manager Irl Gordon says there are more planned.

Crossing maintenance has been the responsibility of the railroads and under most state laws, it still is. But with so many railroads in financial trouble, governmental agencies are working out agreements for installing the rubber crossings.

Goodyear's first rubber crossing was installed in 1955 at New Britain, Conn. It remains in service, still smooth, and has required minimal maintenance.

MAMIE ALEXANDER BOYD

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. SHRIVER. Mr. Speaker, on October 15, Kansas lost our most widely known and warmly regarded newspaper woman, Mrs. Frank (Mamie Alexander) Boyd. "Mamie," as she was known by her many friends, can be described as the "patron saint" or perhaps "matriarch" of a great newspaper and political clan, a great State university, and of our State's tradition of civic pride and activism.

Mamie once said:

I have dined with Members of Congress and governors, sat in the President's box at an inaugural ball, been the guest of the Prime Minister of Canada. I'm proud to have traveled with such people, but have been just as proud to be with poor ones. I have learned much from both.

All of us have learned much from Mamie, too.

Under leave to extend my remarks, I am inserting several articles describing Mamie Boyd's service to her neighbors, her family and her State.

[From the Wichita Eagle, Oct. 17, 1973]

MRS. FRANK BOYD

No one else has ever occupied quite the position in Kansas journalism that Mrs. Frank Boyd did. She was widely known as "Mother Mame," and the reason was not exclusively that she was the matriarch of a newspaper clan.

For much of the latter part of her life she was senior to almost everyone still working in the Kansas newspaper field, and she took a motherly interest in all of them. She rarely missed a professional meeting of any kind, and usually had some part in the program. She remained lively and productive well into

her 90s, and was active in politics as well as journalism.

It is not often that one achieves prominence in both parties, but Mrs. Boyd did. She and her husband were influential Democrats until the 1930s, when they broke with Roosevelt. Then they gave their allegiance to the Republicans, and labored so long and energetically for that party that the names Boyd and Republican became virtually synonymous in Kansas.

Mrs. Boyd was a generous and friendly woman, always interested in the younger people in her profession and particularly keen to encourage students in the field.

Her own writing was warm and folksy, and reflected her wide range of interests. In recent years she wrote a book about her life, filled with reminiscences of the pioneer days of her youth and filled with the philosophy that sustained her through her 96 years.

Mamie Boyd was an active contributor throughout most of the life of Kansas, and her imprint is clear upon it now. She will be long remembered by her colleagues and her many friends.

[From the Hutchinson (Kans.) News, Oct. 17, 1973]

MAMIE WAS A BIG KSU FAN

(By John Schmiedeler)

PHILLIPSBURG.—Mamie Boyd, perhaps the most widely known Kansas woman of her century, will be buried Thursday afternoon in Fairview cemetery at Phillipsburg.

Mrs. Boyd, 96, a pioneer Kansas newspaper writer and publisher and a lively spirit on the Kansas scene for nearly three-quarters of a century, died Monday at St. Joseph's hospital, Concordia, after an illness of 3 weeks.

The day before she entered the hospital, she did one of the things she loved best—she went to a Kansas State University football game at Manhattan. Kansas State was only one of Mrs. Boyd's incredible number of enthusiasms.

Mamie Boyd's impact on Kansas began in 1899 when she met Frank W. Boyd while they were students at Kansas State. They married in their senior year and planned a career in newspapers.

But while Frank Boyd went to Phillipsburg in 1904, his bride went to Colorado, suffering from what was then called "consumption." (Later, Mrs. Boyd was to become a charter member of the Kansas Tuberculosis association, now the Kansas Lung association).

She recovered and joined her husband. He was editor of the Phillipsburg County Review (now edited by their son, McDill "Huck" Boyd, Republican national committeeman for Kansas) and she was the writer.

Mrs. Boyd lived at Mankato and continued to write for the Record until her last illness. She produced chatty accounts of her travels, her social activities and her family.

At the age of 91, she described her daily routine. She arose at 7 a.m., exercised 25 minutes and arrived at the Record office at 8 a.m.; she worked until 6 p.m., wrote 2 columns a week and served as associate editor of the newspaper.

FAITHFUL TO THE WILDCATS

But there always was time for Kansas State. There a special chair at one end of the basketball court was reserved especially for her and there was an Honorary Chair of Football surveillance in the president's box at the football stadium. A woman's dormitory at KSU, Boyd Hall, is named for her.

Among her fondest boasts was her own prowess as a basketball player while a Kansas State student. She recounted her KSU days in a book, "Rode a Heifer Calf Through College".

Usually, she carried a bag of knitting. That went back to World War I days when she organized knitting classes for the Red Cross.

JUST "MAMIE"

But while honors came aplenty, Mrs. Boyd remained to those who knew her—and they are numberless—as "Mamie".

"We didn't have a front yard," her son, McDill, remembered Monday. "It was a football field or a baseball diamond and whatever we needed."

Mrs. Boyd whittled baseball bats out of 2 by 4s, wound string around marbles for balls and made bases of bean bags. She umpired the games.

"When I work, I work hard," she told an interviewer 5 years ago. "When I rest, I rest easy. When I'm worried, I sleep."

In her book, she wrote of roses being her "constant comfort—beautiful memories.

"You know that God gave us memories so we could have roses in December and I have armloads of roses."

She also said once that she "never felt poor" and was never impressed with important people "just because they were important".

"I have dined with members of Congress and governors . . . sat in the President's box at an inaugural ball, been the guest of the Prime Minister of Canada. I'm proud to have traveled with such people, but have been just as proud to be with poor ones. I have learned much from both."

[From the Topeka Daily Capital-Journal, Oct. 18, 1973]

NOW SHE RESTS—EASY

Dr. James A. McCain, president of Kansas State University, described her as the "patron saint" of KSU.

The William Allen White Foundation at the University of Kansas cited her for journalistic merit as did 46 other organizations.

She was selected as Kansan of the year in 1959, and in 1965 Kansas recognized her as mother of the year.

At the age of 96, Mrs. Frank W. "Mamie" Boyd died in a Concordia hospital.

While she had an unflagging interest in news and newspapers, people and places, church and service organizations, her family—two sons and six grandchildren—always came first.

Born on a farm near Humboldt, she was graduated from Kansas State University and taught there several years before being married to Frank W. Boyd, then editor of the Phillips County Review, which they later purchased. They bought the Jewell County Record, Mankato, in 1947, the year of Mr. Boyd's death.

Their two sons, McDill "Huck" Boyd and the late Frank W. "Bus" Boyd Jr., followed newspaper careers with occasional side trips into politices. Huck ran twice for the Republican governorship of Kansas and now is GOP national committeeman.

Mamie seemed to possess boundless energy to match her zest for life, her gracious and friendly nature and desire to serve.

She was the first woman ever elected president of the Kansas State University Alumni Assn. Both her sons were K-State graduates, and she was a familiar figure in the stands at all K-State athletic events—knitting, always knitting.

Her philosophy of life was simple: "When I work, I work hard. When I rest, I rest easy. When I worry, I go to sleep."

She once commented that it was easy to find a family that loves children: "There won't be any grass in the front yard."

She probably knew from her own front yard when Huck and Bus were young.

[From the Kansas City Star, Oct. 16, 1973]

MAMIE BOYD, KANSAS EDITOR

Mamie Boyd of Mankato would have been 97 years old this December, and as the years piled up, they became heavier. Almost as a reflex she would jump to the defense of her beloved Kansas or be ready at a moment's notice to travel to Manhattan for a K-State game. Her friends took Mamie's partisanship for granted, whether it was on behalf of the state or the Wildcats. It was never a mean partisanship.

After the death of her husband, Frank W. Boyd, Sr., Mamie was the mother figure of a distinguished family in Kansas journalism. A son, McDill (Huck) Boyd, Kansas Republican National Committeeman and editor of the paper at Phillipsburg, has been influential for many years. Frank (Bus) Boyd, Jr., publisher of the Jewell County Record in Mankato, where Mamie's column appeared weekly, died last year. In Mankato and the surrounding region, Mamie and Bus were publishers who boosted the community in print, which is standard procedure, and also with their own money, which is not always the case. Mary Boyd, the wife of Bus, has been carrying on in the family tradition since the death of her husband and through Mamie's illness.

Mamie was always Mamie *Alexander* Boyd, as she would pointedly remind Bus if he left that middle name out of a notice. Along with her strong sense of family, state and university, she had a feeling of kinship for the world at large. Her interests knew no bounds, and while her attention as a good reporter might be concentrated, it also was universal. She got all the names for her column on Main Street, Saturday Night, and she knew what last week's hail meant to the farmers in Jewell County. She was at the pot-luck dinners at the Harmony Methodist Church and always pronounced all dishes delicious. At the same time she was ready to travel around the world and see what was happening outside North Central Kansas.

Mamie Boyd knew the 19th Century of the horse and buggy and the 20th century of the jet airplane. She got the best out of both of them.

PROPOSED AMENDMENTS TO H.R. 11104

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. REUSS. Mr. Speaker, H.R. 11104 is scheduled to come to the floor on Wednesday, October 31. At that time, there will be an attempt to amend the bill with the texts of H.R. 11155 and H.R. 11158. The texts of these amendments follows:

H.R. 11155

SEC. —. Section 56, 57, and 58, of the Internal Revenue Code of 1954 (relating to imposition of the minimum tax for tax preferences) are amended as follows:

(a) Section 56(a) is amended to read as follows:

"(a) IN GENERAL.—In addition to the other taxes imposed by this chapter, there is hereby imposed for each taxable year, with respect to the income of every person, a tax, determined as provided in subsection (d), on the amount, if any, by which the sum of the items of tax preference exceeds $10,000."

(b) Section 56(b) of such Code (relating to treatment of net operating losses) is amended by striking out "$30,000" and inserting in lieu thereof "$10,000" and by striking out "10 percent" in each place it appears and inserting in lieu thereof "the applicable percent".

(c) Section 56(c) of such Code (relating to tax carryovers) is hereby repealed.

(d) Section 56 of such Code is amended by adding at the end thereof the following new subsection:

"(d) AMOUNT OF TAX.—The amount of tax imposed under subsection (a) shall be an amount equal to one-half of the amount determined by applying the rates prescribed in sections 1, 11, 594, and 821, as applicable, except that in lieu of the words 'taxable income' each place they appear in such tables there shall be substituted the words 'sum of the items of tax preference'."

(e) Section 58 of such Code (relating to rules for application of the minimum tax) is amended by—

(1) striking out "$30,000" in each place it appears and inserting in lieu thereof "$10,000",

(2) striking out "$15,000" in subsection (a) and inserting in lieu thereof "$5,000", and

(3) adding at the end thereof the following new subsection:

"(b) ELECTION NOT TO CLAIM TAX PREFERENCES.—In the case of an item of tax preference which is a deduction from gross income, the taxpayer may elect to waive the deduction of all or part of such item, and the amount so waived shall not be taken into account for purposes of this part. In the case of an item of tax preference described in section 57(a)(9), the taxpayer may elect to treat all or part of any capital gain as gain for the sale or exchange of property which is neither a capital asset nor property described in section 1231 and the amount treated as such gain shall not be taken into account for purposes of this part. An election under this subsection shall be made only at such time and in such manner as is prescribed in regulations promulgated by the Secretary or his delegate, and the making of such election shall constitute a consent to all terms and conditions as may be set forth in the regulations as to the effect of such election for purposes of this title."

(f) Section 443 of such Code (relating to returns for a period of less than 12 months) is amended by striking out "$30,000" and inserting in lieu thereof "$10,000".

(g)(1) The amendments made by this section shall apply only with respect to taxable years beginning after the date of enactment of this Act.

(2) In determining the deferral of tax liability under section 56(b) of the Internal Revenue Code of 1954 for any taxable year beginning after the date of enactment of this Act, the necessary computations involving such taxable year shall be made under the law applicable to such taxable year.

(3) There shall be no tax carryover under section 56(c) or 56(a)(2)(B) of the Internal Revenue Code of 1954 to any taxable year beginning after the date of enactment of this Act.

H.R. 11158

SEC. —. Section 201 of Public Law 93-66 is amended—

(a) in subsection (a)(1), by striking out "the percentage by which the Consumer Price Index prepared by the Department of Labor for the month of June 1973 exceeds such index for the month of June 1972" and inserting in lieu thereof "7 per centum".

(b) in subsection (a)(2), by striking out "May 1974" each place it appears therein and inserting in lieu thereof "December 1973",

(c) in subsection (b), by striking out "based on the increase in the Consumer Price Index described in subsection (a)" and inserting in lieu thereof "7 per centum", and

(d) in subsection (c)(2), by striking out "May 1974" and inserting in lieu thereof "December 1973".

STATEMENT ON THE PRESIDENCY

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. STUDDS. Mr. Speaker, I normally distribute a weekly report to my district to the news media every Friday. Last Friday, because of the grave consequences of the events of the week, I also made a special report on the subject of the Presidency. The text of my statement follows:

STATEMENT BY HON. GERRY E. STUDDS

This will not be—and it really could not be—a standard report of routine activities in the Congress and at home. For there has been nothing routine about this week. We are in the midst of one of the great crises of our history—a crisis of confidence in our basic institutions of government.

I have wrestled, for a considerable period of time prior to the events of this past week, and with increasing agony, over the question of whether I should support the initiation of impeachment proceedings against the President. Among the questions which had to be considered—even if there seemed to be sufficient prima facie evidence to warrant the initiation of an inquiry—were:

1. Which would do more damage to this already badly divided country, and to its already seriously discredited presidency: the continuation of President Nixon in office—or the initiation of proceedings which might lead to his removal from office?

2. Even if one were to conclude that the country would be best served by the departure of Mr. Nixon, how could this be undertaken in a fashion utterly devoid of even the appearance of political partisanship? For what is at stake far transcends in importance any question of conventional partisan politics.

The events of the past week constituted for myself, and, I believe, for most of the people I represent, and for most Americans, the last straw. I have—with enormous reluctance—concluded that it would be best for the country for Mr. Nixon to leave the Presidency.

Even so, I refrained from issuing a statement until this time because of the intensity of the emotion of the moment, the extraordinary rapidity with which major event followed major event, and because of the uncertainty of whether or not the President would be formally held to be in contempt of court.

I now believe that the President has lost the capacity to command the respect and trust of the American people and that the public interest would best be served by his resignation. If he will not resign and thereby spare the nation the further agony of impeachment proceedings—and I do not expect that he will—then the House of Representatives must assume its constitutional responsibility to determine whether or not there are specific criminal grounds for impeachment of the President.

I have joined with 74 of my colleagues in introducing a resolution calling upon the Judiciary Committee of the House immediately to undertake such an inquiry. I have also joined over 100 of my colleagues in introducing a resolution calling for the reinstitution of the Special Prosecutor under Judge Sirica.

With respect to the President's tardy decision to comply with the court's order regarding the tapes, I must say, in all candor, that it now appears to me that what the President was attempting to do in this latest series of maneuvers was not to protect the tapes, but was rather a blatant and evidently successful attempt to destroy the independent prosecutor. Apparently Mr. Cox was on the trail of something far more important than anything that might be revealed by the tapes. If this is not the case, why did the President not comply sooner with the order of the court? And why should he not now, quite apologetically, rehire Mr. Cox? After all, the Special Prosecutor was fired for insisting that the President do what he has now done. The American people have a right to know the answers to these questions as they contemplate the departure from the Executive Branch of Government of three people in whom they had real faith to see that justice might be done.

I have been assured by the Leadership of the House that the Judiciary Committee will proceed promptly and vigorously with its inquiry. The Committee has my full support in its effort to determine whether or not there are sufficient legal grounds for the impeachment of the President. I shall withhold my judgment on the question of impeachment itself pending the report of the Committee.

I should like to take this opportunity to thank the many hundreds of you who have telephoned, wired and written to me in the last few days. I have personally read every single one of these communications—and I wish that space and time permitted me to quote here representative samples of your overwhelming and moving expression of outrage, fear and deep concern for your country.

I must now, as your representative, give voice and action to that concern. I pledge to you that I will do so calmly, with the utmost seriousness, and with a profound recognition that partisan political considerations must be set aside altogether.

As soon as possible—hopefully within the next week—I shall mail to every household in the 12th Congressional District a special newsletter/questionnaire, in which I shall elaborate on my own feelings and solicit those of all the people I represent. You are entitled to be heard at this crucial time—and I urge you to respond.

HEARING HEALTH SYSTEM CRITICIZED BY OLDER NADER GROUP

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. FRASER. Mr. Speaker, I would like to comment about a problem which has long gone unattended. Thanks to the efforts of the Retired Professional Action Group—RPAG—and the Minnesota Public Interest Research Group, the serious lack of regulations governing the practices of hearing aid dealers is now being given the attention it deserves.

This is a matter that can be effectively handled on the State level. I do not plan to introduce legislation in the House. However, I do believe it is a matter of importance to all Americans that should be brought to my colleagues' attention. The RPAG has prepared a model bill for the consideration of State legislatures and a report entitled "Paying Through the Ear." Copies of both have been sent to the State attorneys general.

An RPAG news release of September 30 follows my remarks. I urge my colleagues to bring the situation outlined in that release to the attention of their

State representatives and to call upon them to take this matter up as soon as possible.

HEARING HEALTH SYSTEM CRITICIZED BY OLDER NADER GROUP

The Retired Professional Action Group, an organization funded by Ralph Nader's Public Citizen, Inc., released today the report of its 16-month study of the hearing aid industry and hearing health care problems. RPAG is a public interest group composed of older and younger professionals working on issues which particularly affect older people.

In its report, *Paying Through the Ear*, the group charged that the hearing aid industry sells hearing aids, which are medical devices, the way other industries sell vacuum cleaners, cosmetic products, and magazines—or worse. The sales practices of most salesmen in the health care field are totally unacceptable. For the past 3 years, the industry has been singled out for investigation by the Federal Trade Commission and recently by the Senate Special Committee on Aging.

Hearing loss affects more Americans than any other chronic health problem. Over 8½ million Americans suffer from some degree of loss—thousands to the point that they withdraw from normal social interaction and are forced into life patterns in which they become virtual "human islands" to avoid frustrating, ineffectual communication with others.

MINIMAL TRAINING OF HEARING AID DEALERS

There are 15,000 people in the retail end of the hearing aid industry, yet only 2,114 have received the minimal training offered by the hearing aid dealers trade association, the National Hearing Aid Society. This training consists of a 20-week home study course and an examination which only superficially covers information a person should know in order to serve the hearing impaired. The exam does not require a test of an individual's practical skills.

RPG SURVEY OF DEALER PRACTICES

To obtain first-hand consumer experience, 8 older volunteers (ages 68–82) conducted a consumer survey in Baltimore, Maryland. These individuals used their own names and did not fake a hearing loss. After pre-testing by clinical audiologists at the Johns Hopkins Speech and Hearing Center, they visited hearing aid dealers. In 42% of the visits, hearing aids were recommended by dealers when audiologists had recommended none. All dealers performed only the partial range of audiometric tests necessary to accurately evaluate hearing loss and some dealers misrepresented what a hearing aid will do.

CONFLICT OF INTEREST

The group charged that hearing aid dealers cannot possibly serve the hearing impaired with objectivity. They are in a decision-making position fraught with conflict of interest which requires them to sell hearing aids to keep their businesses going. Many manufacturers require the dealers to fulfill sales quotas. Profit lures of some manufacturers include free trips abroad and special gifts after sales quotas are met.

STATE DEALER LICENSURE LAWS

In 29 states dealer licensure laws with a grandfather clause, licensed thousands of individuals without testing their competency or examining their sales tactics. In most states with a licensure law any person of minimal age and education and of "good moral character" can become a trainee automatically and begin immediately to sell to the public. Trainees are not generally required to work in the same office as their supervisor, and are not required to advise their customers that they are in training. Better protection is afforded to men and women having their hair cut or having electrical or plumbing work done in their homes.

As part of its study, RPAG developed a Model Bill for Licensing and Regulation of Hearing Aid Dealers, which it is releasing today. Most of the existing 38 laws were patterned after an industry model which protects the dealer instead of the consumer. In only five states must medical clearance be obtained prior to sale of a hearing aid if the dealer finds indications of medical problems. In only 12 states is it a punishable offense to sell a hearing aid for a child without prior medical examination and clearance.

UNSUBSTANTIATED ADVERTISING

The hearing aid industry makes unsubstantiated claims that new products are improved. Industry advertising bears a striking resemblance to that of the automobile industry. Advertising claims are so suspect that last year the FTC asked 12 manufacturers to submit material to substantiate their advertisements. Each year products have cosmetic changes, whereas substantial developments of benefit to the buyer occur only every few years at best. The industry reports that its biggest market is to "users"; consequently, marketing efforts seem to be aimed at convincing "users" that their one or two year old model should be traded in for the "latest thing" on the market. The uninformed consumer, anxiously seeking the best possible hearing, is lured by the advertising bait.

In order to sell hearing aids, dealers make false statements unsubstantiated by medical or audiological research, such as "a hearing aid will restore your hearing to normal" or "a hearing aid will keep your hearing from deteriorating."

POOR PRODUCT QUALITY

The group found that there is considerable quality deviation in hearing aids. The New York League of the Hard of Hearing reports that about 50% of the aids they test do not work the way industry specification sheets indicate they will. The result is that one aid may differ substantially in performance from an aid of the identical model and brand.

CALL FOR GOVERNMENT ACTION

RPAG has written FDA Commissioner Alexander M. Schmidt, calling for FDA monitoring of quality control. The group also wrote Secretary Weinberger, urging that HEW take specific action:

(1) To review HEW hearing aid purchasing policies under programs such as Vocational Rehabilitation, Medicaid, the Office of Education, and the Children's Bureau. (The Veterans Administration, which purchases hearing aids in bulk and furnishes thousands of hearing aids each year to veterans, pays about one-half the price paid by other government programs where procurement is handled with individual hearing aid dealers.)

(2) To utilize the results of the hearing aid quality valuation program at the National Bureau of Standards in the procurement of hearing aids by HEW. (The Veterans Administration purchases aids only after they are evaluated by this program.)

(3) To request that the General Accounting Office conduct audits of State Medicaid hearing aid purchasing programs. (During the last two years, in New York and Indiana, investigations revealed that thousands of dollars worth of hearing aids were ordered by hearing aid dealers for patients in nursing homes who did not need them.)

(4) To conduct a nation-wide information campaign to advise the public of preventive and corrective measures to take regarding hearing loss and hearing aids.

INDUSTRY TRADE PRACTICES

The study documents the fact that manufacturers and dealers operate in a manner that creates and maintains artificially high prices. Four companies (Beltone, Zenith, Dahlberg and Qualitone) controlled over 50 percent of the dollar value of shipments in 1970. Eight companies controlled over 70 percent of the sales volume that year.

According to the FTC, manufacturers' activities tend to be "oppressive, coercive, unfair and anticompetitive." In 1972, the FTC cited major manufacturers—Beltone, Dahlberg, Maico, Radioear and Sonotone—for engaging in anticompetitive activities that violate Section 5 of the Federal Trade Commission Act. They alleged that these manufacturers 1) usually require their dealers to sell hearing aids within assigned geographical areas; 2) insist that dealers deal exclusively in their hearing aids; 3) "fix, establish, control and maintain" retail prices at which dealers sell their hearing aids; 4) prohibit dealers from dealing with potential customers outside their territory; and 5) require dealers to submit to manufacturers names and addresses of their customers. Despite strong evidence to the contrary, manufacturers insist that they are the paragon of free enterprise.

Even when manufacturers offer aids to dealers at lower costs, dealers still charge exorbitant prices. RPAG monitored the pricing of one aid sold to dealers at $33.00 and found it offered for sale for as high as $450.00 with the usual charge at about $250.00.

If a manufacturer attempts to supply a lower-price retail outlet, the manufacturer's other dealers threaten not to carry its line anymore. These efforts are usually successful. One retail company, Master Plan Service Company (MPS), based in Minneapolis, is selling aids in 7 other cities. But this summer MPS has not been able to find any manufacturer willing to supply its products. When one company, Norelco, offered to supply aids to MPS, other Norelco dealers threatened to boycott, so the company withdrew its written offer. After 2 years of supplying Master Plan, another large company, Oticon, also wtihdrew, writing that supplying MPS would "disrupt our distribution set-up" and that Oticon needed to "protect and create reasonable growth in our business."

By tying in service costs (estimated at $100) to the price of a hearing aid, the industry is forcing customers to pay for service regardless of need or desire. Customers with their 2nd and 3rd hearing aids need less in the way of services but pay the full cost nevertheless.

ALTERNATIVE DISTRIBUTION MODEL

One distribution model which could be duplicated around the country is the National Institute for Rehabilitative Engineering. NIRE is a non-profit firm in New Jersey which provides foreign aids for around $100 to low-income people. Aids are provided only after clients have been evaluated by professionals.

HEARING AIDS AND MEDICARE

Hearing aids are not provided to old people by Medicare. This issue was the subject of a special hearing held by the Senate Special Committee on Aging, chaired by Senator Frank Church, Sept. 10–11, 1973. RPAG testified at those hearings, and urged the Committee not to authorize dealers as providers in the Medicare system until certain safeguards are met: 1) that dealers entering the program are fully qualified to serve the public; 2) that professional and medical advice is sought prior to purchase of an aid; and 3) that anticompetitive practices of certain large manufacturers cease.

INDUSTRY REACTION TO RPAG REPORT

On June 13, 1973, long before the RPAG report was released, it received a copy of a pre-canned statement which the industry trade association sent to every local hearing aid dealer to be submitted to local newspapers the day RPAG's report would be released. Their comments included:

"The allegations in the Nader report on

the hearing aid industry are not only factually wrong but materially harmful to millions of Americans who badly need help with hearing problems. . . . The effects of the viciously based Nader report is to drive these handicapped people back into their encroaching caves of silence and mute despair."

At the time of this release, no industry person had read the report. The industry release presents an obvious attempt to draw attention away from the contents of the report which includes essential information for changes needed in the industry. In addition, the 300 page report offers a Consumer Guide Section which encourages people to seek help for a hearing loss and advises them of the appropriate services to seek.

ANSWER TO LOCAL TRANSIT PROBLEM?

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. HANRAHAN. Mr. Speaker, almost every American city, whether large or small, has some type of transportation problem. In an article in the Suburbanite Economist in May of this year, the suggestion of Mr. George W. Eck, of Hometown, Ill., concerning a unique transportation plan is discussed. I thought my colleagues might find this plan, called ADAPT, interesting; and I insert the article in the RECORD for its benefit:

[From the Suburbanite Economist, May 16, 1973]

"DIAL A BUS"—IS IT ANSWER TO LOCAL TRANSIT PROBLEM?

We have printed a number of letters from George W Eck, of Hometown, on the area's transportation problem. He has recently proposed to this newspaper and a number of interested public officials consideration of a plan called "ADAPT," which stands for Adapt-Demand Activated Public Transit. It is a unique plan which sounds very much like a system recently approved by the voters of Ann Arbor, Mich., though it is not yet in operation there. We point this out at the beginning as evidence that the system is considered practical by the voters of at least one city in the U.S.

A major failing of public urban mass transit is its inability to provide adequate and attractive collection and distribution services in low density areas. In some places the demand is too small to support any transit service. What is needed is a system that can respond dynamically to the needs of the area, that is, a system whose routes and schedules are both flexible and ubiquitous.

In other words, a system that will be available when you, the rider, want to use it, but will not be running a lot of empty buses that will create much expense—but no revenue. A hybrid, if you like, between an ordinary bus and a taxi. Some refer to ADAPT as "Dial a bus."

ADAPT would pick up passengers at or in close proximity (next corner of their homes) shortly after they have telephoned for service. The dispatcher would make a determination relative to the location of the transit vehicles and would direct (via radio) the right vehicle to an optimal routing. Thus, the system could link many origins to many destinations. It is a taxi system on a huge scale, with the cost reduced by sharing rides. Depending on demand, door-to-door (or next corner) transmit can serve its passengers almost as fast as a private taxi but at one-quarter to one-half the price, perhaps slightly more than the fare for conventional bus service.

With this operational flexibility, an ADAPT system could give different levels of service for different levels of service for different fares. At one extreme it might offer unscheduled single passenger door-to-door service, like a taxi, or multi-passenger service, like a jitney. At the other extreme it might operate like a bus service, picking up passengers along specified routes which could include several home pick-ups. The system might also be programmed to rendezvous with an express or line-haul carrier, and in serving as either a collector or distributor, thus improving the complete transportation service.

Door-to-door service, it seems clear, would attract more off-peak business than conventional transit does now. This would overcome the big financial problem of today's transit system resulting from heavy use for only three or four hours a day. It could also help reduce dependence upon the automobile and parking facilities.

Technically, there is little question that the system will work. Established taxi, limousine, school bus, radio communications and telephone lines are fully adequate to meet the needs. What must be done is to put these isolated elements together.

The cost is subject to many variables. A demonstration project could be conducted on a small scale to determine public acceptance and the economics involved. Federal funds may be applicable for the trial. Eventually, it could be supported by the fare box plus a subsidy raised through a small tax levy. This is the system Ann Arbor has adopted.

No question, this is a revolutionary new idea which many will scoff at. And they may prove right. But public transportation is in such a sad state that nothing should be overlooked that has the slightest hope of success. We think ADAPT falls in that category. It should be given serious study.

INACTION MEANS THE PRICE OF BREAD WILL GO UP

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. PICKLE. Mr. Speaker, our "bumper" crop of wheat for next year is in increasing danger. No one ought to need to be told any more what that means in higher prices for our staple foods.

A recent article in the Wall Street Journal lists several reasons we may fall way short of our expected wheat harvest this year: Growers are not expanding acreage as much as expected because they are uncertain about the future. In areas where growers do want to expand, there is a shortage of land. Conservation requirements hold down expansion in the arid western section of the Wheat Belt. Farmers are devoting wheat lands to grazing to cut down their feed costs. Bad weather has struck hard. And, there is no fertilizer.

The administration has removed price controls on fertilizer in one effort to keep our short supplies in this country. But another factor weighs equally importantly here—and it is receiving little or no attention.

An estimated 700,000 tons of fertilizer that we do have will not make it to the fields because there is no means of transportation to get it there.

This country is already engaged in another massive wheat sale. As a matter of fact, instead of shipping abroad 1.1 billion bushels of wheat, this year we intend to ship 1.3 billion bushels.

Last year railway freight car tie-ups nearly paralyzed the national transportation system and caused artificial shortages and higher prices across the board.

This year we not only face the same debilitating tieups, we are insuring rising prices the year after by denying ourselves the sheer ability to produce needed staple foods.

It is a bitter irony that the United States cannot produce needed wheat because our rail lines are glutted with harvested wheat.

It is a bitter irony that we can look at this plain and simple fact—and not be moved to action. All the verbiage and outcry against the evils of inflation will not get one freight car moving.

Some legislation I have introduced, however, will get those freight cars moving. I hope that this legislation, H.R. 10694, and this crucial problem can receive prompt attention.

The legislation does three things: First, it increases the actual supplies of freight cars through a guaranteed loan program and increases the utilization of those cars we have through a national computer tracking system. Second, it orders that whenever large shipments of grain are to be made, a transportation plan that will not tie up needed domestic transportation must be formulated and submitted to the Department of Transportation. Third, it allows the Interstate Commerce Commission to begin emergency routing of cars before an emergency strikes, not after roads are blocked literally across the land.

I urge immediate attention to this legislation, and I would like to reprint the Wall Street Journal article on expected wheat shortages in the RECORD at this time.

[From the Wall Street Journal, Oct. 26, 1973]

WHEAT-ACREAGE RISE IS BELOW EXPECTATIONS; BREAD, FLOUR PRICES UNLIKELY TO DROP MUCH

(By Gene Meyer)

Wheat farmers aren't going all out in planting grain the way Washington planners had hoped.

So wheat prices, which soared this year to a high of $5.27 a bushel, aren't likely to drop appreciably in the next year. Thus, bread and flour prices probably won't drop, either. The situation could also keep the export market tight; if foreign crops fall short of expectations, overseas demand could surge again and possibly force the government to restrict U.S. exports.

Wheat farmers are the first to make planting decisions under the government's new policy of encouraging as much production as possible. Winter wheat is planted in the fall and harvested in the late spring; it accounts for about 75% of the nation's total wheat crop, with spring wheat and durum making up the rest. Some experts had predicted that once farmers were freed of production controls, they would plant every acre they could, particularly with the additional encouragement of high prices. But if the Wheat Belt is any indication, a good many farmers either can't or won't expand acreage as much as was forecast.

7 PERCENT EXPECTED

Nationally, a 7% increase in wheat acreage is "a pretty reasonable estimate," says Carl Schwensen, an official of the National As-

sociation of Wheat Growers. That would put about 62.9 million acres into wheat, compared to the Agriculture Department's "working estimate" of 66 million acres, a 12.2% increase from last year's 58.8 million acres.

Mr. Schwensen says that anticipated increases in total wheat acreage for the 1974 harvest range from about 5% in the Pacific Northwest to 11% in South Dakota (which plants spring wheat), with Kansas, the largest wheat-growing state, projected at a 5% increase. So far, he adds, all the acreage increases in winter wheat are falling far short of the government's estimate.

"The 7% increase isn't as large as we'd hoped for or anticipated," he says, "but some of our growers feel hesitant because they don't know enough about what lies ahead and because they fear a price turnaround." The Kansas City wheat price is $4.83½ a bushel, down 43½ cents from its peak five weeks ago.

LaVerne Becker, who grows 1,600 acres of wheat near Russell, Kan., says he plans to cut his wheat acreage by about 8% and instead plant other grains to feed his livestock. "Farmers around here aren't as enthusiastic as they were earlier this year," he declares.

Ironically, in places where farmers have an urge to plant more wheat, such as in Sumner County, Kan., they haven't much room to expand. "There's not too darn much more land available around here," says Wallace Wolf, who grows 500 acres southeast of Wellington. "The boys are planting all their old lay-aside acres and some of them are even breaking up a little pasture land," he says, but he and other farmers say they have about reached the limit on additional acreage without upsetting conservation practices and risking a return to the Dust Bowl conditions of the mid-1930s.

Conservation also holds down expansion in the western, arid section of the Wheat Belt. Don Crumbaker of Brewster, Kan., for instance, can plant only about half of his 11,000 acres each year; the other half must lie fallow for a year if it is to collect enough moisture to produce another crop.

COULD BE FARMED

"We could farm it all in one shot, Mr. Crumbaker says, "but we'd be out of business completely for the next year." More diversified farmers, such as Mr. Becker, are deciding to devote part of their potential wheat land to other crops or to pasture for their livestock to keep down their feeding costs.

Another factor limiting acreage expansion is fertilizer shortages. Ed Lawless, a Kansas farmer, describes two-block-long lines that form quickly around county terminals when a fertilizer shipment arrives. Some farmers show up just on rumors that fertilizer may come in, and most take whatever they can get, regardless of whether it exactly fits their needs.

"When a shipment does come in, there's a real race to see who gets there first," Mr. Lawless says, "and you take what you can get, not what you want."

The availability of fertilizer is an important consideration to farmers trying to decide whether to expand their wheat plantings. For one thing, the possible expansion would very likely be onto previously diverted acres that are normally less fertile and thus require extra nutrients. For another, the prices for the seed that farmers would be planting have doubled and tripled as wheat prices have soared.

"You sure don't want to put high-priced seed in that ground without some fertilizer," Mr. Becker says. Many farmers simply stop when they run out of fertilizer.

"ABOUT HALF DONE"

Finally, bad weather—that old agricultural nemesis that helped bring about this year's short food supplies and high prices—also could cut into wheat plantings. Up to 16 inches of rain hit the lushest wheat-producing areas of southeastern Kansas and northeastern Oklahoma during prime planting time early this month. Farmers just now are beginning to get into their fields to assess the damage and to see what they can plant—or need to replant—before winter comes.

"I'm only about half done," Mr. Becker says, "and compared to normal, that's terrible. Usually by this time we've been done for two weeks, but most people around here are only about 20% planted."

Nationally, winter-wheat plantings were about two-thirds complete when the rains started. The remaining third is primarily in the eastern parts of Oklahoma, Kansas and Nebraska, which are also the prime growing areas of these states. Replanting the washed-out or drowned wheat—which may involve as much as 750,000 acres, according to some estimates—puts the farmers even further behind.

"We're going to have to replant about half of what we had done before the rain," Mr. Becker estimates. It could be mid-November before planting is finally finished in the areas that were most heavily drenched. Some fields must dry for several more days before farmers can return to them, and then the soil will have to be prepared once more for the seed.

This delay, farmers say, could cut into final plantings if it lasts too long. And even if planting intentions somehow are met, the delay could reduce yields. This year's record 1.77-billion-bushel crop was aided by favorable growing conditions at important times. But the planting delay has diminished chances of reaching the government's "working estimate" of 1.89 billion bushels in 1974.

"The bumper crop is already gone," Mr. Becker says, "and the later we go, the more we have to worry about winter damage to the seed. People have planted as late as Christmas around here and still have gotten a crop, but it isn't the best way to go."

SPORT SAFETY: THE NEED FOR CERTIFIED ATHLETIC TRAINERS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. DELLUMS. Mr. Speaker, once again the football season begins the annual cycle of scholastic sports competition. Unfortunately, though, each year hundreds of thousands of young Americans are injured participating in sports activities at all educational levels.

For example, a study published in the Journal of the American Medical Association indicates that every year one of every two high school football players is injured; since there are about 1.2 million high school football players, it means that there are 600,000 football injuries in high schools alone. And the rate of injuries for other sports—contact and noncontact—is just as alarming. Over the past few years, as a result of rising concern about such injuries, some major steps have been taken by educational and health groups to bring about reductions in the probability of injuries occurring.

Still, most sports injuries are not properly treated. According to an article in the fall 1973 Family Safety magazine—which I am inserting in the RECORD at the end of this statement—there is a critical nationwide shortage of qualified high school athletic trainers. All sports-medicine authorities agree, moreover, that the shortage of qualified high school athletic trainers relates directly to the surplus of high school athletic injuries—many of which are serious, some of which are permanent, a few of which are fatal. At the college level, the problem is equally distressing.

In response to this need, in May, I introduced H.R. 7795, "The Athletic Care Act," which amends the Elementary and Secondary Education Act and the Higher Education Act to require over an 8-year period that all schools which engage in or sponsor interscholastic athletic competition must employ certified athletic trainers. The bill also contains provisions for Federal assistance for training programs for athletic trainers.

The measure has been endorsed by athletic trainers, professional and amateur athletes, coaches and health officials throughout the country. I believe this to be an important issue and an important bill, and I would now like to insert into the RECORD a series of articles concerning athletic safety and the need for qualified trainers.

[From Family Safety, Fall, 1973]

WANTED: HIGH SCHOOL FOOTBALL TRAINERS

"Each year hundreds of thousands of young Americans are injured participating in scholastic sports competition."

Those words were spoken on the floor of the U.S. House of Representatives—and placed in the Congressional Record—by Rep. Ronald V. Dellums of California.

Pointing out that professional athletes are now covered by the Occupational Safety and Health Act (OSHA), Congressman Dellums said:

"I want to speak today on behalf of another group whose lives and health are also regularly put at hazard—but who have no protection against unsafe conditions to which they are exposed.

"I am talking about athletes in America's high schools and colleges. They are the cream of our youth, and they are injured with a frequency we should not tolerate.

"For example, can you believe that every year one out of every two high school football players is injured? Since there are about 1.2 million high school football players, it means that there are 600,000 football injuries in high schools alone each year."

LAW WOULD REQUIRE TRAINERS

That speech was made during the last football season. In May of this year, Congressman Dellums introduced a bill (H.R. 7795) which, if enacted, would become the Athletic Care Act.

It's purpose is "to require educational institutions engaged in interscholastic athletic competition to employ certified athletic trainers" within eight years of the bill's passage into law.

The Athletic Care Act, like all laws, would penalize for violations. "No local educational agency or other educational agency which violates . . . shall be eligible for a grant under this Act or under title I of the Elementary and Secondary Education Act of 1965 for the fiscal year following the fiscal year during which the violation occurred."

If, as a parent, you are beginning to realize that there is a critical nationwide shortage of qualified high school athletic trainers, you are absolutely correct.

All sports-medicine authorities agree, moreover, that the shortage of qualified high school athletic trainers relates directly to the surplus of high school athletic injuries—many of which are serious, some of which are permanent, a few of which are fatal.

A similar (though more serious) problem would occur in military combat if, despite the presence of doctors in field hospitals, our soldiers and marines were deprived of medics and corpsmen. The qualified athletic trainer makes many contributions to health and safety, but none is more vital than first aid.

For that reason, the Dellums bill is strongly endorsed by the Prestigious National Athletic Trainers Association, an organization that has done much to raise standards in the profession.

NATA President Bobby Gunn, head trainer of the Houston Oilers, recently mailed copies of the Dellums bill to his more than 2,000 members. In his covering letter, Gunn urged them to support the bill by talking to their Congressmen, team physicians, medical societies, parents and the press.

ANOTHER POINT OF VIEW

Obviously the heat is on—and it isn't the kind an athlete gets with diathermy treatment.

Although everyone involved in sports medicine agrees with the basic objectives of the Dellums bill, not everyone agrees with its methods and, more importantly, its future consequences.

One sincere and thoughtful adversary is Clifford B. Fagan, executive secretary of the National Federation of State High School Associations. In a recent memo to his 50 state executive officers, Fagan wrote:

"It is our point of view that the qualified athletic trainer can make a valuable contribution to the health care of athletes at the interscholastic level as well as at other competitive levels. We are hopeful that at an appropriate time, schools will be financially able to include as members of their faculties qualified trainers who will be able to provide service to both boys and girls."

But here is where Fagan parts company with the Dellums bill: "Under present conditions, the imposition of the requirement on secondary schools would be a financial burden which many could not tolerate and, as a result, some schools would be compelled to discontinue interscholastic athletics."

Today, just about everybody knows that interscholastic athletics are an important part of education. Yet, at the same time, nobody is rooting for unnecessary risks and preventable injuries. The argument therefore appears to be one of means, not ends.

But still standing in the middle of that argument are more than 1,000,000 high school football players. And even if the Athletic Care Act were passed today, it wouldn't become enforceable until 1981. So in the meantime one must ask: Is there a middle ground? If you're a parent, the question almost answers itself: There *has* to be.

Of course, if your school district is rich in both wisdom and funds, your high school may well have a qualified trainer—perhaps one who is even certified by NATA.

If your district has a trifle more wisdom than money, your school may still have a qualified trainer who doubles as a teacher on the faculty.

NOT ENOUGH TO GO AROUND

But rich or poor, wise or otherwise, one basic problem remains—there just aren't enough qualified trainers to staff every high school in the country.

Fortunately that problem is now in the process of being solved by a large number of dedicated individuals and organizations including the American Medical Association, the American Academy of Orthopedic Surgeons, the American Academy of Pediatrics, NATA, NFSHSA—in addition to colleges, clinics and countless state and local organizations such as governments, school districts and medical societies.

All of those organizations have not been content to pass resolutions; all are actively involved in overcoming the shortage of qualified trainers.

NATA, supported by the AMA Committee on the Medical Aspects of Sports, is encouraging high school students to become career trainers.

College scholarships for student trainers are increasing. And a college degree covering the proper courses—plus a NATA Certificate—guarantees a rewarding future as either a full-time trainer or trainer-teacher.

SOME EMERGENCY MEASURES

Some ingenious emergency remedies are also being applied. In 1971 Texas passed a law requiring all trainers to be licensed by the state, the first law of its kind in the U.S. (Oklahoma will consider similar legislation next year).

Laws like that of Texas solve the problem of quality but not, unfortunately, the problem of quantity. To solve the latter, Houston came up with a solution that could be adopted by other school districts—possibly your own.

Vernon Eschenfelder, Jr., head trainer of the Houston Independent School District, described that unique solution in The Trainer.

"There are 59 schools in the Houston Independent School District—23 senior high schools and 36 junior high schools. The number of athletes suited up ranges from 50 in smaller schools to 125 in the larger ones.

"At the present time there are three full-time athletic trainers—one head trainer and two assistant trainers. The trainers have their training rooms at the three stadiums in the district and see the athletes after school for treatment. They see a student during school hours only in an emergency.

"The schools have a whirlpool and sufficient training supplies which they draw from the three stadium trainers. Each school has an assistant coach in charge of injuries. This coach has two or more student trainers who are trained by professional trainers.

"Each team has a team physician, and the professional trainers . . . consult the team physician for advice.

"Each year, during the month of August, a training school is conducted by the trainers. At this time students are trained and coaches brush up on training arts, i.e. emergency treatment of fractures, heat exhaustion, airway maintenance and transportation.

"It is recommended that each school have three student trainers, the head trainer a senior, and a junior and sophomore trainer. The student head trainer gets a letter and jacket as the athletes do. Many go on to college on athletic training scholarships.

"The athletic training program is a very successful operation. It saves the school district money and . . . with more intensive care the athlete has a better chance for complete recovery.

"The professional requirements for the trainer are the same as for teachers in the district; plus his professional experience in the field of athletic training. The pay scale is the same as for teachers, except trainers are on ten and one-half months contract. The trainer also receives extra pay equivalent to the pay of assistant coaches."

The Houston program is supported primarily by ticket sales.

Much assistance is now being given to high school student-trainers for, by default, the burden frequently lands on them when qualified trainers aren't available.

To aid those willing but sometimes unprepared youngsters, an inexpensive book has been published by the AMA in cooperation with NATA and the Athletic Institute: *Fundamentals of Athletic Training*. Copies of the paperback book are available for $2 each from the American Medical Association, 535 N. Dearborn Street, Chicago, Illinois 60610.

A multitude of other valuable teaching aids are offered by manufacturers of athletic equipment and training supplies—such as Cramer Products, Inc., Gardner, Kansas 66030, and The Kendall Company, Sports Division, 20 Walnut Street, Wellesley Hills, Massachusetts 02181.

In addition, Cramer sponsors summer Student Trainer Workshops at colleges and universities all over the country. Professional trainers supervise the 3½-day sessions, and a $55 fee covers tuition, meals and lodging.

WHAT PARENTS CAN DO

Dr. Timothy T. Craig, secretary of AMA's Committee on the Medical Aspects of Sports, told *Family Safety:*

"Parents should insist that five measures are taken prior to fielding a team: proper conditioning, careful coaching, good officiating, good equipment and facilities and adequate medical care (which means at a minimum a student athletic trainer, and a physician to contact in an emergency).

"With many communities it may be possible for parents, the board of education of several high schools and the local medical society to establish a coordinated sports medicine unit where injuries and rehabilitation are taken care of."

With parents' active concern, much can be done to reduce those annual 600,000 high school football injuries. And experiences like the following can be kept where they belong—in the past.

During a high school scrimmage some years ago, one of the young players started to limp. The coach told him: "Take a few laps around the track and run it off."

After running a few yards he fainted. X-rays later confirmed he had a broken ankle!

HISTORY WILL VIEW THE PRESIDENT AS A BADLY ABUSED MAN

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. FISHER. Mr. Speaker, an article written by William G. Ferris, carried in a local newspaper, contains some timely and interesting information on the subject of impeachment.

The article follows:

HISTORY WILL VIEW THE PRESIDENT AS A BADLY ABUSED MAN

Members of the House and Senate who would be involved in impeachment and trial proceedings of President Nixon might well give thought to the position history will allot them if there is such action. Almost certainly, history will view the impeachers critically while seeing the President as a badly abused man. The basis for such appraisal lies in the record of Andrew Johnson's impeachment.

Let me refer to "The Oxford History of The American People" By Samuel E. Morison. Professor Morison is a pro-Democratic historian, and he probably is running with the lynching party across Harvard Yard today, but that does not impair his summary of the Johnson impeachment. If we substitute a few words—Nixon for Johnson, Liberal Democrats for Radical Republicans and Cox for Stanton—the parallel with the current developments is startling.

Of President Johnson's personality, Professor Morison wrote: "Of origin as humble as Lincoln's . . . he had honesty and courage, but wanted tact and the art of winning men's minds and hearts . . . Johnson's pugnacious personality antagonized people, and by undignified acts and foolish speeches he lost the support of the Northern press, pulpit and business." (For business we might today substitute the academic community, which was not influential in 1867).

Professor Morison went on to note:

"The Radical leaders of the Republican Party . . . aimed at capturing the Federal government under guise of putting the presidency under wraps. By a series of usurptions they intended to make the majority in Congress the ultimate judge of its own powers, and the President a mere chairman of a Cabinet responsible to Congress . . ."

The act which ignited the impeachment proceedings was President Johnson's dismissal of Edwin Stanton, his disloyal secretary of war. Secretary Stanton was a typical Washington leaker, even though that was not the popular word at that time. Of him, Professor Morison said, "Secretary Stanton sneaked out Cabinet secrets to the Radicals and they . . . controlled the civil service." (How like today, even to the Democratic Party control of the Federal bureaucracy?)

Stanton's dismissal violated the Tenure of Office Act of March, 1867, which required that the President obtained the consent of the Senate before he could dismiss anyone in the executive branch initially appointed with the advise and consent of the Senate. Professor Morison noted, "Ten of the eleven articles of impeachment rang charges on the removal of Stanton, the other consisted of garbled newspaper records of the President's speeches." He concluded, as have historians generally, that ". . . the impeachment of Johnson was one of the most disgraceful episodes in our history."

It should be noted that President Johnson had little on the positive side to recommend his term in office to future historians, a situation which is not true of President Nixon. President Nixon has turned the course of events from a cold war confrontation with communism, set up the liberal Democrats during the term of President Truman, toward a mutual compatibility. This also would leave him an honored place in history, without regard to such matters as ending the draft, maintaining a highly prosperous economy, quieting the tensions upon college campuses, etc.

History will not note the hysterical words of the Nixonphobes in the press or on television, but it surely will recall the votes of congressmen if there is an impeachment. In Lincoln's phrase, they cannot escape history. Does Jerome Waldie wish to go down in history as the Twentieth Century Thad Stevens? Does Carl Albert, who as of now would succeed to the presidency, want to be the modern Ben Wade, who would have succeeded President Johnson? History holds these men in low repute, along with others of equally mean spirit.

There is a denouement to President Johnson's story: the U.S. Supreme Court, in Myers vs. the U.S., held the provisions of the Tenure of Office Act requiring Senate approval of dismissal of a member of the executive branch of government unconstitutional. In other words, the President can indeed fire a subordinate without asking the Senate for permission. Even if he's a Harvard professor.

WILLIAM G. FERRIS.

MASSAPEQUA, L.I., N.Y.

ENERGY CRISIS

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. MURPHY of New York. Mr. Speaker, the energy crisis is one of the most pressing short and long range issues facing our country today. Every citizen and public servant is gravely concerned. A shortage of power is not a regional but a national problem which must be studied and addressed as such. Accordingly, I should like to enter into the RECORD the remarks of my distinguished colleague, the Honorable Torbert H. MACDONALD, one of the Nation's most knowledgeable experts on this critical issue. In his capacity as chairman of the House Subcommittee on Communications and Power, he presented this information to the Southern Governors' Conference, Point Clear, Ala., on September 25, 1973. What Mr. MACDONALD said, however, is so important that it must be considered by a much greater audience:

REMARKS OF THE HONORABLE TORBERT H. MACDONALD, CHAIRMAN, HOUSE SUBCOMMITTEE ON COMMUNICATIONS AND POWER, SOUTHERN GOVERNORS' CONFERENCE, POINT CLEAR, ALA., SEPTEMBER 25, 1973

The topic you have chosen for this meeting, the energy and power crisis, is one that's terribly close to all of our thinking these days. I am sure that the pressure from your constituents is as great as it is from mine. This is no long-range problem to be discussed philosophically by a group of experts in a think-tank. It is here with us now, at the gas pumps and the heating oil delivery trucks all around the country. Perhaps we in New England are more apprehensive of the coming winter than you are in this delightful climate—but if things are permitted to drift as they have been drifting, if the energy czar in the White House and his colleagues don't display more energy than they have so far in taking some meaningful steps, then we are all in trouble, long-rang and short-range.

We may be able to avert some of this trouble if we attack the problem in unison. In the course of these remarks, I am going to ask for the help of the Southern governors in supporting my bill for mandatory allocations of fuel. It is my firm conviction that this is not a regional problem, but a national problem; and I hope I can convince you that the South has as great a stake in this situation as New England, the East Coast, the Midwest, the Rocky Mountain states, the northern West Coast, and everywhere else in the country.

For background, 30 seconds on what you undoubtedly already know:

At present, the nation faces the first peacetime fuel shortages in its history. Vital transportation and agricultural functions are being affected. Gasoline stations have closed, and hundreds which have not yet been forced to give up are standing with their backs against the wall. Independent refiners have run short of crude oil supplies. Units of local government—counties, cities, schools—are unable to get bids on fuels necessary for essential public service. Utilities warn about blackouts—and these are real blackouts, not the football blackouts that have been occupying the front pages in the last few weeks—unless their fuel supplies are replenished and guaranteed. Cries of real anguish come from virtually every sector of our economy.

What are the prospects for the situation taking care of itself, by a policy of muddling through? Almost nil. Or by a policy of governmental laissez-faire or voluntary controls? *Absolutely* nil. There is little chance that domestic refineries can catch up with spiraling demand.

According to the Interior Department, if we have a normal winter—whatever that is—the U.S. will need 650,000 barrels *per day* of No. 2 fuel oil for heating our homes. Last year, we averaged only 400,000 barrels per day. And the Department reports that a maximum of 550,000 barrels per day may be all that is available from all world sources. That's a one-hundred-thousand barrels-a-day shortfall.

On the average, we are using four million barrels of gasoline more than we produce each week. Whether some or all of this deficit can be made up through imports is highly uncertain, especially in light of recent developments in the Middle East. And those developments are coming thick and fast—an arbitrary rise in the price of oil from the organization of oil-producing countries within the last two weeks, the takeover of foreign oil investments in Libya, mixing oil and politics in Saudi Arabia, and more to come. Not a pretty picture when superimposed on the projections about how much imported oil we will need from that area of the world for the rest of this century.

I will spare you another analysis of how we got into this pickle. A number of us in the Congress, and I am among that number, have been attacking oil import quotas for a long time. They were finally dispensed with this year. The horse, however, had not only left the barn, but was last seen galloping down the road. Many of us have been looking suspiciously at the policies of the major oil companies. But all that is water over the dam. The question is what are we going to do about it now.

Obviously, I cannot speak for all 435 members of the Congress. There are many divisions of jurisdiction in both the Senate and the House on matters dealing with energy. On the Senate side, various aspects of energy come under the Commerce Committee, the Interior Committee, the Public Works Committee, and the Joint Atomic Energy Committee. On the House side, the same complex picture applies, with a few embellishments. There is legislation being considered on land use, on deep water ports, on the Alaskan pipeline, on research in coal gasification and a number of other fuels. There are investigations going on in a number of government agencies, and there are undoubtedly hundreds of reports and analyses being written.

It may look like a bad jigsaw puzzle to the distant observer. But when all the parts get put together, as they will, no one side gets everything it wants, but the compromises that are arrived at are usually pretty good laws.

But let me narrow the focus down to what is going on in my own Subcommittee on Power and in our full Committee, Interstate and Foreign Commerce, and therefore within the House of Representatives.

From the time the 93d Congress convened in January, we watched the Administration take halfway measures in the field of fuel allocation. The months went by, and the rumblings of discontent from independent fuel dealers and distributors became louder. A very competent man, William Simon, whose background, strangely enough, was in the investment business, was given, in addition to his job as Deputy Secretary of the Treasury, the assignment of heading the Oil and Gas Policy Committee. A number of optimistic statements came out from that Committee, along with promises of a firm Administration policy. Very little happened, except for the announcement of a "voluntary" allocation program, under which the major oil companies—on the honor system, evidently—would behave magnificently in the public interest and protect the rights of their competitors, the independent marketers.

This looked like a dubious proposition to me. In my ten terms in the Congress, I'm afraid I gained something of a reputation among the major oil companies of looking at a lot of their claims of acting in the public interest as dubious propositions. And sure enough, evidence piled up that the voluntary program was not working, as we had suspected from the outset.

So in May, I introduced a bill calling for mandatory allocations of refined petroleum products and crude oil to the independents at the same percentages that they were able to buy those products the year

before. At the same time, Senator Jackson introduced identical legislation on the Senate side.

A little over a month later, the House Commerce Committee was able to clear its commitments and hold hearings on my bill. During those hearings, we took testimony from representatives of the Adminisration, from members of Congress who told of the hardships being put upon their constituents, from organizations representing independent dealers and distributors, from the Federal Trade Commission (which had serious charges of collusion to bring against the major oil companies), and from the head of the President's Oil and Gas Policy Committee, Mr. Simon.

At that time—it was the 10th of July—Mr. Simon promised the Committee, under questioning from me, that the Administration would come forward with a new allocation policy within one week.

Needless to say, one week passed without any policy. And then it was two weeks, and then three—and the date for adjournment of Congress for the summer recess was getting closer and closer. I do not blame Mr. Simon for the inaction at the White House; he had been supplanted as head of the Administration's efforts in this area by Governor John Love of Colorado—an estimable man, I am sure, but not one of whom it can honestly be said that he has displayed a great deal of energy since he has been put in charge of energy.

In the closing week, having rested as long as we possibly could on the good faith of the Aministration—if not longer—the Congress tried to rush through the bill that Senator Jackson and I had introduced. I won't attempt to describe the parliamentary maneuvers involved; suffice it to say that Congress adjourned for the recess in some frustration with no mandatory allocations legislation.

Since the Congress reconvened after Labor Day, the House Commerce Committee has been proceeding with all due haste to report out this legislation. Unfortunately, the Committee was unable to report out the bill last week, after three separate executive sessions; but I think I can promise you that it will be reported out tomorrow. Then it will proceed with all possible dispatch to the floor of the House. We are assured that the Senate will act swiftly, and we hope and trust that the President will sign it into law.

Forgive me for spending so much time on one case history of one bill, but it may provide you with a microcosm view of the problems faced by Congress in dealing with the complex problems of the energy crisis. My bill dealt with a relatively simple problem, saving the only vestige of competition in the gasoline and fuel oil business, before it disappeared completely.

Basically, the bill:

(1) directs the President to institute a program of mandatory allocations of crude oil and petroleum products within ten days after its enactment, and to have that program in operation 15 days after that.

(2) The authority granted to the President is temporary; it expires in early 1975.

(3) Among the petroleum products specifically included are gasoline, kerosene, distillates (including No. 2 fuel oil used for home heating), diesel fuel, propane, residual fuel oil, and petrochemicals.

(4) It prohibits export of these fuels while they are in short supply and needed to fill priority needs in the United States. Fuel exchanges with Canada and others would continue as long as they did not contribute to shortages in the U.S.

And the bill specifically spells out the intent of Congress to protect independent, non-branded, branded, and franchise-holding marketers. These are the small businessmen who are being forced out of business. We do not intend to let this happen.

We have other energy business pending before our Committee. For the past several years, we have been working on a bill to simplify the procedures involved in power plant siting. This is a tremendously complicated problem; balanced against the obvious need for more power plants is the resistance of any given group of citizens to having such plants located in their back yards, plus the legitimate demands of the environmentalists. We face the same problem with desperately-needed oil refineries—and again, harking back to shortsighted policies of the past, a perfectly good refinery in my state was closed down by Exxon several years ago on the grounds that its output was not needed. No refineries are currently on the drawing boards in the continental United States—a situation, quite frankly, that I find appalling.

My subcommittee has continuing oversight responsibilities for the Federal Power Commission, which in addition to regulating electrical power generation is charged with setting prices on natural gas in the interstate market. In recent months, the FPC has made a number of ad hoc decisions letting the price of natural gas rise as much as 75%. This has the effect of circumventing the law, and we plan to call the Commissioners before our Committee in the near future for a full explanation of their actions. If gas prices are permitted to rise in this manner—and I for one am by no means convinced that such rises will guarantee an increased supply of this vital fuel—such action constitutes a deregulation of natural gas prices at the wellhead, a move that can only legally be undertaken by the Congress of the United States, certainly not by an administrative arm of that Congress—namely, the Federal Power Commission.

There can be no doubt that we face some agonizing decisions in the next few years as we attempt to insure supplies of energy and determine to guard the rights of the consumer. There are very real issues of foreign policy, very real differences of opinion on how to proceed in almost every area of the energy field. We must have energy, yet we must not destroy the quality of our environment. We must stop wasting gasoline, yet we cannot overnight restructure the automobile industry. Can we figure out a way to utilize our vast offshore oil potential without doing permanent harm to our shoreline and our beaches? Can we figure out a way to draw on the virtually unlimited supply of coal without ravaging the land and polluting the cities? Can we harness the sun's energy?

There are literally hundreds of key questions, and very few answers. None of those come easily.

It is our fervent hope that the Administration will begin to move in those areas where they can give leadership, especially in the field of research and development, which has long been overlooked and neglected. If the Administration is as solicitous of the states as they indicate, I am sure that the voices of the governors would be listened to. I urge you to raise them.

I can pledge you that my Subcommittee will be doing all that is in its power to maintain the competitive structure of the fuel business, to protect the interests of the consumer and the independent producer while searching out new sources of energy, and to get on with the urgent business of coping with the ominous energy crisis.

AFL–CIO ENDORSES NEW POLL TAXES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. RARICK. Mr. Speaker, I recently reported to my people that the proposed public financing of political campaigns was in reality but a new form of poll tax—a tax on the right to vote. Now we learn that the AFL–CIO at its convention at Bal Harbor, Fla., has called for public financing as a key to keep clean elections.

Many Americans, especially the working people who pay the Nation's taxes, may be aggrieved to learn that our national labor leaders have not only come out in support of increased taxes but also a revival of the poll tax to pay the politicking expenses of political candidates.

The newsclippings follow:

[From the Washington (D.C. AFL–CIO News, Oct. 27, 1973]

PUBLIC FINANCING CALLED KEY TO CLEAN ELECTIONS

BAL HARBOUR, FLA.—A new day in American politics, when money can't buy votes and a progressive majority is elected to Congress, was called for by the convention.

"The power of money in politics must be once and for all drastically curtailed," the convention said, adding that the keystone of the needed reform "must be public financing of political campaigns." The American labor movement will insist on legislation to reform campaign spending, just as it insisted on one-man, one-vote, the resolution said.

Another convention resolution said the opportunity appears at hand to make significant gains in the House and Senate in the 1974 elections. The resolution pledged the "total commitment" at all levels of the labor movement to achieve victories for COPE-endorsed candidates in the 1974 congressional elections.

That resolution was passed in the midst of repeated mention by convention speakers of the need for a "veto-proof" Congress in view of seven Nixon vetoes during 1973 that Congress failed to override.

The effort to elect such a Congress should include establishment of COPE committees in every affiliated local, the COPE resolution said, "to assure political participation by every member, to the extent at least of registering, voting and contributing $2 to COPE."

The convention, in a separate resolution, also called for enactment of the postcard registration bill now pending in Congress. But the convention voted nonconcurrence on two other political resolutions, one calling for special AFL–CIO conventions to make presidential endorsements and the other to commend and support the Democratic Party's delegate selection commission.

The resolution on campaign spending cited the surpluses left over from the $60.2 million raised in 1972 by the Finance Committee to Re-elect the President and said, "there is no room in our democracy for even the remotest possibility that elections can be bought by those who possess great wealth or control over it."

The Executive Council pointed out in its report to the convention that despite the almost 2-1 victory by Nixon in 1972, the labor movement was able to make good on its goal of protecting progressive congressional candidates from being swamped in the Nixon landslide.

The overall COPE winning record was almost 60 percent for all candidates endorsed for the House, Senate and governorships, the council reported, with 244 of 408 COPE candidates winning. In the House, the COPE record was 217 winners out of 362 endorsements, in the Senate 16 of 29, and in governorships, 11 of 17.

Much of that success can be traced to the spiraling increase in the number of union members who were registered to vote in 1972, the council pointed out.

"The overall percentage of union members, registered nationally set a new high of between 75 and 80 percent, reaching the 90

percent range in five states and the 80s in nine states," it was reported. That compared to only a 65 percent registration in 1970.

The council traced this increase to expanded labor efforts across the entire political spectrum, with particular successes noted by such groups as the National Council of Senior Citizens, Frontlash and the A. Philip Randolph Institute. With labor backing, those groups conducted significant voter registration programs among specialized groups.

Also, the division of responsibility by AFL-CIC Executive Committee members in 10 geographic areas contributed to labor victories in 51 of the 83 House districts and 10 of 19 Senate races that COPE had judged as marginal.

For 1974, early indications are that 15 Senate races and 80 House districts will have races close enough to be classified as marginal, the council reported.

Finally, the council pointed out that COPE's election drives improve steadily with the advancement of its data processing program, which will have some 10 million union members enrolled for the 1974 elections.

Twenty-three states had computerized voting lists in the 1972 elections, it was reported, and that will be expanded to 37 for 1974.

[From the CONGRESSIONAL RECORD, Oct. 3, 1973]

RARICK REPORTS TO HIS PEOPLE: TAXPAYER FINANCED POLITICAL CAMPAIGNS, THE NEW POLL TAX

WEDNESDAY, OCTOBER 3, 1973.

Mr. RARICK. Mr. Speaker, an extensive debate is currently taking place not only here in Washington, but throughout the country. One question most often heard in an increasing number of circles is: Should tax dollars be used to finance political candidates?

There are currently 13 bills before the House of Representatives that deal with election campaigns and the funding of candidates' expenses. They deal with every aspect of election campaigns from reporting of contributions to setting up a special level of bureaucrats to oversee the activities of elected officials.

Clearly the mood of the Nation is one of reforming our electoral system. A recent opinion poll published in the local Washington papers indicated that a substantial majority of the 1,500 people interviewed favored public financing of political campaigns. Such a scheme is already being considered by Congress. If we assume that the results of the survey are correct, it leads one to wonder if the voters fully understand what public financing of campaigns means to them and what brought about such a reaction.

Probably the overriding factor causing this campaign financing issue to gain the prominence it has is the "Watergate syndrome." I mean by this a public backlash at the disclosures made through the Senate's investigation of Presidential campaign abuses. The reported millions of dollars of loose political money that floated around during that campaign and its use to influence or control the election has caused many Americans to question the very system of our electoral process. Is an entirely new system of financing political parties, and therefore elections, needed? This is a question presently being raised in Congress.

We are told by the opinionmakers in the mass media that politics has become a "rich man's game" and that "special interests"—that vague group supposedly controlling our elected officials has moved the "little man" out of the picture. With the Watergrate revelations daily confronting the TV viewer and the reader of newspapers, it is easy to accept this oversimplification and to actually believe that this is the true solution in political elections.

It should be remembered that the abuses attributed to Watergate, and all the things that the term has come to represent, came into being before the present campaign reporting system went into effect. Under the system now in force, campaign contributions over $100 are a matter of public record and available to any citizen who wishes to take the time to check. This certainly includes members of the news media. This hardly affords an opportunity for these "special interest groups," whomever they may be, to remain hidden from public view and scrutiny. Since the enactment by Congress of the current campaign reporting laws, there have been few, if any, of the fraudulent activities or the massive campaign fund accumulations such as those revealed in the Senate hearings.

It should be remembered too, that the very fact that the alleged abuses have been brought to public light is a result of the various checks and balances built into our system of government. Unfortunately, no matter how perfect a system is created by well-meaning officials, there will be individuals who will attempt to circumvent the law. When they do, they should be punished. We also have the system of laws to do this.

Public confidence in elected officials, is reportedly at an alltime low. We have seen public officials tried and convicted of abusing the public trust given them by the voters. But, to demand that elections be financed with money from the Public Treasury—tax money—is illogical and a politically dangerous situation. It would turn the entire electoral process over to those same politicians and to the bureaucrats they control. Now they would simply be manipulating elections with taxpayers money rather than voluntary contributions.

If, as the opinion makers would have us believe, politicians cannot be trusted to raise their own funds to finance their elections, how can anyone expect to correct financial abuses of politics by putting other politicians in charge of paying for political expenses out of the U.S. Treasury and out of the taxpayers' pockets?

I find it difficult to believe that the American people actually want public funds used to pay the costs of campaigning, as this poll would suggest. This type thing has been tried in a limited way through the checkoff system on the personal income tax form. Under this campaign financing method, you will recall, the individual taxpayer can indicate that he wants the Government to deduct $1 from his tax refund check to go to either national political party or to an independent party. This has proven unsuccessful, and there is no reason to believe that it would work in a more extensive manner. This income tax checkoff system is a failure largely because our people would rather donate their money or their time directly to the candidate of their choice. They do not want money being used to pay the expenses of the Presidential choice of the national party when the candidate does not represent their views.

But under various programs so far suggested, the taxpayers' money would go to the political party for distribution to candidates who agree to support the party's position. In recent years, we have seen a shifting from the old allegiances. A more independent American voter has emerged. There is a prevailing attitude among Americans today that the right to vote is also the right not to vote, if they feel that none of the candidates running deserve their vote.

If a federally subsidized system of elections became law, the Democrats, Republicans or Independents would not be the sole beneficiaries of taxpayers' money. In all probability, limitation of fund distribution to the major parties would be declared by the courts to be discriminatory against the various smaller parties representing divergent opinions in politics. It is logical to assume that when the money is divided by the bureaucrats in charge, a portion would be allocated to the Socialist Party, the Communist Party U.S.A., or any of a number of splinter groups who usually run candidates with views alien to the American general ideas.

Your money would go to pay for all the public relations and advertising gimmicks so popular in todays' electioneering. Money for signs, newspapers, TV and radio advertisements, as well as buttons, bumper stickers and fingernail files would come directly from your taxes. While it may look like a windfall for those people in the public relations and advertising businesses and the advertising media, the Federal controls of the purse strings also brings Federal controls to the distribution and use of the funds.

When the Federal Government gets into the financing of elections, the "little man," who is supposed to benefit from these schemes, can expect to be even further removed from the electoral process. The volunteer worker, who has always been the backbone of any campaign in the past, would no longer feel the need to get involved. After all, he has supported all candidates in the election with his tax money. The so-called "little man," the person who contributes $5 or $10 or several hours of his time to help a candidate he believes in, would no longer be able to directly help his candidate financially. He would no longer actually participate in the outcome of an election. The Government would have removed the need for him to get involved.

Public financing of elections is tantamount to telling the voter that he is incompetent to participate in the election process, and that big Government must now take over that responsibility. Yet, he must pay the costs, through increased taxes even though there is no candidate running that he would support or vote for.

In 1962 the 24th amendment to the Constitution was ratified by the States and became law. It said that no person could be denied the right to vote in elections because he had failed to pay any poll tax. It was thought that by removing this longstanding practice in some States, more people could directly participate in elections. In little more than a decade, we have come to the point where Government may soon tell the voters that they must pay a new poll tax—a tax to support a collectivist political campaign fund. The American taxpayers already have too much to pay now, without further burdening them with public financing of campaigns.

The Federal laws already on the books have not been given an opportunity to work. Before placing more stringent limitations on contributions or before bringing full or partial political financing under Government control, we should carefully assess the laws we already have available to keep the election process honest.

We must not let an overreaction to the "Watergate syndrome" stampede us into undoing the basic freedoms and protections of our constitutional system.

LEGAL SERVICES

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. LANDGREBE. Mr. Speaker, as the Senate proceeds to consider the question of a Legal Services Corporation, which received House attention on June 21, Members should be aware of the significant erosion of safeguards being attempt-

ed by the Senate Committee on Labor and Public Welfare. For the information of those Members who supported the inclusion of prohibitions on abuse, I place in the RECORD an analysis of the bill marked up by the Poverty Subcommittee of the Senate Committee on Labor and Public Welfare—the full committee markup varies in minor respects.

The analysis spells out, first, how the Senate bill is weaker than that for which the White House announced support in May; second, how the Senate bill is weaker than that which passed the House; and third, other safeguards which have been proposed to strengthen the proposal as one to serve the legal needs of the poor, rather than the political needs of poverty lawyers. I commend this analysis to the attention of my colleagues:

MEMORANDUM OF ANALYSIS: LEGAL SERVICES

A. *The marked-up bill weakens the Administration proposal in the following respects:*

1. S. 1815 proposes to extend the Economic Opportunity Act for an additional year of authorization.

2. The preamble implies continuation of the present program intact, minus any claim to accountability by elected officials.

3. As an amendment to the EOA, S. 1815 would preclude jurisdiction by the Committee on the Judiciary.

4. Appointment of the board chairman would cease to be a Presidential prerogative after three years, thus further diminishing political accountability.

5. State advisory councils are weakened by limiting membership to lawyers and requiring recommendations of the State bar association.

6. The National Advisory Council is revived, with appointments to be made, not by the President, but by the board, with pre-set categories of appointees.

7. The President of the Corporation is denied authority to directly remove employees of grantees.

8. The Corporation is denied the option of funding legal services activities through state and local governments except to supplement other recipients.

9. The requirement of admission to practice is diluted to permit the hiring of those as attorneys who are "authorized to practice law or authorized to provide . . . assistance . . ."

10. Prohibitions against participation in and encouragement of "picketing, boycott, or strike" are virtually eliminated.

11. Self-enforcing penalties for violation are removed.

12. Citizen suits to enforce compliance, with reimbursement of costs to successful litigants, are eliminated.

13. The prohibition against lobbying by Corporation personnel is replaced with a mandate to lobby.

14. Recipients are authorized to participate in "advocating or opposing" legislative proposals. Prohibitions against other forms of issue lobbying are weakened substantially.

15. The provision for token free schedules to limit frivolous and lawyer-initiated activities is removed.

16. The critical prohibition against outside practice of law is rendered meaningless, as is the ban on representation of ineligible clients;

17. The ban on grantee lobbying is, in effect, wiped out;

18. The ban on political activity, voter transportation, and voter registration is rendered meaningless.

19. Provision for review of appeals is rendered meaningless.

20. Prohibition against dilution of funds on "prisoners rights" activities is eliminated.

21. The prohibition against aid to "public interest" law firms is rendered meaningless.

22. Prohibitions against representation of juveniles without parental consent are rendered meaningless.

23. The prohibition against organization of groups is rendered meaningless.

24. The requirement of lawyer majorities on local boards is made subject to exception for present grantees.

25. The opportunity for board review of grant decisions is limited.

26. The provision for 10% client choice fundings is eliminated.

27. Review of the staff attorney system is postponed for nearly two years.

28. Audit requirements are severely weakened.

29. The prohibition against commingling is eliminated.

30. The funding authorizing level is sharply increased, to 100 million dollars in FY 1976.

31. It is provided that appropriations are to remain available until expended.

32. New provisions make it virtually impossible to discontinue a grantee.

33. New provisions bar Congressional Executive overview of the Corporation, its employees, and its recipients;

34. OEO personnel would be automatically transferred to the Corporation, locking in the career liberals who came in with Lenzner.

35. OEO's outrageous union contract would govern the Corporation.

B. *In addition to its weaknesses compared to the Administration bill, the marked-up bill is weaker than the House-bill by failing to include a number of safeguards and prohibitions.*

Missing in the proposed Senate version are:

(1) 1978 liquidation of the Corporation, pending new congressional authorization;

(2) tighter prohibitions against picketing, boycotts, and strikes;

(3) prohibitions against use of "non-Federal share" for otherwise unlawful activities;

(4) tighter restrictions on involvement in initiative and referendum drives;

(5) ban on "law reform", "political advocacy" backup centers.

(6) requirement that costs be reimbursed to prevent harassment of defendants;

(7) Preference to local attorneys in hiring for staff positions;

(8) Same standards for LSO attorneys as those in private practice, despite more liberal Canon provisions for LSO's re solicitation and propagandizing.

(9) tighter anti-lobbying provisions;

(10) tighter ban on political activity;

(11) requirement of ⅔ lawyer majorities on local boards;

(12) tighter ban on improper juvenile representation;

(13) ban on busing suits;

(14) ban on fees from LSO-initiated cases;

(15) ban on suits to encourage abortion;

(16) ban on aid to military deserters;

(17) tighter ban on commingling of funds.

C. *Additional safeguards which should be considered, but which are not covered in either the Senate, House, or Administration versions include the following, which are proposed for amendment to the House-passed version.*

(1) Sec. 2(1)—Definition of "State" should be amended to eliminate "The Trust Territory of the Pacific Islands, and any other territory or possession of the United States."

(2) Sec. 3(a) should be amended to provide for a Federal charter, rather than "a private nonmembership nonprofit corporation" under the more flexible D.C. rules of incorporation.

(3) Sec. 4(a) It should be specifically set forth that Presidential appointees to the Corporation board of directors shall be reviewed by the Senate Judiciary Committee, rather that the Committee on Labor and Public Welfare.

(4) Sec. 4(f) should be amended to give state advisory councils power to approve or reject, by two-thirds votes, funding decisions of the National Corporation concerning programs in their states.

(5) Sec. 6(a) (1) and (3) should be revised to require that all activities undertaken in a particular state by the National Corporation be subject to review and possible disapproval, by two-thirds vote of the state's advisory committee.

(6) Sec. 6(b) (1) and (2) should be revised to make penalties for deviation from the act's requirements self-enforcing, after determination of the facts, by automatic termination of attorneys and grantees who have used or attempted to use resources for prohibited activities. Provision should be made for citizen suits to facilitate enforcement when officials of the Corporation or the Executive branch are lax.

(7) Sec. 6(b)(4) should be amended to require that attorneys be "admitted" rather than simply "authorized" to practice in the jurisdiction where representation is initiated.

(8) Sec. 6(b)(5) should be strengthened to more clearly bar lawyer-generated policy advocacy, directly or through others, as well as any staff assistance to groups engaged in advocacy on matters of public policy.

(9) Sec. 6(d)(3) should be clarified to show that "political association" includes all groups which in any way have an interest in advancing particular views on matters of public policy; for example, welfare rights groups.

(10) Sec. 7(a)(2) should be amended to more carefully define eligibility standards for representation, barring non-citizens, convicted felons still incarcerated and "poor" children of affluent families. A one dollar token fee should be required to help limit lawyer manipulation of the poor in pursuit of lawyer goals.

(11) Sec. 7(a)(6) should be amended to preclude handling of political cases such as those dealing with boundaries of political districts, qualifications for voting (e.g. prison inmates), campaign contributions, or matters pertaining to candidates for public office. The section should also be amended to ensure that prohibitions on attorney campaign management and involvement cover not just candidacies for office, but also campaigns to influence opinion on questions of public policy.

(12) Sec. 7(a)(7) should be amended to provide that, as a precondition to employment, local legal services projects which receive more than half their resources from the Federal government be required to limit their hiring of attorneys to persons who have been admitted to practice locally for at least six months, provisions waivable only by two-thirds vote of the state advisory committee.

(13) Sec. 7(b)(1) should be amended to flatly prohibit representation in criminal proceedings or to persons still incarcerated for crimes of which they have been convicted.

(14) Sec. 7(b)(3) should be amended to flatly bar all funding of "public interest" law firms.

(15) Sec. 7(b)(4) should be strengthened by striking the exception to the prohibition against advocacy training.

(16) Sec. 7(b)(5) should be rendered meaningful in its bar to group organization by striking the "except" clause.

(17) Sec. 7(c) should be amended to provide that grantee boards must be either appointed or approved by the principal elected officials of the jurisdiction(s) in which the program is authorized to operate. The "except" clause should also be stricken.

(18) Sec. 7(e) should be revised to elimi-

nate discrimination against grants to state and local governments.

(19) Sec. 7(f) should be amended to provide for veto by elected officials, rather than mere advance notice.

(20) Sec. 7(g) should be revised to establish an automatic shifting of funds away from lawyer-based staff attorney system in the direction of client choice systems. Thus, for example, the first year at least 25% of Corporation resources would subsidize client-choice legal aid, 45% the second year, 65% the third year, 85% the fourth year, 100% by the fifth year.

(21) Sec. 10(a) should be amended to strike the language: "Funds appropriated . . . shall remain available until expended."

(22) Sec. 12 should be amended to specifically provide that grantees and employees have no rights of continuation under the Corporation, except as the Board determines necessary to conclude pending litigation.

TREASURY STUDY SUPPORTS VANIK-MOSS APPROACH TO CONSERVE GASOLINE—III

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. VANIK. Mr. Speaker, to insure our future economic well-being, there can be no higher priority than the institution of realistic programs to conserve energy. Although our economy has thrived on plentiful, low-cost energy in the past, this luxury no longer exists. In the words of one analyst, "The energy joyride is over."

We must begin now to contemplate positive policies to encourage the maximum efficient use of our available resources. I have introduced with 39 of my colleagues legislation to assess a tax on inefficient automobiles (H.R. 9859). The administration is contemplating a similar step. I am including here portions of a Treasury Department study which discusses at length the tremendous potential of this approach:

AT WHAT RATE SHOULD THE TAX BE SET?

If we assume only available technology as listed earlier in this report, then it is possible for U.S. automobile manufacturers to redesign U.S. large cars (medium, regular, sport and intermediates) to effect an average increase in miles per gallon (mpg) of 75 percent. This would yield an average mpg of close to 20, which would then mean that such cars would pay little or no tax. The changes, however, are estimated to cost about $850 per car. Clearly, a tax that was too low would produce few improvements in car design, since most improvements in car design would add more to the price of the car than they would reduce the tax. The minimum tax which would bring about car redesign in the large cars would be one where the tax was higher than the cost of eliminating the tax, or (tax rate) · (EG) = cost of eliminating the tax.

For a large car, which gets 11.4 mpg for instance, and could therefore get 20 mpg if $850 worth of improvements were made in design ($11.4 \times 1.75 = 20$)

11.4 mpg = 8.77 GPCM = 3.77 EG.

Min. tax rate = $850/3.77 = $225 per EG.

At this rate the tax would exactly equal the cost of eliminating the tax. At a rate higher than this, it would pay the manufacturers to eliminate the tax.

At this rate it would not necessarily be to the advantage of the automobile manufacturer to introduce design changes, since the tax would exactly equal the cost of the design changes. To assure changes, therefore, the tax should be set slightly higher (e.g. $10) so as to ensure adequate incentives. For this reason, a tax rate of $235 per EG is proposed.

At this rate, therefore, it can be assumed that it would pay manufacturers of almost all cars except high price cars to redesign them to avoid the tax completely (by getting as close to 20 miles per gallon as possible), and, except for high price cars, eventually few taxes would actually be collected.

HOW LONG WOULD THE REDESIGN PERIOD TAKE?

Automobile manufacturers are tied to long design lead times. It takes about 3 years for manufacturers to introduce major model changes. Any tax, therefore, which was imposed immediately could not affect automobile design. It would merely affect consumer choice and would hurt new car sales. It could be argued, therefore, that the tax should be enacted now, to be effective three years hence.

It is unlikely, however, that automobile manufacturers would be influenced solely by the economics of the tax in their design plans. There could be concern that redesigned models might not sell as well. Prudence and desire to maintain a competitive position would undoubtedly influence all manufacturers to redesign some models but to retain some traditional models to give the consumer a choice of redesigned or a conventional car.

Federal tax policies, therefore, should recognize this probability and should be designed accordingly. It is suggested, therefore, that the tax should be enacted now with its application in three stages—to 1975, 1976, and 1977 and future model years—with one-third of the eventual tax being imposed each year:

Tax per excess GPCM (EG)

	Computed	Rounded
1975	$78.33	$80
1976	156.66	160
1977	235.00	235

In this way, the manufacturers could observe the effect of the tax in changing consumer preferences and plan their designs accordingly. There would thus probably be a gradual shift over to redesign: low-friction tires and some weight reduction in early years, later would come redesign of power train and body shell, still later engine redesign and overdrive, etc. It might, therefore, take about 4 years to introduce all the improvements, after a 2-year lag period, or 6 years in all.

It would thus be possible to make some assumptions on the gradual adoption of savings due to redesign as follows:

EFFECT OF THE TAX ON LARGE CARS

	1973	1974	1975	1976	1977	1978	1979	1980
Average mpg due to redesign	10.17	10.17	10.17	12.0	14.0	16.0	18.0	18.0
GPCM	9.83	9.83	9.83	8.3	7.14	6.25	5.56	5.56
EG	4.83	4.83	4.83	3.3	2.14	1.25	.56	.56
Tax rate per EG			$80	$160	$235	$235	$235	$235
Tax per car			$386	$576	$503	$294	$132	$132

This chart assumes, therefore, that the economic pressures on automobile manufacturers would be likely to induce them eventually to redesign their cars to produce significant gasoline savings, and therefore reduce their tax as much as possible.

EFFECT OF THE TAX ON HIGH PRICE AND COMPACT CARS

As already noted, it is assumed that the demand for high priced cars is extremely inelastic, so that the tax would not be likely to lead to a redesign. The tax would undoubtedly, however, discourage any further reduction in engine efficiency. As a result, we predict no change in high-priced cars as follows:

EFFECT OF TAX ON HIGH-PRICED CARS

	1973	1974	1975	1976	1977	1978	1979	1980
MPG	8.95	8.95	8.95	8.95	8.95	8.95	9.95	8.95
GPCM	11.17	11.17	11.17	11.17	11.17	11.17	11.17	11.17
EG	5.17	5.17	5.17	5.17	5.17	5.17	5.17	5.17
Tax rate			80	160	235	235	235	235
Tax per car			$414	$827	$1,215	$1,215	$1,215	$1,215

Similarly, on small cars, the tax would have the effect of pushing the companies to adopt the national standard—there would be little incentive to exceed it.

EFFECT OF THE TAX ON SMALL CARS

	1973	1974	1975	1976	1977	1978	1979	1980
MPG	15.78	15.78	16.0	17.5	19	20	20	20
GPCM	6.34	6.34	6.25	5.71	5.26	5.0	5.0	5.0
EG	1.34	1.34	1.25	.71	.26			
Tax rate			80	160	235	235	235	235
Tax per car			$100	$114	$61	0	0	0

INCREASED CONSUMER SHIFT TO SMALLER CARS

The trend towards the purchase of smaller cars by U.S. consumers is already quite pronounced. How much would a vehicle economy tax aid this shift?

Computation of the effect of the tax must take into consideration that the public is shifting to small cars anyway. Is this trend likely to continue? No one can predict with certainty. However, it is clear that a vehicle economy tax would be of significant help in maintaining this existing trend. If we project the trend of car purchase shifts from 1967 to the present, on up through 1980, we see that by that time small cars could account for 66 percent of the public's total automobile purchases.

For this reason we have assumed that the trends would continue, through 1980, and project sales on that basis. It is, of course, possible that the tax would make the shift even more rapid. Since there is no basis for knowing whether this would be true or not, it is not assumed.

The following charts show the assumed automobile sales in 1973–1980 assuming 9,900,000 cars sold per year (a projection of the last few years) and the distribution pattern of models projecting trends since 1967.

MARKET SHARE OF CARS WITHOUT THE TAX, 1973–80

	Percentage of total sales							
	1973	1974	1975	1976	1977	1978	1979	1980
High price [1]	2.4	2.6	2.6	2.6	2.6	2.6	2.6	2.6
Large cars	57.5	54.1	50.2	46.3	42.4	38.4	34.4	31.4
Small cars	39.9	43.3	47.2	51.1	55.0	59.0	63.0	66.0
Foreign [2]	15.9	16.0	16.0	16.0	16.0	16.0	16.0	16.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

ESTIMATED NUMBER OF CARS SOLD 1973–80 WITHOUT THE TAX

	Percentage of total sales							
	1973	1974	1975	1976	1977	1978	1979	1980
High price	238	257	257	257	257	257	257	257
Large cars	5,712	5,356	4,970	4,583	4,198	3,802	3,706	3,109
Small cars	2,375	2,702	3,089	3,475	3,866	4,257	4,653	4,950
Foreign	1,574	1,574	1,574	1,574	1,574	1,574	1,574	1,574
Total	9,900	9,900	9,900	9,900	9,900	9,900	9,900	9,900

[1] Assumes high price cars continue to hold market share unchanged at average of 1967–73.

[2] Assumes foreign car sales level off at 16 percent due to devaluation and growth of United States made subcompact.

HOW MUCH WOULD THE TAX REDUCE TOTAL AUTOMOBILE SALES?

There exist many studies of the elasticity of demand for automobiles. One typical study is that by Lewis Philips in the November 1972 issue of the Review of the Economic and Statistics. This study indicates that the short run elasticity demand for automobiles is −.78.[1]

If we apply the tax rate, and the cost of improvement designed to avoid the tax to the 1973 base prices of large and small cars, we get the following calculations of sales reduction in 1975–1980.

FOOTNOTE

[1] Other studies show similar figures: Suits −.6, −.7; Dyckman −.7, −.8; Anti-trust Subcommittee study number I −.7, II −1.2, III −.7; Hyman −.78.

EFFECT OF THE TAX ON LARGE CAR SALES

	1973	1974	1975	1976	1977	1978	1979	1980
Base price [1]	$3,421	$3,421	$3,421	$3,421	$3,421	$3,421	$3,421	$3,421
Extras (to avoid tax) [2]				213	426	639	850	850
Tax [2]			386	576	503	294	132	132
Total price [2]	3,421	3,421	3,807	4,210	4,350	4,354	4,404	4,403
Percent price increase	0	0	11.3	23	27	27	29	29
Sales projection (number of vehicles) [3]	5,712	5,356	4,970	4,583	4,198	3,802	3,406	3,109
Sales reduction (number of vehicles) [4]			409	769	827	749	721	658
Sales estimate (number of vehicles)	5,712	5,356	4,561	3,814	3,371	3,053	2,685	2,451

EFFECT OF THE TAX ON SMALL CAR SALES

Base price	$2,264	$2,264	$2,264	$2,264	$2,264	$2,264	$2,264	$2,264
Extras (to avoid tax)			51	123	231	303	303	303
Total price	2,264	2,264	2,415	2,501	2,556	2,567	2,567	2,567
Percent price increase			6.7	10.5	12.9	13.4	13.4	13.4
Sales projection (number of vehicles)			3,084	3,475	3,861	4,257	4,613	4,950
Sales reduction (number of vehicles)			15.1	266	364	416	455	484
Sales estimate (number of vehicles)			2,933	3,209	3,497	3,841	4,198	4,466

[1] Apr. 2, 1973, manufacturers suggested retail price from Automotive News, Apr. 20, 1973, weighed prices for each class.

[2] From projects of cost of introduction of improvements, i.e.:

Cost of improvement=($850) (percentage of improvements installed)

$$=\frac{(\$850)\ (\text{percent improvement in mpg})}{0.75}$$

$$=\frac{\$850}{0.75}\left[\frac{mpg_n - mpg_o}{mpg_o}\right]$$

where mpg_n=mpg in year$_n$; mpg_o=mpg in 1973

[3] All sales figures in thousands of vehicles.

[4] Sales reduction=(0.73) (percent price increase) (sales projection).

It should be noted that no changes in the sales of high priced cars or foreign cars is projected. High priced cars would not be affected because statistics from 1967 to 1973 show sales of such cars to be price-inelastic. Foreign cares are not affected because they would, on the whole, pay no tax since they get such high mpg.

It is possible, of course, that there would be some reduction in the sales of high priced cars due to the tax. The total effect, however, is minimal since such cars constitute only 2.6% of all car sales, and even a 20% drop in sales would affect the total picture by only 0.5%.

THE SUCCESSION OF THE VICE PRESIDENT

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. GONZALEZ. Mr. Speaker, a few days ago, I suggested that the distinguished minority leader should resign from the House, now that he has been nominated to fill the vacancy in the Office of the Vice President. I also suggested that the Congress should consider changes in the 25th amendment, and my purpose today is to develop these thoughts further.

I have no partisan purpose in suggesting that Mr. FORD should resign; far from it. I simply believe that his resignation would remove the present ambiguity involving his position and allow the House to proceed with its consideration of his nomination without running the risk of having its own judgment questioned.

From the constitutional point of view, we know that it would be impossible for a man to be a Member of the Senate and at the same time serve as Vice President. In the only case that remotely resembles the present situation, a Vice President resigned immediately upon his election to be a Member of the Senate. In this case, it seems to follow that Mr. FORD cannot be a Member of Congress and Vice President at the same time. But I believe that he should resign now, rather than await confirmation.

Already, Mr. FORD is enjoying many of the perquisites of Vice President. He has received the secret information that a potential President alone receives; he enjoys the use of offices in the Executive Office Building; he is accorded Secret Service protection; and he enjoys use of the Presidential fleet of aircraft. Politically he is already performing the chores of Vice President; his work is now not to represent the people of his district, but to represent the views of the administration he has been nominated to serve in. I do not claim that any of this is improper, but it is all clear evidence of his new status. Mr. FORD is now much more than a Member of Congress, and his political function is no longer that of a Member of this body.

I believe that if Mr. FORD would resign, he would make clear his new status, and make clear his respect for the institution that he has served so long and well. We are, after all, an independent and equal branch of Government, and it would be a mark of his understanding and respect of that, if he were to resign.

Beyond this, I believe that such an action by the distinguished minority leader would publicly demonstrate his faith that the Congress will act on his nomination rapidly and favorably. His resignation would also clear the way for selection of a new minority leader, thereby easing the transition problem that the House must sooner or later confront—and the sooner, the better. If Mr. FORD is confirmed, the minority must select a new leader. He will have to spend some time getting organized and establishing proper communication with the Executive, which is most important in these urgent times. The better that such a transition is made, the better it will be for the House. And if in the remote event Mr. FORD is not confirmed, his value and use as a House leader would be very low or nonexistent, in which case it would be best for all parties if he did not occupy his leadership position.

I do not offer this suggestion without having given it considerable thought, nor is it inconsistent with advice that I have given Democrats. Fundamentally, I do not believe that anyone in an ambiguous position can make his political case fairly, or be judged on his own merits. Let me cite an example. A sitting Vice President who runs for President starts in an ambiguous position. He is placed in the position of being at once his own master, and of having to defend policies that he might have had nothing to do with, or even agreed with. Thus, when Richard Nixon ran unsuccessfully for President, he faced the problem of having to establish his own policies and his own image while at the same time defending those of the man he was trying to succeed. He failed to be elected. When HUBERT HUMPHREY was in the race for President, he also was in the position of defending policies that he did not develop and probably disagreed with, and at the same time proving that he was his own man, with policies of his own. He also failed to be elected. I recommended to Mr. HUMPHREY that he resign as Vice President immediately after his nomination. In this way, his position would have been clear: he would have clearly shown his independence and his desire to have his proposed policies judged on their own merit.

I believe that Mr. FORD would do well to resign his position, so that he would immediately make it clear that he is independent of the Congress and speaking for his own nomination.

My thinking along this line has been consistent. Before I came to Congress, I opposed a process that allowed Lyndon Johnson—and I never admired any man more—to run for reelection to the Senate at the same time he was running to be elected Vice President. This dual race struck me as unfair to the Senate, by presenting it with a vacancy in case of Mr. Johnson's election, and unfair to the ticket, by giving the impression that he had little confidence in the prospects for his election.

I believe that it is incumbent on all public servants not only to make their personal positions clear and unambiguous, but to also respect the institutions they serve. Power must not be abused, and those having power must be discreet in their exercise of it.

It is plain that the Office of Attorney General is one of great power. The holder of that position has in his hands the enforcement of law, and his honesty and discretion in the exercise of his powers stands almost alone in preventing intolerable abuse of law and liberty alike, as we have seen in the first Nixon administration. Between the Presidency and the Attorney General there is a great deal of power. If either or both allows abuse, we are all losers, and if either or both allows political considerations to come before fair judgment, liberty is endangered. When President Kennedy announced that he would appoint his brother Attorney General, I advised against it, and asked Robert Kennedy not to accept the nomination if it were offered. I felt then, as I do now, that the Office of Attorney General had to be held by a person whose independence was clear, and who could not be considered a political agent of anyone. I believed that Robert Kennedy's nomination by his brother placed both men in an ambiguous position. Worse, it had the potential of politicizing an office that of all Cabinet posts, can least be treated as a political office.

So my position has been consistent and clear.

I believe that Mr. FORD would serve the country, the administration, and the House, itself, best if he were to resign. He would then be a nominee, plain and simple, and he would be perfectly free to conduct himself as an agent of the President. But as matters stand now, he is sworn to represent the people of his district in this House, and serving those two ends could result in conflicts between the political demands of his position as nominee, and his duties as a member of Congress. This might not happen—but it could, and it seems reasonable to say that since being a Member of Congress and a nominee for Vice President is not necessarily the same thing, one should be one or the other, but not both. I believe this in the same way that I believe one cannot be an incumbent Vice President and candidate for President at the same time.

I have also said that the 25th amendment should be changed.

One unfortunate thing about the 25th amendment is that it provides two ways, both unsatisfactory, in which a President could be declared disabled. Neither procedure would prove particularly workable in a time of great political turmoil, and both contain within them the seeds of political instability.

One method of declaring the President disabled would be for a majority of the Cabinet to notify Congress of the disability. But the Cabinet members are not elected to anyone, and they are in no way independent of the President. There is nothing that would suggest that any President would allow himself to be examined merely because the Cabinet suggests it. He would very likely dismiss any appointee who had the temerity to suggest that he was disabled, if he were conscious and functioning at all. And if the

Cabinet were to suggest that the President is mentally incapacitated, this act would appear as a kind of political plot. In fact, in any case wherein any question at all of the President's disability existed, the 25th amendment would require a Cabinet plot to declare him disabled. In a questionable case—which would include virtually any case involving a problem of mental incompetence, a majority of Cabinet officers believing that the President is disabled would have to assemble itself, without any one or all of them being dismissed. This would require a considerable amount of discretion, amounting to a plot. The Cabinet would not have an easy time proving its case, for the President would not have to submit to examination; he could confront the Cabinet with a demand for its resignation, which all members would have to tender. What would happen next anyone can imagine, but it would in no event be a neat resolution of the problem. It would be a wild contest for the control of Congress, which would have to decide the issue.

If the Cabinet majority idea is unworkable, so is the alternate procedure of setting up a special commission to determine Presidential disability.

The very idea of setting up such a commission today would cause the President to accuse Congress of working against him, by sowing the seeds of doubt about his capacity to hold office. He would undoubtedly veto a bill that attempted to set up a commission to determine Presidential disability. Yet such a commission would have to be set up in advance, if it were to work at all. In an emergency there would be no time to waste in setting up a commission. In a question of doubt, the situation would be so unstable that selecting a commission might prove politically impossible. And again there is nothing that suggests the President would have to submit to an examination by a commission appointed by Congress, any more than any one of us would have to submit to examination by somebody appointed by the President.

The 25th amendment aims to provide some way of removing a duly elected President if he is disabled to the point that he cannot carry out his duties. But it will only work if the President is so disabled that he cannot act for himself and resign. It is not intended to deal with any situation in which there is a shade of doubt. If it should ever happen that the amendment is brought into play when there is any doubt, the consequences will be ruinous—on the one hand, a precedent would be set for cabalistic plots by disgruntled members of the Cabinet, and, on the other, the President would be faced with a direct challenge by Congress.

We are seeing today conditions of political instability. Irrevocable events have been set in motion, and no one can say where they will end or lead. In the face of this, we have to understand that, among other things, the 25th amendment is as much a progenitor of instability as anything else. It might well lead to enormous difficulties if present conditions worsen, as well might. We have already seen unimaginable things take place, and we have to consider now whether we have created a problem with the 25th amendment, rather than solved one.

We are in uncharted waters, in part because the 25th amendment confronts us with the need to replace the Vice President. The murky problems inherent in that have already faced us with the strange problem of confirming one of our own Members to serve as Presiding Officer of the other body—a confirmation that, unless the nominee resigns, will take place while he participates as minority leader. This was never anticipated. I suggest that while we are dealing with this problem, we ought to deal also with the potential destabilizing influences of the 25th amendment as it relates to Presidential disability.

PABLO CASALS

HON. JAIME BENITEZ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. BENITEZ. Mr Speaker, the people of Puerto Rico are deeply saddened by the death of Pablo Casals. I take this opportunity to include in the RECORD one of the many tributes to this noble person who was an inspiration and an example to all of us, not only as a master musician, but as a great man committed to great ideals. The following is an editorial by Ronald Walker, a former Nieman Fellow, that appeared in the San Juan Star of October 24, 1973. In my judgment, these words convey particularly well the significance that the loss of this great artist has for Puerto Rico.

PABLO CASALS

(By Ronald Walker)

I never really knew Pablo Casals personally. I met him only once, and that was backstage at the Casals Festival, as don Pablo was holding court in a small room off the stage at the university theater. He had just finished conducting a Beethoven symphony, and he appeared tired. Casals was sitting in a small chair, and his wife, Marta, was standing beside him, smiling slightly as the concert-goers came to pay respects to don Pablo. Others stood outside the door, as if afraid or reluctant to enter. It was a hushed scene. The only loud sounds came from elsewhere backstage.

Since 1962, I have been attending the Casals Festivals, not so much to watch Casals occasionally conduct the orchestra as to listen to those times when don Pablo played the cello. You could have been in the audience and not known who Pablo Casals was, but you instinctively knew you were in the presence of greatness. When Casals played the cello, there was not a sound coming from the audience, other than the occasional and predictable coughs. It was an overpowering sensation, this 90-plus year-old-man making music, conveying beauty and artistry in a universal language that needed no explanations, no embellishments.

When the last chords of a Casals cello performance died out, the audience would rise as one, giving a standing ovation to a man whose life and work will be remembered through the ages. You rose to applaud even though you did not like to do such a thing, thinking it somehow pretentious and perhaps non-egalitarian. But Casals was one of two great men in Puerto Rico—Munoz is the other—and acknowledging greatness needs no apology.

Most of us in Puerto Rico never really knew or saw Casals, but it was always comforting to know that he lived here. It was perhaps coincidental, but Casals' presence here came at about the same time of Puerto Rico's period of grandeur, and many are the people who yearn for a return of those years. They were the times when Munoz, as Governor, made the cover of Time magazine, and when he refused to accept more than $10,000 a year in salary; when Puerto Rico was constantly being visited by representatives of today's Third World countries, wanting to learn about the Puerto Rican example of rapid economic development; when Puerto Rico was being compared with Japan and Israel as the really progressive societies making such big strides forward from practically nothing; when there was a sense of excitement in the air, a sense of purpose; when Puerto Rico was being written about constantly in U.S. mainland newspapers and magazines. In short, Puerto Rico was a place where things were really happening.

These may all sound like "atmospherics," of surface appearances, but they are important to a society's perception of itself. Ceremony, though it runs the risk of appearing mawkish or artificial, has its place, and ceremony was what we watched Tuesday at the Capitol as Casals' body lay in state, a Catalonian and a Puerto Rican flag draped over his casket. During the early years of the Casals Festival, the arrival of Gov. Munoz and his party in the front row of the balcony was an important, even ceremonial occasion. Never mind, too, that many people who went to the Casals Festivals, resplendent in opening-night gowns and tuxedoes, didn't really understand or appreciate classical music (alas, frequent was the short-lived applause between movements of a symphony). What was happening was the celebration of a great artist, one who rarely comes along in the lifetimes of most of us.

Since then, we have had such vulgarities in Puerto Rico as the Miss Universe Contest; there have even been comparisons between that commercial extravaganza and the Casals Festival. That needs no further comment. But I can just picture what surely would have been the expression of indignation on Munoz's face if someone had seriously suggested to him at La Fortaleza then that the government of Puerto Rico should help sponsor such a contest—and then to suggest that it needed Commonwealth financial aid because the Casals Festival was also partly subsidized. It is all a matter of perspective.

Pablo Casals embodied all those qualities of greatness that we like to think rubs off on us. His presence in Puerto Rico was an inspiration, and while I am reluctant to say that his death means the end of an era here, in a sense it does. His memory will continue, of course; and his overwhelming presence will continue to be felt in the minds of all those who attend future Casals Festivals. But it will not be quite the same.

CORRUPTION WITHOUT PRECEDENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. RANGEL. Mr. Speaker, White House aides and supporters have been using the argument that in certain ways all politicians are crooked, all politics is dirty, and each administration has its

scandals. To draw this conclusion from Watergate is false and unfair. I am sure all of us feel the effects of these types of statements that assault our personal integrity.

An article in today's Washington Post by William Raspberry explained the difference between past political scandals and the present White House nightmare, and makes the important point that the present attempt to excuse the corruption in this administration by tarring us all does a fundamental disservice to our political system.

The article follows:

CORRUPTION WITHOUT PRECEDENT

(By William Raspberry)

They're lying to us, you know. Or rather they're making us lie to ourselves, making us say that all politicians are crooks and thieves and that we've always known it.

They do it because it's their best protection. They've passed the point where they can convince us of their innocence, so they accomplish their exoneration by making it appear that guilt is so universal among politicians that it is useless to talk about cleaning up our government.

Why talk about throwing out any particular political rascal when his prospective replacement is, by definition, a rascal, too?

Well, it's not true. Not all politicians are crooks and thieves. Not all politics is dirty. Not all administrations are corrupt.

We have got to stop lying to ourselves and face up to the fact that this scandal-ridden national government is without precedent in American history. We know that when we stop to think of what used to constitute scandal: a few vicuna coats and deepfreezes, for instance, or a penny-ante Nixon slush fund. Even Teapot Dome, which shows up in the history books as a sort of low-watermark of political scandal, was nothing more than a money rip-off.

The current scandals involve money, too, of course. But they also involve systematic deception of the people, systematic subversion of government agencies and even of the Constitution, and systematic consolidation of power.

It's hard to remember now, but Watergate used to mean nothing more than the subversion of the electoral process—dirty politics—although even that attempt at subversion was of unprecedented scope.

But in later months, it came to encompass the President's secret police (the "plumbers") operating outside the law and specifically authorized to commit such crimes as burglary, illicit wiretaps; attempts to force CIA officials to implicate their agency in the scandals so as to limit the scope of the investigation; perjured testimony of high administration officials, and a variety of other crimes and improprieties, including milk deals, wheat deals, laundered cash and Lord knows what else.

And beyond the generic Watergate, there are the matters of the San Clemente deal, the tax write-off on a phony gift of Nixon papers, the Hughes-Rebozo funny money thing, and on and on. And that doesn't even count the Agnew disgrace or the fact that two former Cabinet officers are facing trial right now.

There may be precedents for some individual pieces of this scandal, but the package of them is unprecedented in size or boldness. And through it all, President Nixon seemed far less interested in discovering the breadth of the scandal than in keeping the rest of us from finding out.

No, this is not scandal as usual. It is much closer to being an attempted (and very nearly successful *coup d'etat*. For while the Watergate scandals and so-called White House Horrors were going on, something else was under way: a process of power consolidation that began with an innocent-appearing reorganization of the Executive Branch into strong and weak Cabinet agencies, with lines of authority running directly to the White House through the installation of former White House aides as assistant secretaries; that included the appointment of Nixon men to the Supreme Court; and that involved an attack on a derelict Congress, the third branch of government, through a combination of veto and impoundment.

And finally, the man was ready to declare himself above the law, immune to court orders and legal process. Not just over the Watergate tapes, either. The nation's war-making powers are supposed to belong to Congress. But the President proceeded to bomb hell out of neutral Cambodia without congressional consent, and then concealed the fact of the bombing from Congress. And incidentally, from you and me.

Political hanky-panky and a little money changing hands? No, sir. No, ma'am. They stole the government from us. No: *He* stole the government from us, and then tricked us into silly debates over executive privilege and tape recordings.

And now they're trying to make us believe that the country cannot endure the only process the Constitution provides for reclaiming our government. Impeachment is such a cataclysmic thing, you know.

Well, don't you believe it. The cataclysm has happened, and the only reasonable questions now are those that deal with the mechanics of impeachment.

CPA AT TVA AND FPC

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. FUQUA. Mr. Speaker, today I am going to introduce material on the proceedings and activities of two more agencies which would be subject to advocacy by a Consumer Protection Agency under bills now being considered by a Government Operations Subcommittee on which I serve.

As you may remember from our very heated debate on a CPA bill in 1971, legal advocacy rights is a very complicated subject. It is compounded by the fact that it is impossible for each of us to become totally familiar with the billions of Federal formalized proceedings and unstructured activities which would be subject to a CPA's advocacy under the various proposals.

The bills being considered by us are H.R. 14 by Congressman ROSENTHAL, H.R. 21 by Congressmen HOLIFIELD and HORTON, and H.R. 564 by Congressman BROWN of Ohio and myself.

In order to minimize any confusion during our upcoming debate on the CPA this Congress, I have been introducing into the RECORD lists of proceedings and activities of Federal agencies frequently mentioned as being in need of CPA advocacy. Rather than rely on speculation, I have asked these agencies to list their 1972 decisions which would have been subject to CPA advocacy under the present bills, divided into the various categories covered under the bills.

So far this month, I have introduced material from seven small agencies subject to CPA's jurisdiction under the bills—four of the financial regulatory agencies, the Cost of Living Council, the Defense Supply Agency and the National Labor Relations Board.

Today, I wish to concentrate on two agencies, one relatively small and one relatively large, both of which are concerned with matters relating to the energy crisis, a matter very much of interest to consumers.

The first agency is the Tennessee Valley Authority, an agency which some Senators on the Government Operations Committee last year unsuccessfully attempted to exempt from the CPA's powers. The second agency is the Federal Power Commission, one of the prime targets for a CPA according to some proponents.

It should be noted that the major difference among the bills involves the question of whether the CPA should have the right to appeal to the courts the final decisions of other agencies. Both H.R. 14 and H.R. 21 would allow the CPA such appeal rights, whether or not the CPA acted as an advocate before the agency—if the CPA did not so act as an advocate in the agency decision below, however, the court would have to make certain very minimal findings to allow the CPA to proceed with its appeal—an agency's refusal to act—that is inaction—would also be appealable under these two bills.

The Fuqua-Brown bill would not grant the CPA any power to appeal to the courts the decisions of other agencies.

A total number of actual 1972 decisions—not counting inaction—appealable by the CPA was indicated by the six small agencies from which I have previously introduced material. The FPC, as you will note, says that its CPA-appealable decisions in 1972 "are too numerous to list;" the TVA merely reports that it can be generally sued as a corporation, a factor enabling the CPA to challenge virtually everything the TVA does. Such appeal rights, I repeat, would be available under all but the Fuqua-Brown bill.

Mr. Speaker, for the reasons already stated, I now include in the RECORD the FPC and TVA lists of proceedings and activities subject to CPA advocacy under the bills now pending in the Government Operations Committee.

The material follows:

TENNESSEE VALLEY AUTHORITY,
Knoxville, Tenn., September 27, 1973.

Hon. DON FUQUA,
The House of Representatives,
Washington, D.C.

DEAR MR. FUQUA: We are including in the enclosure our answers to the questions presented in your letter of September 7 relating to pending consumer protection legislation. Please let us know if you desire any additional information.

Sincerely yours,

AUBREY J. WAGNER, *Chairman.*

RESPONSE TO QUESTIONS CONTAINED IN REPRESENTATIVE FUQUA'S LETTER OF SEPTEMBER 7 RELATING TO H.R. 14, 21, AND 564

Question 6. Will you please furnish me with a list of representative public and non-public activities proposed or initiated by your agency during calendar year 1972?

TVA is a program organization, among whose specific purposes are providing an ample supply of electric power in the area

it supplies and the development and introduction of improved fertilizers. It has no regulatory functions relating to the interests of consumers, its sole regulatory function being the approval of plans for proposed facilities of others on the Tennessee River system. The TVA Board is required to charge rates for power set in accordance with the provisions of the TVA Act and of a Bond Resolution adopted pursuant to the Act. This is, of course, a quasi-legislative function and the Board's statutory obligation includes the requirement that power be sold at rates "as low as are feasible." Fertilizers produced by TVA are priced to encourage their use and distribution rather than to provide maximum revenue to TVA. The disposition of power and fertilizer by TVA is not subject to the provisions described in section 204(a) of H.R. 14, nor does it involve public notice referred to in section 206(a) of H.R. 14. While the applicability of the words "agency activity" to these and other TVA functions in carrying out the purposes of the TVA Act is not clear to us, the following are some of TVA's proposals or actions during calendar year 1972:

Condemnation of lands for TVA programs, including the power program.

Adjustment of wholesale and resale rates for TVA power.

Sale of power revenue bonds, the proceeds of which are used in financing additions to the TVA power system.

Payments in lieu of taxes to states and counties in which the power operations of TVA are conducted.

Revision of policy statement concerning payments in lieu of taxes.

Authorization of installation of new power generating units.

Approval of plans for construction of facilities in or along the Tennessee River and its tributaries affecting navigation, flood control, or public lands or reservations.

Authorization for alteration of the Southern Railway Bridge across the Tennessee River at Decatur, Alabama.

Question 7. Excluding actions designed primarily to impose a fine, penalty or forfeiture, what final actions taken by your agency in calendar year 1972 could have been appealed to the courts for review by anyone under a statutory provision or judicial interpretation?

There are no statutes providing for judicial review of specific TVA activities, but section 4(b) of the TVA Act makes TVA generally subject to suit in its corporate name.

FEDERAL POWER COMMISSION,
Washington, D.C., September 18, 1973.

Hon. DON FUQUA,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FUQUA: This is in response to your letter of September 7, 1973, requesting information regarding this Commission's regulatory activities in 1972 as background for the consideration of legislation to create a Consumer Protection Agency (H.R. 14, H.R. 21, and H.R. 564).

Question 1. What regulations, rules, rates or policy interpretations subject to 5 USC 553 (the Administrative Procedure Act (APA) notice and comment rulemaking provisions) were proposed by your agency during calendar year 1972?

Rulemakings initiated during calendar year 1972 are listed in the attached Appendix A.

Question 2. What regulations, rules, rates, or policy interpretations subject to 5 USC 556 and 557 (that is, APA rulemaking on the record) were proposed or initiated by your agency during calendar year 1972?

Rate cases and related matters before the Commission in 1972 are too numerous to list; however, a list of rate cases and related matters scheduled for hearings in 1972 is attached as Appendix B.

Question 3. Excluding proceedings in which your agency sought primarily to impose directly (without court action) a fine, penalty or forfeiture, what administrative adjudications (including licensing proceedings) subject to 5 USC 556 and 557 were proposed or initiated by your agency during calendar year 1972?

Administrative adjudications that were scheduled for hearing during 1972 are listed in the attached Appendix C.

Question 4. What adjudications under any provision of 5 USC Chapter 5 seeking primarily to impose directly (without court action) a fine, penalty or forfeiture were proposed or initiated by your agency during year 1972?

None?

Question 5. Excluding proceedings subject to 5 USC 554, 556 and 557, what proceedings on the record after an opportunity for hearing did your agency propose or initiate during calandar year 1972?

Most of the categories of Commission adjudication which are not required by statute to be determined after opportunity for hearings are those concerned with the licensing and regulation of hydroelectric projects under Part I of the Federal Power Act. During 1972, hearings were held for the following:

Public Utility District No. of Douglas County, Wash. P-2149, license, August 15, 1972.

Power Authority of the State of New York, P-2685, license, January 4, 5, 6, 7, 28, and November 29, 1972.

Question 6. Will you please furnish me with a list of representative public and nonpublic activities proposed or initiated by your agency during calendar year 1972?

A list of representative Commission activities, not otherwise covered herein by answers to the other questions is attached as Appendix D.

Question 7. Excluding actions designed primarily to impose a fine, penalty or forfeiture, what final actions taken by your agency in calendar year 1972 could have been appealed to the courts for review by anyone under a statutory provision or judicial interpretation?

Under the provisions of section 313 of the Federal Power Act and section 19 of the Natural Gas Act final orders of the Commission may be appealed. Orders issued by the Commission in 1972 are too numerous to list, but a list of orders for 1972 that were issued with written opinions of the Commission is attached as Appendix E.

We hope the information provided answers your questions.

Sincerely,

JOHN N. NASSIKAS, *Chairman.*

HOLY RESURRECTION ROMANIAN ORTHODOX CHURCH OF WARREN, OHIO

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. CARNEY of Ohio. Mr. Speaker, on Sunday, October 28, 1973, I had the privilege of attending the "Burning of the Mortgage Celebration" of the beautiful Holy Resurrection Romanian Orthodox Church in Warren, Ohio.

In just 7 short years, the approximately 200 parishioners of Holy Resurrection Romanian Orthodox Church, Americans of Romanian descent, have paid off the entire mortgage on their church. Without a doubt, the members of this parish are a deeply religious, hard-working people who have great love for their church and their country.

During the banquet, I had the pleasure of sitting beside His Grace Valerian D. Trifa, Bishop of the Romanian Orthodox Episcopate of America. A native of Romania, Bishop Valerian was a prisoner in a Nazi concentration camp during World War II and taught in a Roman Catholic school in Italy before coming to the United States. Bishop Valerian is a remarkable man, and I am very fortunate to have had an opportunity to speak with him.

Mr. Speaker, I insert excerpts from the parish bulletin and my remarks for the occasion in the RECORD at this time:

HOLY RESURRECTION ROMANIAN ORTHODOX CHURCH, WARREN, OHIO,

BURNING OF THE MORTGAGE CELEBRATION
OCTOBER 27–28, 1973

Program

Saturday, October 27

5:00 p.m.: Vesper Service.
9:00 p.m. to 1:00 a.m.: Semi-Formal Dance.

Sunday, October 28

9:00 a.m.: Matins.
10:00 a.m.: Hierarchal Divine Liturgy.
1:00 p.m.: Festive Banquet.
Master of Ceremonies, John Ghindia, Jr.
Invocation, the Rev. Fr. Timothy Popovich, Parish Priest.
Introduction of Guests, Welcome and Thanks, John Hank, President of the Parish Council.
Flag Presentation, Congressman CHARLES J. CARNEY.
Principal Address, His Eminence Archbishop Valerian, the Romanian Orthodox Episcopate of America.
Benediction, the Rev. Fr. John Toconita, Secretary to the Bishop.

Burning of the Mortgage Committee

John Hank, General Chairman.
Co-Chairmen: Earl Maxin, Anna Finta, John Ghindia, Jr., Mary Barb, Vicky Trotogott, and Sylvia Florea.

THE ROMANIAN ORTHODOX
EPISCOPATE OF AMERICA,
Jackson, Mich., September 13, 1973.

THE HOLY RESURRECTION,
Romanian Orthodox Church,
Warren, Ohio.

DEAR FATHER POPOVICH; DEAR MEMBERS OF THE PARISH COUNCIL: I received the good news that the day is approaching when your parish is putting an end to the burden of the mortgage incurred with the building of the new church.

Let us therefore give thanks to God, and the Father of our Lord Jesus Christ, the Merciful Father, from Whom all help comes.

But at the same time, let all those who put efforts and made sacrifices to reach this high point in the history of your parish be congratulated also.

Together with them, all the clergy and faithful of our Diocese are rejoicing. I am looking forward to be with you on the day of the burning of the mortgage, and in the meantime, I pray God to grant you all, spiritual prosperity, peace and happiness.

With blessings and best wishes.

VALERIAN,
Bishop.

MY BELOVED PARISHIONERS AND FRIENDS: I cannot think of any more appropriate words to give expression to my feelings on this significant date in the history of our parish than those contained in St. Apostle Paul's first letter to the Corinthians: "Thanks be to God, which giveth us the vic-

tory through our Lord Jesus Christ" (I Corinthians 15, 75).

As we celebrate the burning of our mortgage, which is doubtlessly a major achievement of the faithful members of our parish, let us remember in the first place that our victory has been made possible by the grace of God, "through our Lord Jesus Christ," for "in Him we live, and move, and have our being" (Acts 17, 28).

Thanks be, therefore, to Almighty God for His inspiration, guidance and help, throughout the years of our aspirations and efforts to follow the call of the destiny in the fulfillment of this magnificent goal.

I have been privileged to be with this distinguished congregation from the earliest stages of planning, all along the building process of the new church complex, and right down to the moment of the payment of the very last installment on our mortgage, and I can truly say that whatever has been accomplished has been realized with the hard work, devotion and generous contributions of all the members of our parish.

Allow me therefore to congratulate all of you and give expression to my deep appreciation to our church organizations and auxiliaries, as well as to every single member of our parish, for the many sacrifices and outstanding services rendered to our Church.

I am earnestly praying for the good health, well-being and happiness of you all.

Fr. TIMOTHY POPOVICH,
Parish Priest.

PRESIDENT'S MESSAGE

It is with a great deal of pleasure that I take this opportunity to thank every member of our parish for a job well done. Our members have given many hours of this time in making our dream come true.

A special thanks to our parish priest, the Ladies' and Men's Auxiliaries, Parish Council, Sunday School teachers and AROY members who have devoted their time and loyalty to the church above everything for the past six years.

Also, many thanks to the co-chairmen of the Burning of the Mortgage Committee in making this day one to be remembered forever in the future life of their church.

JOHN HANK,
President of the Parish Council.

HOLY RESURRECTION ROMANIAN ORTHODOX CHURCH—HISTORICAL SKETCH

1905: First Romanians to settle in Warren. They migrated here from other American cities and later started coming directly from Romania. The expanding economy of the city, which was budding out at the turn of the century, and its many opportunities, attracted workers to its welcome environment. Within the next few years the influx of newcomers took such an impressive rhythm that the ethnic group of Romanians in Warren grew to quite sizeable proportions.

1912: May 20, the Biruinta Society was founded to help members in their needs and problems and give them an opportunity for social life.

1917: April 15, Easter Day, First Romanian religious service in Warren, officiated by Father John Podea, the administrator of the just formed Deanery of Youngstown, in the local Episcopal Church. In the afternoon of the same day the Holy Resurrection Romanian Orthodox Parish was organized and the first council was elected. In a matter of several months over $10,000 was collected with the purpose of building a church and without delay a lot was bought on Vine Avenue for $3,500.

1918: October 16, the completed church building was blessed by a number of visiting priests under the leadership of Father John Podea. The building program totaled $20,000, aside from furnishings and religious appointments donated by members, which left a mortgage of about $10,000.

1919: A church choir was initiated by Father Octavian Muresan, who resigned his pastorate shortly thereafter.

1923: The mortgage of $10,000 was paid off.

1927: The Ladies' Auxiliary of the parish was organized.

1934: The church was extensively renovated, in and out, and a new roof was installed. On October 14th, the church was rededicated by a number of priests under the leadership of Archpriest and Vicar, Father Ioan Truta.

1949: The Sunday School of the parish was established.

1950: The A.R.O.Y. Chapter was founded. It was one of the youth groups which participated in formulating the National A.R.O.Y., and it hosted several of the winter A.R.O.Y. National Board meetings throughout the years.

On June 25th, the church choir was reorganized under the name of "Corul Invierea."

1956: The parish hosted the A.R.O.Y. National Convention.

1965: Two adjacent lots on North Road were acquired for the purpose of building a new church complex. The lot designated for the church proper, with a frontage of 200 feet and a depth of over 1660 feet, was purchased for the price of $27,000, and the adjacent lot with a frontage of 80 feet and a depth of 300 feet, for the parish house was bought for the price of $5,500.

In the fall of 1965 a building committee was formed and Architects Wachter and McClellan were selected to do work with the building committee and design the new church complex.

1966: Preliminary sketches for the new church and parish house were reviewed a number of times with the building committee and were finalized in the spring of 1966. Bids were received for the works on August 1966. The Baker Construction Company of Ravenna, Ohio, was selected for the overall construction. Of the bids received on the parish house the Hank Brothers were selected to do the work.

The Ground Breaking Ceremony took place on June 19, 1966.

A couple of months were required for arranging financing with the Second National Bank of Warren, which approved a construction loan of $300,000, and construction started in the fall of 1966.

1967: The parish house was completed in the spring of 1967, by which time the foundation and walls of the church were erected and the framework was started in the early summer. On May 6–7, the 50th Anniversary of the parish was observed with services pontificated by His Grace Bishop Valerian, followed by an anniversary banquet.

In the course of the year all the real estate properties of the parish were sold for the total amount of $102,279.36, and the real estate liquidations funds, along with all other available church funds, were transferred to Second National Bank in an effort to reduce the bank loan to the lowest possible amount.

On November 26, the last Divine Liturgy was celebrated in the old church on Vine Avenue and beginning with the Sunday of December 3rd, the first Divine Liturgy and all subsequent Church Services were held temporarily in the new Social Hall on an Altar improvised on the stage.

1968: January through April, first interest payments on the construction loan were made. May 5, the new church is consecrated by His Grace Bishop Valerian, with the assistance of the clergy of the Episcopate. Regular payments on mortgage started in May, after the consecration of the church.

Summary of Contracts handled by Wachter & McClellan Architects, as of May 29, 1968:

Church-Fellowship Hall, Baker Construction	$291,180.00
Parish House, Hank Brothers	33,065.00
Architects, Wachter & McClellan	22,900.00
Sub-Contractors (Soil Borings & Survey, Electronic Bells, Inconostas, Carpeting, Pews & Screens, kitchen equipment)	38,495.00
Total	385,640.00
New Church Property, North Road (Approximately 7.9 Acres)	32,500.00
Grand total	418,140.00

1969: June 6–8, the parish is host to the ARFORA 21st Annual Convention.

1970: August 28–30, the parish is host to the 21st Annual A.R.O.Y. Conference.

1973: June 14, final payment on the mortgage was made. October 28, The Burning of the Mortgage.

CRUCIAL DATES IN THE HISTORY OF THE PARISH

Old church

Founding of the Parish: April 15, 1917.
Blessing of church: October 16, 1918.
Mortgage paid off: 1923.

New church

Groundbreaking ceremony: June 19, 1966.
Consecration of church: May 5, 1968.
Burning of mortgage: October 28, 1973.

THE LADIES' AUXILIARY

The Ladies' Auxiliary of our church was organized in 1927, ten years after the founding of the parish.

Many fine dedicated women for more than 50 years have given of themselves and their own possessions to strengthen our faith and to help the spiritual and material well-being of our church. This was accomplished with bazaars, bake and rummage sales, buying a needed item for the church, or visiting the sick and elderly. The ladies have always responded well and showed their Christian charity, by working for the benefit of our parish and Episcopate.

In the course of years, our parish had outgrown its facilities, and urban renewal claimed its sacred walls. In 1967 we watched with pride the construction of our beautiful new church. As it was being built, our thoughts were with the past generations who worked devotedly for the benefit of our parish and to whom rightful tribute should be given for this great moment.

The ladies of the Auxiliary, through their sacrifice of time, energy and money, have made a substantial contribution to the spiritual and material well-being of our new church. Presently, the Auxiliary is involved in a very exciting project, which we know will be most fruitful and satisfying. This project consists of decorating and furnishing a cultural room and library for the preservation of our precious traditions and customs left to us by our forefathers.

UNIFIED

That's the word to describe our AROY Chapter this year. Each member learned the true meaning of this word through praying, working, and just having a lot of good times together. Each of us worked together to make our projects successful.

As president of our AROY Chapter, I feel that all the members have grown to understand one another better. I found that we could sit and talk through our future plans showing respect to all feelings or ideas. When our goal was set every person gave a helping hand, then felt proud with the results. If it were not for the parents' support, there might have been some discouraging times.

In the past five years a lot of work and great effort has helped pay off our beautiful church. Our parents have built a strong ladder for our future. Now it is up to us, the youth, to continue in their steps.

On behalf of our youth group, I would like to thank everyone who has helped make AROY a successful part of our church.

Yours in Orthodoxy,

DENISE RIMAR,
President of the AROY Chapter.

REMARKS OF CONGRESSMAN CHARLES J. CARNEY

In the book of Genesis we read the moving words spoken by Jacob of old after the dream in which he beheld angels ascending and descending between Heaven and Earth: "Truly the Lord is in this spot . . . how awesome is this shrine. This is nothing else but an abode of God, and this is the gateway to Heaven." Something of that spirit rests upon this Church today as we celebrate this mortgage burning ceremony marking fifty-six years of worship—of praise and prayer directed to God and to Christ, through the intercession of our Lady and all the Saints.

A Church is, of course, a building—a physical shrine, adorned with all the "beauty of holiness." But it is also a people, a community of pilgrims, a fellowship of souls, both in this life and in the world to come. It is the mystery of God's presence among men.

It is my privilege to bring greetings and best wishes to the members of this Church, to its priests and laity, and to its religious, and to share in your joy on this happy occasion.

These are troubled days for our nation and for the Church as well, days of change and turmoil, and, at the same time, days of opportunity and challenge. The churches of America are its mainstay in such a time, sources of faith, of love, of hope, of courage, and of stability, since 1917, this parish has borne faithful witness to the truth, has ministered to the spiritual needs of innumerable men and women, and has contributed immeasurably to the life of this community.

Your prayer at this time is one of Thanksgiving for blessings received and for blessings yet to come. May He who has guided this Church through its first 56 years continue to sustain and inspire all who worship at its altars. As God was with our fathers, so may he be with us.

SENATE—*Tuesday, October 30, 1973*

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

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, our Lord and Governor, whose glory is in all the world, we quiet our hearts and turn from the clash and clamor of the world, from the confusion of many voices, and the tumult of our times not that we may escape from it, but that we may face the perplexing maze of complex problems with strong spirits and quiet minds. Grant to the President of the United States, the Congress, and all in authority, wisdom, and strength to know and to do Thy will. Fill them with the love of truth and righteousness. Remove from us and all men both hate and prejudice that Thy children may be reconciled with those whom they fear, resent or threaten, and thereafter live in peace. Order the work of this Government by Thy wisdom and grant that what is done may be righteous and just in Thy sight. Lord, we commend this Nation and ourselves to Thy merciful care.

Through Him who is the way, the truth, and the life. Amen.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. JOHN P. SAYLOR, a Representative from the State of Pennsylvania, and transmitted the resolution of the House thereon.

ENROLLED BILL SIGNED

The message announced that the Speaker had affixed his signature to the bill (S. 607) to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. METCALF).

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, October 26, 1973, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

FLAT TOPS WILDERNESS, COLO.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 452, S. 702.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 702 to designate the Flat Tops Wilderness, Routt and White River National Forests, in the State of Colorado.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, line 7, after the word "dated", strike out "December 20, 1972," and insert "October 1973,"; and on page 2, at the beginning of line 2, strike out "212,716" and insert "two hundred and thirty-seven thousand five hundred"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Flat Tops Primitive Area, with the proposed additions thereto and deletions therefrom, as generally depicted on map entitled "Flat Top Wilderness—Proposed," dated October 1973, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Flat Tops Wilderness within and as part of the Routt and White River National Forests, comprising an area of approximately two hundred and thirty-seven thousand five hundred acres.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Flat Tops Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The Flat Tops Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. The previous classification of the Flat Tops Primitive Area is hereby abolished.

The amendments were agreed to.

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

ORDER OF BUSINESS

Mr. HUGH SCOTT. Mr. President, I ask unanimous consent that I may yield my time to the distinguished Senator from Illinois (Mr. PERCY).

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

(The remarks Senator PERCY made at this point on the introduction of S. 2616, to establish an independent office to investigate the Watergate-related offenses, are printed later in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from West Virginia (Mr. ROBERT C. BYRD) is recognized for not to exceed 15 minutes.

Mr. MANSFIELD. Mr. President, I ask