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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

unanimous consent that I may yield the time allocated to the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD) to the distinguished Senator from California (Mr. TUNNEY).

The ACTING PRESIDENT pro tempore. Without objection, the Senator from California is recognized for 15 minutes.

PROPOSAL THAT PRESIDENT NIXON RESIGN

Mr. TUNNEY. Mr. President, the past year, for many Americans, has been a time of fundamental reevaluation of the nature of the Presidency and the role of the man who occupies that great office.

For several decades, our democracy has accustomed itself to an inexorable increase in Presidential power at the expense of the other two branches of Government. In public perception, the President's responsibilities as national leader have become sacerdotal as well as secular. A large number of Americans view the President not only as the Chief of State, but as the embodiment of national unity.

The trend to deify the President and attribute larger-than-life qualities to those who temporarily hold that office at popular sufferance is not the fault of any one administration or group of men. Rather it reflects an evolution in the power of the Presidency in the modern world and the increased influence of that office in our daily lives.

As a consequence of the high esteem in which Presidents are held by the country, recent events have shaken to the foundation the people's confidence in Mr. Nixon. These events include the secret and illegal bombing of Cambodia; the President's personally approved plan to burglarize and eavesdrop on domestic dissidents; the questionable Government-approved merger plan of ITT; the increase in dairy subsidies at the same time the milk producers were making large secret contributions to the President's reelection campaign; the $300 million subsidized sale of one-quarter of our 1972 wheat crop to the Soviet Union; the financial dealings involving the President's homes and his close associates; the notorious White House "enemies list" and attempts to use the Internal Revenue Service to punish those in disfavor; the massive exodus from public life of high ranking administration officials in connection with the Watergate scandal, after an unprecedented attempt by those same officials to cover up felonies, obstruct justice and allow a few minor functionaries and miscreants to take the rap; the reluctance of the White House to cooperate with the independent special prosecutorial team of Archibald Cox and voluntarily turn over tape recordings and documents; the firing of Special Prosecutor Cox and Deputy Attorney General William Ruckelshaus and the resignation of Attorney General Elliot Richardson; the transfer of the special prosecutor's office to the administration's own Justice Department; the decision to appoint a new special prosecutor without a mandate granting access to Presidential papers considered indispensable to the criminal investigation; the suggestion by the cumulative impact of all these Presidential actions that a new attempt to obstruct justice at the highest levels is afoot.

Taken together, these have undermined the confidence of the American people in the quality of leadership they are receiving from Mr. Nixon. They have led millions to question his innocence of involvement in any number of illegal acts presently under investigation.

It is not my intention today to pass judgment on Mr. Nixon's conduct as it relates to impeachment. Whether he has committed "high crimes and misdemeanors" or violated his oath of office to uphold the Constitution and execute the laws of the land are questions to be answered at a different forum at another time.

Nor do I envision that my remarks will have any impact upon the President's decision to remain in office. At his press conference on Friday, October 26, 1973, the President made it clear that whatever "shocks" are accorded him, they will not "affect" him and his conduct of his job.

I believe, however, that as one who loves his country, who is deeply concerned about the continuity of national leadership in a turbulent time, as one who is privileged to represent 21 million Americans in the U.S. Senate, I must speak what is on my mind because I believe a public trust demands honesty at the expense of cautious calculation.

President Nixon should resign the Presidency. He must leave office for the common good. The people do not believe him, and he has shamed them. He has burdened us by his persistent refusal to expose the purposes behind his official behavior and to subject the behavior of his subordinates to the cleansing light of public scrutiny. He fails to understand that the Presidency is an institution and that one serving in that exalted position cannot conduct his affairs as a private citizen using constitutional prerogatives to avoid legal culpability.

The poet William Butler Yeats wrote:

Turning and turning in the widening gyre
The falcon cannot hear the falconer;
Things fall apart; the centre cannot hold;
Mere anarchy is loosed upon the world.

I fear that if things continue for the next several months as they have for the preceding several months, the center cannot hold. Public cynicism will increase to the point that not only politicians will be held in disrepute but so will the political institutions themselves. Apathy follows apace, and once this furrow is plowed, can constitutional democracy long survive?

Having participated in the ITT hearings and the confirmations of the now deposed leadership of the Justice Department, I had hoped that the President, at some point, would speak forthrightly on the scandals that now isolate the White House from the American people. His most recent press conference seemed, once and for all, to foreclose such a possibility. His vehemence about the impregnable secrecy of his tapes and papers is now matched by a continuing public outcry unprecedented in the history of our republic. In a deluge of telegrams and letters, Americans are saying the President has forfeited their trust and their mandate. So far, I have received more than 18,000, of which some 17,000 call for his resignation or impeachment.

If the President were to resign, Presidential succession could be guaranteed in a number of ways. Normal constitutional and statutory procedures would, in the absence of a Vice President being confirmed by Congress under the provisions enumerated in the 25th amendment, elevate the Speaker of the House, CARL ALBERT, to the Presidency.

In the alternative, if the President resigned, his designee as Vice President, House Minority Leader GERALD FORD, if confirmed by the Congress, would succeed to the Presidency.

As between these two alternatives, the latter seems preferable to me, since Mr. FORD, if confirmed, would assume the full responsibilities and functions of the Presidency—rather than serve as Acting President under the Presidential Succession Act of 1947 until the next election in 1976. Further, the overwhelming mandate given the Republican Party last November would seem to entitle the country to a Republican President.

As a nation, we are strong enough, I believe, to follow the constitutional and statutory procedures for Presidential succession. We are not strong enough, I fear, to endure 3 more years of a Nixon administration. There is suspicion abroad in the land almost every time the President speaks or acts. When a military alert was called last week in a national emergency involving a confrontation with the Soviet Union, there was widespread and outspoken opinion that the alert was not necessary but simply was used by the President to divert attention from his domestic problems—in short, that he was endangering our individual and collective lives. Such suspicion may be unjust and even unworthy, but it is Mr. Nixon and his conduct of his high office that has created the climate that spread such a plague through our national life.

Our country simply cannot sustain 3 more years of such distrust, despair, and disillusionment. The mystical bond that unites the governed with the governor has been severed. In the name of common decency, Mr. Nixon should put his Nation ahead of himself and step aside so that the process of national renewal and revitalization can begin.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan (Mr. GRIFFIN) is recognized for not to exceed 15 minutes.

Mr. GRIFFIN. Mr. President, I yield to the Senator from Oregon such time as he may require.

Mr. HATFIELD. I thank the Senator from Michigan for yielding.

(The remarks Senator HATFIELD made at this point on the introduction of S.

2617, to prohibit the expenditure of funds to finance combat activity by the United States in the Middle East, are printed later in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CLARK). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HASKELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 1 hour, with statements therein limited to 5 minutes.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND A JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries, and he announced that on October 26, 1973, the President had approved and signed the following acts and joint resolution:

S. 2282. An act to change the name of the New Hope Dam and Lake, North Carolina, to the B. Everett Jordan Dam and Lake;

S. 2486. An act to provide that the project referred to as the Trotters Shoals Dam and Lake on the Savannah River, Georgia, and South Carolina, shall hereafter be known and designated as the "Richard B. Russell Dam and Lake"; and

S.J. Res. 164. Joint resolution to permit the Secretary of the Senate to use his franked mail privilege for a limited period to send certain matters on behalf of former Vice President Spiro T. Agnew.

REPORT ON THE HIGHWAY SAFETY AND NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACTS OF 1966—MESSAGE FROM THE PRESIDENT

THE ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Commerce. The message is as follows:

To the Congress of the United States:

Ever since the Highway Safety and the National Traffic and Motor Vehicle Safety Acts were passed in 1966, the fatality rate on our Nation's highways has been falling. In 1967, the number of deaths per 100 million miles driven was 5.5. By 1972 it had dropped by 18 percent to 4.5.

A wide range of programs have contributed to this decrease, programs designed to increase the safety of our highways, our motor vehicles and the driving habits of our motorists. The full impact of many of these safety programs still has not been felt, and there is reason for us to expect still greater progress in the future.

Unfortunately, the success we have enjoyed in reducing the fatality rate has not been extended to reducing the total number of highway deaths. In 1967, 53,000 persons died in motor vehicle accidents of various kinds. By 1972 that annual toll had risen to an estimated 57,000—a truly shocking level.

The discrepancy between the falling rate of fatalities and the rising *number* of deaths is explained, of course, by the fact that the number of vehicle miles driven in this country increased by more than 300 billion between 1967 and 1972. The total mileage driven in 1972 was 1.25 trillion. In short, our safety measures, effective as they have been, have not been able to hold in check the total number of highway deaths occasioned by the vastly greater use of our highways.

My Administration is profoundly committed to the cause of highway safety. The annual toll which traffic accidents take in lives and in injuries is more than any society should have to bear. And the annual financial cost of traffic accidents is now estimated at nearly $50 billion.

It is my hope that this three-volume report on the Highway Safety and National Traffic and Motor Vehicle Safety Acts of 1966, by reviewing the challenge of traffic safety and by detailing our efforts to meet it, will increase our awareness and enhance our effectiveness in this vital field.

RICHARD NIXON.

THE WHITE HOUSE, *October 30, 1973.*

QUARTERLY REPORT OF THE ECONOMIC STABILIZATION PROGRAM—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Banking, Housing and Urban Affairs. The message is as follows:

To the Congress of the United States:

I herewith transmit to the Congress the most recent Quarterly Report of the Economic Stabilization Program, covering the period April 1, 1973, through June 30, 1973.

The second quarter of 1973 was a time of tremendous growth for the American economy. Employment increased by over 1 million jobs. Our gross national product grew by $29.5 billion and real per capita disposable income reached a new high. On the international front, our balance of payments continued to improve significantly according to all major measures of the payments deficit. The basic balance deficit was reduced to an annual rate of slightly more than $3 billion in this period, as compared to a deficit rate of $9.8 billion for all of 1972.

Unfortunately, during this same period the rate of inflation continued its unsatisfactory rise. This increase reflected a strong growth in demand—both here at home and around the world—particularly for agricultural and petroleum products.

Accordingly, I decided to institute a 60-day freeze on prices beginning June 13. At the same time, I directed that plans be developed for a new phase of the Economic Stabilization Program. Phase IV, which was developed in extensive consultation with representatives of all segments of our economy, is now in effect.

I am convinced that Phase IV, combined with actions to increase supplies, a restrictive monetary policy, and restraint in Federal spending, will enable us to reduce the inflationary threat to our economic well-being.

With the cooperation of business, labor and the American public, we can achieve our goal of reasonable price stability and return our country to a strong and healthy free market system.

RICHARD NIXON.

THE WHITE HOUSE, *October 30, 1973.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) laid before the Senate a message from the President of the United States submitting sundry nominations, which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of Senate proceedings.)

LETTER FROM A 13-YEAR-OLD STUDENT

Mr. HASKELL. Mr. President, I received a letter from a 13-year-old student in Colorado which illustrates far better than I can possibly articulate the lasting damage that will occur to this country unless we can solve the present domestic crisis.

I ask unanimous consent that this young lady's letter be printed in full in the RECORD.

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

KATHY JOHNSON,
Loveland, Colo., October 22, 1973.

Attention: Senator Floyd Haskell.
Senator FLOYD HASKELL,
New Senate Building,
Washington, D.C.

DEAR SENATOR HASKELL: I am a 13 year old girl, that sees my parents', my parents' friends, talking, discussing, and giving opinions. What about me? Even though, I am not a registered voter; I feel myself as part of our future governmental leaders. I too have a voice in the issue of what is happening to my future. What can I do to voice my opinion of what I feel about my future government.

Please, don't let me down. This is what I feel about my country:

We young people of the U.S. will someday be a part of this country's government. If you (the representatives) don't do something about the nation's crisis, we will be facing the same problems in the future, but probably worse. With all the lying and cheating going on by many American leaders, such as Richard M. Nixon, our (use to be) free country is being ruined by many people's wrongdoings. We, the nonvoters (yet), are the ones who are going to have to suffer.

I am writing this letter on Veterans' Day. In other words, I am trying to say, our boys went overseas to fight for our country and died for it. I wonder what these young men would think if they were now here listening and hearing what is now going on.

In the last year, I have lived through so much American history of Presidential aids indicted, the Vice President resigning, and President Nixon hiring and firing men he wanted, it just makes me sick to think I have to grow up in a future government like this.

Thank you.

A voter in 5 years,

KATHY JOHNSON.

THREE HUNDRED HINTS TO SAVE ENERGY

Mr. HUMPHREY. Mr. President, we are currently facing the likelihood of a serious energy shortage this winter. While a major new research, exploration, and development program is essential to meet our Nation's long-term supply needs, only a concerted effort to use the current supply of energy more prudently will bring us through the next several winters without serious economic loss and personal hardship in some areas. Experts indicate that energy waste in the United States today is 25 to 40 percent of total consumption. That seems like a very high figure. But apparently there is considerable documentation to support it. They also tell us, however, that substantial energy savings are possible if we become more "energy conscious" in our homes, automobiles, and places of business.

Today we are finally aware of our energy deficiency and are, hopefully, in the process of sobering up after all these years of "energy binge."

Fortunately, a few people have been concerned with the need for energy conservation for many years and have been investigating specific steps that might be taken to save energy resources.

One individual who has been collecting such conservation tips for 15 years is Mr. John Muller, now a member of the staff of the U.S. Department of Interior. Over the years he has compiled, on his own time, a list of about 300 recommendations to conserve energy consumption in all phases of life. Mr. Muller is to be commended for his foresight in recognizing the problem and for the initiative he has taken to help all of us solve it.

Mr. President, I ask unanimous consent that this extensive list of energy conserving suggestions be printed in the RECORD.

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

A COMPILATION OF AVAILABLE ENERGY CONSERVATION MEASURES

PREFACE

NOTE: This collection of energy conservation measures was assembled by a consulting engineer, Mr. John Muller, before he became a government employee. This document is not an official publication of the Department of the Interior. It is being made available at this time to stimulate thought on how energy can be conserved in America. Some of the ideas were original with Mr. Muller while others were gleaned from the literature and from conversations with engineers and officials working in the energy field.

Few of the measures have been thoroughly evaluated as of this date. Time undoubtedly will show that many of them are of little value.

The list is by no means complete. Undoubtedly many good ideas known to others have been overlooked and many more measures are still awaiting discovery.

Measures which are appropriate only for implementation during an emergency are identified by the letters (EM).

It is the intention of the Department to publish at a later date information on many of the measures listed. In the meantime, comments on these items are solicited as well as suggestions as to new items which should be added to the list.

JOHN H. GIBBONS,
Director, Office of Energy Conservation.

INDUSTRY

Process steam

The largest industrial consumption of fuels is in production of process steam accounting for 40 percent of total industrial fuel and 17 percent of the total U.S. energy consumption. Oil refineries, pulp and paper plants, chemical plants, food processing plants, and others all require large quantities of process steam.

At the boiler plant energy can be conserved through:

(1) Improve operation so that optimum combustion efficiency is continuously maintained.

(2) Replace inefficient burners.

(3) Install air preheaters or economizers.

(4) Install additional extended surface in convection section.

(5) Install forced draft fans to improve draft conditions.

(6) Recover heat from boiler blowdown streams, using flash tanks or heat exchangers.

(7) Use waste heat boilers to recover heat from hot gases which otherwise would be discharged to air.

(8) Where feasible from economic and air pollution viewpoints, shift to fuels offering higher boiler efficiency than oil. A coal-fired boiler has a higher efficiency than oil. An oil-fired boiler has a higher efficiency than gas.

(9) Install tall stacks of generous diameter so that power needed for boiler fans is reduced or the need for fans eliminated entirely.

(10) Operator training program aimed at improving boiler-plant efficiency.

(11) Oil and gas can be conserved by burning coal, or solid wastes in any boiler or furnace having the capability of burning solid fuel.

Steam usage within the industrial plant can be minimized by such measures as:

(1) Select lowest possible steam pressure for any heating service and extract power from the steam in expanding it from boiler pressure to the pressure required for process.

(2) Install additional metering so that abnormal steam usage will be detected quickly.

(3) Install additional heat exchange surface to minimize temperature difference between the heating steam and the product being heated.

(4) Increase frequency of cleaning heat exchangers.

(5) Use flash tanks and heat exchangers to recover heat from hot condensate.

(6) Replace defective steam traps.

(7) Replace eroded blades and nozzles in existing turbines.

(8) Replace inefficient mechanical-drive turbines.

(9) Reduce cooling steam flow through idling turbines to the true minimum safe value.

(10) Reduce steam flow through pressure reducing stations to zero for all except emergency conditions.

(11) Where variable speed drivers are provided, reduce speed of pumps, fans, compressors, so that throttling of discharge steam becomes unnecessary.

(12) Reduce flow to flares to the minimum required level.

(13) Substitute multiple effect evaporators for single effect.

(14) Substitute vapor compression distillation for common thermal distillation where appropriate.

(15) Install waste heat boilers to recover heat from hot waste gases such as the exhaust of turbines.

(16) Install heaters to recover waste heat from hot water streams such as engine jacket water.

(17) Stop leaks of steam and condensate.

(18) Insulate all hot lines, vessels, and machinery.

(19) Replace standby steam turbines with automatic quick-start diesels or with electric-motor drivers served by an independent feeder.

(20) Stop venting of steam.

(21) In lieu of using heating steam, attempt to exchange heat between streams within a unit and also between units.

(22) Adopt more efficient heater designs embodying such features as flue gas recirculation. Process unit heaters with efficiencies in excess if 90 percent are now available.

(23) Increase frequency of cleaning boiler tubes and burners.

(24) Establish operator training program to teach techniques for operating efficiently.

Direct firing

Eleven percent of all the fuel burned in America is used in industrial direct heating processes such as in cement or steel manufacturing. Utilization efficiency can be increased through:

(1) Install heat exchangers to recover heat in exhaust gases.

(2) Install thicker insulation on furnaces, vessels, and ducts containing hot gases.

(3) Recover heat from hot material leaving process.

(4) Replace inefficient burners.

(5) Shift to fuel offering high efficiency.

(6) Install air preheaters, heated by hot exhaust gases.

(7) Install tall stacks of generous diameter, so as to minimize power required for furnace fans.

(8) Increase frequency of cleaning boiler tubes and burners.

(9) Establish operator-training program to teach techniques for operating efficiently.

Electric motors

Electric motors account for 8 percent of the nation's total energy consumption. The motors drive pumps, fans, compressors, machine tools, and other equipment. The current drawn by motors driving fluid-moving equipment can be reduced by such measures as:

(1) Substitute efficient new motors for inefficient old motors.

(2) Substitute new efficient pumps, fans, compressors, etc. for old inefficient equipment.

(3) Replace old eroded or corroded impellers in existing equipment.

(4) Substitute smaller motors where possible so that operation will be closer to the full load maximum efficiency point.

(5) Reduce impeller diameter where the generated head and capacity exceed the true requirements. (Horsepower is proportional to the cube of the diameter.)

(6) Replace discharge piping (and valves) with larger pipe so as to reduce the discharge head.

(7) Replace a plurality of small, inefficient pieces of equipment with one large unit having the same output.

(8) Shut off all equipment when not in use. In many cases it is appropriate to provide timer switches or other devices to do this automatically.

(9) Where capacity and head characteristics of pump, compressor, or fan exceed actual requirements by large margin, substitute motor driver having a lower speed and lower horsepower rating.

(10) Raise power factor through installation of capacitors and synchronous motor or

by operating the generator of a disabled turbine generator set as a synchronous condenser.

(11) Substitute electric motor drivers fed from an independent power source for standby mechanical-drive turbines.

(12) Increase size of conductor on feeders experiencing excessive voltage drops.

Other measures

(1) Revise criteria for evaluation of alternate processes and equipment selections so that the alternate selected is that one which offers the lowest total cost (including fuel cost) over the lifetime of the equipment or at least over a period of ten years or more. This measure would have a greater effect in raising the efficiency of energy use by industry than any other.

(2) In planning new plants, take energy consumption into account in the early design phase.

(3) Reduce flow of gas to flares to an absolute minimum.

(4) Burn all combustible waste as fuel.

(5) Stop all leaks from tanks, piping, pump seals.

(6) Adopt new and more efficient processes, abandoning the old and more energy-intensive processes.

(7) Increase usage of recycled material in the manufacturing process.

(8) Use hydraulic or gas expansion turbines to recover pressure energy from high pressure liquid and gas streams leaving a process unit.

(9) Use floating-roof tanks in lieu of cone roof tanks. If the latter is used, recover vapor lost from vents.

(10) Use aluminum and other basic materials from government stockpiles so that energy use associated with ore reduction can be avoided.

(11) Improve operating practices so as to avoid waste of fuel or other materials. This will probably require an operator training program.

(12) Produce solvents, alcohols, etc. by fermentation of wood wastes, grains, etc. so that demands for petroleum based solvents will be reduced.

(13) Impose tax on virgin materials so as to encourage use of recycled materials.

(14) Impose taxes to discourage use of nonreturnable containers for beverages and other commodities.

(15) Impose high tax on energy intensive materials such as nylon, aluminum, titanium.

(16) Shut down primary aluminum plants using instead aluminum taken from stockpiles. (EM)

(17) Develop heating and air conditioning systems to maintain comfortable conditions in the areas where people work and not the entire building, for example, in a machine shop there is little need to heat or cool the air which is 20 feet above the head of a lathe operator.

COMMERCIAL—INCLUDING GOVERNMENT

Space heating and cooling

1. Orient buildings so as to minimize solar heat load in summer and exposure to cold winds in winter.

2. A rectangular building with the long axis oriented to face north and south suffers less solar heat gain in the summer. With a 1 to 2½ side ratio, the building will use 29% less energy for cooling if the short axis faces north and south rather than east and west.

3. Erect one large building rather than a number of smaller buildings.

4. A building with a square floor plan has less surface exposed to the weather than a rectangular one and will require less energy for heating and cooling.

5. Build partially below grade and employ berms to reduce soar loads and transmission losses.

6. In orienting new buildings take advantage of existing buildings and trees to shield against excessive solar heat gain in summer and winter winds.

7. Install solar shades, balconies, overhangs, vertical louvers or awnings over windows facing south or west for summertime shading.

8. Design buildings for multiple uses. For example, one structure could serve as a school during the day, a community recreational center at night, a synagogue on Saturday and a church on Sunday.

9. For new buildings, establish maximum energy consumption values in BTU per square foot of floor space.

10. Design heating and cooling systems to maintain desired conditions for all but the 5% of the time during which the weather exceeds design conditions. (2½% is the usual design basis today.)

11. Design new buildings with openable windows or other means so that natural ventilation can be used to maintain comfortable conditions in moderate weather.

12. Make windows of heat reflecting, or heat absorbing glass.

13. In the north, minimize amount of windows installed in the north wall where no solar heating gain can be achieved in winter. In the south, put the greatest amount of windows in the north wall to reduce the summer solar heat load.

14. Utilize vertical windows in every other module in lieu of a continuous horizontal window band of the same area.

15. Install permanent or temporary storm windows on all windows of all existing buildings. In office buildings of glass curtain wall construction, storm windows of glass (or plastic) may be installed on the inside of the existing glass panels.

16. In all new buildings use double (or triple) glazing for all windows.

17. Install insulation in walls and roofs of buildings having none.

18. Convert urban commercial buildings to district heating using energy in steam extracted from power-plant turbine generators.

19. Prohibit installation of electric resistance heating or separate in-house heating furnaces or boilers in new buildings when district heating systems pass within 600'.

20. Reduce setting of heating thermostats controlling room temperatures in the winter to 70° F.

21. Raise thermostat setting in summer in air conditioned buildings to 78° F.

22. Install vestibule or second set of doors at lobby entrances to reduce loss of heated or cooled air.

23. Provide screen outside the building to shield doorways on north or west face of building from the wind.

24. Install automatic door closers where this will reduce loss of heated or cooled air.

25. Insulate and seal ducts passing through non-air conditioned space.

26. Eliminate window type air conditioning units, substituting central systems.

27. Stop use of the terminal reheat system to control humidity of air in air conditioned buildings.

28. A sufficient number of temperature control zones should be provided so that large areas outside the control zones do not become overheated or overcooled.

29. Relocate people within building during the day to take advantage of temperature variations. For example, in afternoons when rooms on south or west become too warm, transfer workers to rooms on the north side of the building.

30. Shut off building air conditioning equipment one-half hour before regular quitting time.

31. Do not start ventilating fans serving office buildings until mid-morning.

32. Reduce fresh air intake to building ventilation systems by shutting down fans or installing orifices in ducts.

33. Install heat pipes, heat wheels, or other heat exchange equipment to recover energy now lost with exhaust air.

34. Run air conditioning equipment only on really hot days. Open windows for necessary cooling on other summer days.

35. Run ventilating fans intermittently.

36. Shut off toilet exhaust systems where natural ventilation is adequate for odor control.

37. Ventilate storage and utility spaces with exhaust air from other areas requiring a higher load of air freshness.

38. Do not attempt to maintain same comfort conditions in corridors as in work areas.

39. Ban smoking in public buildings so that the amount of fresh air intake can be reduced.

40. Re-examine and revise as appropriate the limits established previously on the amount of air recycle permitted.

41. When not in use shut off exhaust fans at exhaust hoods in laboratories, hospitals and manufacturing plants.

42. Exhaust the heat and moisture released in kitchens and laundries directly to the outside.

43. Use natural draft cooling towers in lieu of mechanical draft towers.

44. Improve operation of a building through an operator educational program.

45. Improve maintenance practices to prevent energy loss due to leaks of steam and hot water, scale formation and corrosion in heat exchange equipment, plugging of filters, etc.

46. Use electric igniters in lieu of gas pilots on gas burners in furnaces, water heaters, etc.

47. Inspect, clean and adjust boilers and heating furnaces at least once a year to insure that they are operating at maximum efficiency.

48. Utilize trash as a boiler fuel in the building heating boilers. This will reduce amount of ordinary fuel that must be burned in the building and the fuel consumed in removing the trash and disposing of it.

49. Prohibit use of electric resistance heating in commercial buildings.* If heating is to be done with electricity, heat pumps should be used.

50. Avoid oversizing of boilers and heating furnaces, air conditioning, and other equipment.

51. Install small furnace to carry building load during mild weather; its efficiency is higher than a large boiler operating at part load.

52. Reduce piping friction and pumping power requirements through use of generously sized lines.

53. Reduce duct losses and fan power requirements through use of generously sized duct work and variable air flow heating and cooling.

54. Employ heating and cooling energy storage systems to reduce peak demands and improve overall efficiency.

55. Recover heat in warm drain water.

56. Utilize heat rejected from commercial refrigeration units for space heating.

57. Utilize only waste heat to melt snow from sidewalks.

58. Recover heat from remotely located lamp ballasts.

59. Install demand limiters to reduce the peak electric load. If this were done by all large power users, the electric utility could reduce usage of inefficient peaking units.

60. Install power factor correction equipment.

Water heating

1. Shut off heated hot water distribution system serving washrooms or reduce temperature of hot water to 110° F.

2. Use solar energy for water heating.

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*Except for occasional small portable heaters.

3. Wherever possible perform building cleaning with cold water in lieu of hot.

4. In buying new hot water heaters select a unit with high efficiency, with thick insulation on the shell.

Lighting

1. Design lighting for expected activity. (Light for the seeing tasks with less light (one-half or less) in surrounding nonworking areas).

2. In design arrange the lighting fixtures and fenestration in the most effective manner.

3. Use efficient light sources (higher lumen/watt output). For example, a fluorescent lamp is three times as efficient as an incandescent bulb.

4. Use more efficient lighting fixtures.

5. Use lighter finishes on ceilings, walls, floors and furnishings.

6. Wherever possible, use ordinary incandescent lamps, not the long life type. When extended service lamps must be used, select those with lowest power requirements.

7. Use one large bulb rather than smaller ones. For example, one 100 watt incandescent lamp produces more light than two 60 watt lamps.

8. In choosing fluorescent fixtures, choose a long bulb length since this will be more efficient.

9. Reduce light levels in areas where no close work is done by:

(a) Substitution of smaller bulbs

(b) Reducing number of bulbs left burning

(c) Use of dimmer switch (solid state type)

10. Perform cleaning of office buildngs during the day.

11. Where nighttime cleaning is necessary, require all cleaning personnel to work on one floor until the task is completed, then turn out lights and move en masse to the next floor.

12. Keep lighting fixtures and lamps clean and in good working condition.

13. Utilize high frequency lighting to obtain higher lamp performance.

14. Install lamp ballasts in non-air conditioned space to reduce the heat load on the air conditioning system.

15. Whenever illumination footcandle levels exceed 75, consider heat-of-light system which transfers energy from the interior zones to the perimeter.

16. Whenever additional lighting is proposed as a means to discourage crime, give careful consideration to achieving the desired effect in other ways such as by adding foot patrolmen or erecting fences with effective gate controls.

17. Turn off lights, heat, and air conditioning in unoccupied storerooms and closets.

18. Remove every third fluorescent lamp (and ballast) from ceiling fixtures. Shut off every other light in hallways.

19. Turn off all lights when not needed. Educate all employees to turn off the lights when they are the last to leave the room.

20. Require that in every room a wall switch be provided which will permit the lights to be extinguished when the room is unoccupied or when natural lighting is adequate.

21. Minimize display and advertising lighting. Shut down all such lighting after midnight.

22. Shut off unnecessary street lights.

23. Stop lighting of used car sales lots after midnight.

24. Reschedule night sports events to daylight hours.

25. Minimize interior lighting of office buildings at night.

26. Shut off most of the lighting in garages and parking lots, leaving only lighted corridors.

27. Stop outdoor illumination of buildings and monuments at night.

Miscellaneous

1. Prohibit use of non-reusable plastic cups, dinnerware and cutlery.

2. Stop unnecessary transfer of employees and their families by large corporations and by the military.

3. Extend the normal tour of duty at military stations to 4 years or more.

4. Shut down non-critical Army, Navy and Air Force bases.

5. Reduce the size of the nation's armed forces to the extent that the national security is not imperiled.

6. Eliminate flight pay incentives for those officers who do not absolutely need to retain their flying skills in order to perform their jobs satisfactorily.

7. Provide manually wound clocks in lieu of electric clocks.

8. Turn off automatic door openers.

NOTE: We are indebted to Mr. Fred S. Dubin of Dubin-Mindell-Bloome for a number of the energy conservation measures for commercial buildings listed in the preceding subsections.

AGRICULTURE

1. Slow down speed of farm tractor engines when not fully loaded. ("Shift up—throttle back")

2. Require all farmers to adopt the reduced tillage farming technique.

3. Substitute gated pipe irrigation of farms for elevated sprinklers.

4. Get more fresh produce to market to avoid energy investment in food processing.

RESIDENTIAL

Space heating and cooling

1. Insulate attics of existing homes to at least 6".

2. Insulate walls of existing homes to 3½" or more if possible.

3. Increase amount of insulation required for walls and attics of new homes.

4. Install on all existing homes storm windows made of glass or plastic sheets.

5. Install vestibule at most frequently used door.

6. Require that all windows in all new construction be dual pane (or a single pane plus a storm sash).

7. Weatherstrip and caulk all houses.

8. Plant deciduous trees and vines on south and west sides of homes to provide protective shade against summer sun.

9. Require that all roofs of new buildings be light in color.

10. Reduce airconditioning loads through better ventilation of attics. Louvers or wind powered roof ventilators are preferred over motor driven attic fans.

11. Take away tax advantage now enjoyed by people living in single family houses to encourage people to live in multi-family dwellings. They require less energy for heating and cooling.

12. Locate new large government installations in areas of the country where the climate is mild.

13. Encourage installation of solar space heaters by providing low cost loans on new homes with such equipment.

14. Service oil burners regularly to improve efficiency.

15. In winter reset home heating thermostats to 70° F (daytime and 60° (nighttime)).

16. In summer, raise thermostat settings to 78° F 24 hours/day.

17. Shut off furnace pilots in summer.

18. Draw draperies and shades in unoccupied rooms.

19. Close off unoccupied rooms, and turn off the heat.

20. Install automatic furnace flue dampers to stop loss of hot air up the stack during periods when the furnace is on the off cycle (Note: those dampers do not yet have AGA approval).

21. Install insulation around heating/air conditioning ducts passing through unheated/uncooled space.

22. Change gas and oil heating systems to multiple zone type so that temperature in unoccupied parts of the home can be set at a lower temperature.

23. Install heat recovery surface in furnace stack to increase overall efficiency of heating plant.

24. Provide single large efficient central air conditioning and heating plant to serve a number of houses or apartments.

25. Develop small, environmentally acceptable, total energy packages or fuel cells to supply heat and electricity for apartment houses or even for the individual home.

26. Encourage tearing down of old houses which are poorly designed and constructed and built with inadequate insulation and replace with new and better buildings.

27. Burn trash as fuel in heating boiler.

28. Limit window areas to 10 percent of the floor area or less.

29. Improve seasonal efficiency of furnaces, space heating boilers. Perhaps the government should impose minimum acceptable efficiency values (these minimum values to be reviewed every five years).

30. In urban areas, prohibit installation of heating furnaces or resistance electric heating systems in any new multi-family dwelling when district heating mains are located within 1,000 feet.

31. Eliminate tax laws and other institutional factors which make it difficult for district heating to compete with less efficient heating means.

32. Require that all residences built for the government be designed for minimum owning cost over the expected life of the home.

33. In the sale of a new or old home, require that an inspection of insulation and heating, air conditioning, and water heating equipment be made by an independent engineer and that his appraisal of the energy requirements of the building be furnished to the buyer before sale.

34. Require that a plaque describing characteristics of insulation and efficiency of space heating, air conditioning, and water heating plants be mounted in all new homes.

35. In apartment houses reduce energy added in air handling system by foregoing terminal reheat for humidity control, reducing intake of outside air, recovering heating or cooling energy in exhaust air and reducing duct velocities.

36. a. Install pressure switch and signal light to warn when air filter in hot air heating system is plugged, or

b. Clean or replace filter in hot air heating system monthly.

Water heating

1. Wash dishes by hand in lieu of using a dishwasher. (EM)

2. Minimize use of hot water for washing clothes. Wash in cold water using a modern cold water detergent.

3. Install insulation around hot water lines. Set water heater to 110° F.

4. Install heat recovery surface in drains from washing machine and dishwasher so that rejected heat can be utilized for space or water heating.

5. Improve design of water heaters.

a. Thicker shell insulation.

b. Recover heat in stack gases.

c. Provide devices to keep exchange surfaces clean.

d. Use washing machines and dishwashers only when a full load has accumulated.

6. Install solar hot water heaters on roof top or in the backyard to lighten the load on electric or gas fired hot water heaters.

7. Provide heat exchange equipment to recover heat in warm drain water.

Lighting

1. Design residences to make maximum use of natural light year round consistent with efforts to reduce heat flow through windows.

2. Eliminate gas yard lights.

3. R&D program to develop inexpensive durable switch which will automatically shut off lights in a room after the last occupant has left.

4. Prohibit installation in new homes of incandescent type lamps for kitchens, bathrooms and yard lighting, using fluorescent lights instead.

5. Conduct R&D program to develop a new fluorescent lamp with a mazda base that is interchangeable with existing incandescent lamps.

6. Install in the kitchen of all homes an indicating watt-meter showing instantaneous energy consumption of the household.

7. Avoid use of inefficient "long life" type of incandescent lamps.

8. Educate Americans to turn lights off when the last person leaves a room. Children are especially prone to forget to do this.

9. Adopt daylight savings time in winter.

10. Adopt double daylight time in summer.

11. Use lighter colors for walls, rugs, draperies, furniture, to reduce amount of artificial lighting required.

12. Never use artificial lights strictly for its decorative effect.

13. Keep lamps clean.

14. Utilize daylight whenever possible in lieu of artificial light.

15. Improve "operation" of the home.

a. Avoid use of appliances during peak load periods on the area's electrical power system.

b. Draw shades and blinds in unoccupied rooms.

c. Turn down thermostats at night in winter.

d. Keep outside doors closed.

16. Provide damper control for clothes dryers so that in winter the warm air leaving the dryer is discharged inside the house.

Appliances

1. Improve efficiency of refrigerators and freezers by such charges as:

a. In summer, discharge warm air leaving condenser out of doors.

b. Provide means to stop cold air falling out of the box when the door is opened. (The single large gasketed door can be replaced with 2 or 3 smaller doors. Or single hinged shields can be installed inside the box at shelf).

c. Increase amount of condenser heating surface provided.

d. Buy the manual, rather than automatic defrost refrigerator/freezer.

2. Educate consumers to select the more efficient appliances for purchase.

3. Prohibit manufacture of appliances having an efficiency below Government established minimum values.

4. Require that energy consumption of each appliance be shown on the nameplate, on the price tag, and in any advertisement or catalogue description of the appliance.

5. Require that all new gas appliances be equipped with electric igniters in lieu of pilot lights.

6. Dilute natural gas with air to reduce BTU consumption of pilot lights, yard lights etc. (EM)

7. Reduce energy required for cooking.

a. Redesign range burners and pots so that more heat enters the pot and less is lost to the ambient air.

b. Require thicker insulation in oven walls.

8. Develop new energy sources which can be located at the point of energy consumption, i.e., at the residence, such as small total energy plants, fuel cells, or even solar energy and wind powered generators. This will reduce transmission loss.

9. Provide government financial support for research aimed at developing more efficient applicanes, low cost insulation for existing homes, etc.

10. Unplug all existing quick-on TV sets when not in use. Prohibit manufacture of such sets in the future.

TRANSPORTATION

Automobiles

1. Impose excise tax on new cars based upon vehicle weight or fuel economy (miles per gallon) achieved when prototype car is tested.

2. Impose additional federal tax on gasoline.

These two measures will help bring about a shift in emphasis from high performance gas-guzzling cars to fuel conserving automobiles. New car buyers will have an incentive to select the most efficient models available in the marketplace. In turn, manufacturers will have an incentive to accelerate their efforts to develop (a) more efficient engines (such as diesels, stratified charge, etc.), (b) more efficient drive trains, (c) lower vehicle weights, and (d) better streamlined body shapes.

3. Impose an excise tax on optional equipment and accessories sold with new cars. These items consume energy directly and through increasing vehicle weight.

4. Remove import tariff on diesel propelled cars with the understanding that these tariffs would be re-imposed as soon as an American manufacturer offered cars with engines of comparable efficiency.

5. Require GSA to specify diesel or other high efficiency engine for a portion of its annual purchase of cars, with percentage increased each year.

6. Establish state operated inspection stations to check auto tune-ups every six months.

7. Install radial tires on all vehicles.

8. Remove emission controls from all vehicles. (EM)

9. On existing cars used primarily at highway speeds, increase engine torque and efficiency by substituting wheels of larger diameter for those originally provided. (This change cannot be accomplished on all cars).

10. Reduce the capacity of fuel tanks on new cars to minimize operating weight.

11. Do not fill gas tanks on existing cars over one-half full.

12. Reduce highway speed limits for passenger cars, trucks and buses.

13. Require that automobile manufacturers offer overdrive, or the modern equivalent, as an option on all vehicles.

14. Require that the Federal government make vehicle purchases in the future not on the basis of lowest selling price but on the basis of lowest total of purchase price and estimated cost of the fuel the vehicle will consume over a 10 year lifetime.

(16) Reduce frequency of lube oil changes.

(17) Collect all used lube oil and either burn as boiler fuel or reprocess.

(18) Require that all new air conditioned automobiles be light in color.

(19) Stop use of auto air conditioning on existing cars (EM).

(20) Use battery powered electric autos for urban driving. Oil and gas are saved if the batteries are recharged using electric power from a coal fired central power station.

(21) Urge drivers to "drive conservatively":

a. Avoid "jack rabbit" starts.

b. When stopped in traffic while going up a hill, don't use accelerator to keep the car from rolling back. Use the brake.

c. Drive at a steady moderate speed.

d. When stopping for more than a minute, turn off the engine.

e. Keep tires properly inflated. Underinflated tires waste fuel.

f. With an automatic transmission, accelerate gradually. With a manual transmission, get into high gear quickly.

(22) Require the fuel consumption of all new trucks and cars to be shown on the price tag affixed to the window by the manufacturer.

(23) Locate large commercial buildings near public transportation so that use of private automobiles will be unnecessary.

(24) Lighten weight of existing cars by removing spare tire and pack and bumpers. (EM)

(25) Provide additional fringe parking.

(26) Provide underpasses and overpasses at busy street intersections so as to reduce fuel presently wasted in accelerating and decelerating and idling of vehicles at street lights.

(27) Change traffic laws to permit saving fuel. For example, permit a vehicle to make a right turn at a red light after coming to a full stop.

(28) Straighten highways and make them more level to reduce load imposed on vehicle engines.

(29) Prohibit students and teachers from driving their own cars to school when school bus service is available.

Trucks

(1) Consolidate freight shipments.

(2) Limit urban truck freight deliveries to nighttime hours.

(3) Improve aerodynamics of trucks and trailers. This could require change in state laws to permit greater trailer length to accommodate extensions at the rear.

(4) Require installation of air shields on all tractors in line haul service.

(5) Permit tractors to haul additional trailers and/or larger trucks.

(6) Revise state laws to authorize truckers to haul heavier loads.

(7) Revise government regulations which prohibit a truck, not owned by a common carrier, to carry freight for others. Such trucks after making a delivery for the owner must now return empty.

(8) Revise government regulations which have the effect of requiring truckers to travel circuitous routes between origin and destination. To serve the smaller communities left without adequate trucking service, establish feeder truck lines.

(9) Relocate factories so that the amount of inter-factory shipments is minimized.

(10) Prohibit trucks from entering or leaving cities during commuting hours.

Bus

1. Increase the number of buses carrying passengers between city and suburbs. If new buses are not available because of a lack of funds or time, existing school buses could be used to carry workers to the city in the morning and bring them home at night. While the parents were at work, the school buses would perform their normal service of transporting youngsters to and from school.

2. Establish fast lanes for commuter buses and for commuter autos having four or more riders.

Airplanes

1. Increase loading factors of passenger aircraft to 70 percent from 50 percent.

2. Reduce idling speed of aircraft to the extent it is safe to do so.

3. Reduce cruising speed of commercial aircraft.

4. Prohibit airline flights between major cities when fast train service is available. For example, shuttle fights between Washington and New York could be eliminated.

Trains

1. Shut down locomotive engines when not in use.

2. Raise efficiency of locomotive engines through addition of superchargers.

3. Increase trackage and the number of railroad trains in service.

4. Improve efficiency of railroads in handling of freight and passengers.

Boats

1. Reduce boat speeds.

2. Straighten river beds so that the distances barges and ships must travel to deliver shipments is reduced.

3. Install device to collect and recover

unburned fuel from crankcase of all 2-cycle outboard motors.

Other transportation measures

1. Encourage greater use of the more energy efficient modes of transportation. For example, encourage rail or bus travel in preference over air travel. Encourage rail shipments over truck. Encourage truck shipments in preference to air. A tax on air travel and air freight (and a lesser tax on truck shipments) is one form of encouragement. A tax on all fuels is another.

2. Provide improved and extended urban transit systems. Lower the fares on urban transit systems.

3. Require that sidewalks be provided for all suburban streets located within one mile of stores to encourage walking to the store.

4. Direct all high government officials to set a good example by practicing energy conservation in their business and home life—giving up their government limousines, and using compact cars, commuting by bus, turning out unnecessary lights, wearing clothing made of natural fibers, etc.

5. Ban automobile and boat racing. These races themselves consume fuel; they stimulate interest in fast travel, fast cars and powerful engines, all of which is in the direction of higher fuel consumption.

6. Reorganize companies and government units so that groups which most frequently work together are located in the same building or within walking distance of each other.

7. Improve telecommunications (perhaps making telephone TV available at moderate rates), so that business travel can be reduced.

8. Provide bicycle paths in cities and suburbs.

9. Stagger working hours for large employers so as to reduce traffic congestion during the peak commuting hours.

10. Prohibit use of gasoline as a solvent.

11. Impose tax on all petroleum based solvents sufficiently high so as to encourage use of solvents made from wood, coal, grain, etc.

12. Discourage vacation trips by car and airplane.

13. Prohibit filling gas tanks to a level up in the fill pipe. This will minimize gasoline spillage after the car leaves the service station.

14. Prohibit employers from relocating executives (with their families and household goods) more often than every four years. Exceptions are to require prior government approval.

15. Stop compulsory school busing, allowing children within walking distance of a school to attend that school.

ELECTRICAL POWER GENERATION

(1) Require electric utilities to make power generating unit load assignments on basis of minimum oil and gas consumption and not minimum cost.

(2) Require all new fossil fuel fired power plants to burn coal or solid wastes (municipal wastes, lumbering wastes, etc.)

(3) Permit burning of oil or gas only when solid fuels are unavailable (EM).

(4) Expedite availability in the U.S. of an economical, practical, reliable SO_2 removal system. (The lack of such a system is discouraging use of coal as fuel in existing steam power plants.)

(5) Require process industries to sell to the local electrical utility any surplus power which can be produced from industrial noncondensing turbines.

(6) Install small unattended hydroelectric plants at undeveloped sites on rivers and lakes.

(7) Improve efficiency of stationary diesels driving generators by adding superchargers.

(8) Reduce voltage of electrical power systems during periods of excessively high demand. (EM)

(9) Reduce frequency of electrical power systems. (EM)

(10) Shut down AEC gaseous diffusion plants. (EM)

(11) Develop an economical method of storing surplus off-peak energy.

(12) Replace old inefficient hydroelectric turbine generators with modern more efficient units.

(13) Encourage adoption of more efficient power plants such as combined cycle plants.

GENERAL

1. Conserve energy in all sectors, industrial, commercial, residential, transportation, and power generation, by adopting these purchasing practices:

a. Buy products made of recycled material whenever available.

b. Buy products made of natural materials in preference to those made of man-made materials. Manufacture of a wool or cotton garment requires less energy than one made of synthetic fiber.

c. Buy garments made of fabric requiring little or no ironing. (A resolution of the conflict between this measure and item (b) above is required.)

d. Buy durable long-lived products in preference to cheaper substitutes which will soon require replacement.

e. Buy articles made of those materials which present best opportunities for recycling.

f. Buy the article made of the least energy-intensive material. For example, purchase of items made of aluminum should be avoided when a substitute made of steel is available.

g. In buying operating equipment such as automobiles, appliances, pumps, fans, compressors, boilers, etc., make the selection not wholly on the basis of minimum purchase price but on the basis of minimum owning cost over the expected lifetime of the article including the cost of fuels and electric power.

2. Impose an energy tax on all fuels at the time of first sale by the producer. To keep the tax from being regressive, concurrently reduce the income tax of individuals (and their payroll deductions) by an amount equal to the estimated energy tax payments of a family of modest means which uses energy prudently and avoids purchase of energy-intensive articles. Thus, only the families who are energy wastrels would end up with a net overall tax increase. No rebate of any type would be offered to industrial or commercial establishments.

TREATY OF EXTRADITION WITH DENMARK (EX. U, 93D CONG., 1ST SESS.)—REMOVAL OF INJUNCTION OF SECRECY

Mr. ALLEN. Mr. President, at the direction of the distinguished majority leader, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Treaty of Extradition with Denmark, signed at Copenhagen on June 22, 1972 (Executive U, 93d Congress, first session), transmitted to the Senate today by the President of the United States, and that the treaty with accompanying papers be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER (Mr. CLARK). Without objection, it is so ordered.

The message from the President reads as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty on Extradition between the United States of America and the Kingdom of Denmark, signed at Copenhagen on June 22, 1972. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a new series of extradition treaties being negotiated by the United States and contains provisions for offenses of aircraft hijacking, narcotics, and conspiracy to commit listed offenses.

The Treaty will make a significant contribution to the international effort to control narcotics traffic. I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

RICHARD NIXON.

THE WHITE HOUSE, *October 30, 1973.*

QUORUM CALL

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

NUTWOOD WATERSHED PROJECT IN THE STATE OF ILLINOIS

A letter from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a work plan for the Nutwood Watershed project in the State of Illinois (with an accompanying document). Referred to the Committee on Agriculture and Forestry.

REPORT ON FINAL DETERMINATION IN INDIAN CLAIM CASE

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on its final determination with respect to Docket No. 198, the Confederated Tribes of the Warm Springs Reservation of Oregon, against the United States of America, Defendant (with accompanying papers). Referred to the Committee on Appropriations.

REPORTS OF DEPARTMENT OF DEFENSE

A letter from the Secretary of Defense, reporting, pursuant to law, disbursements made against the appropriation "Contingencies, Defense," for the current and prior fiscal years' obligations during fiscal year 1973. Referred to the Committee on Appropriations.

A letter from the Assistant Secretary of Defense, reporting, pursuant to law, on use of excess foreign currencies for military construction. Referred to the Committee on Appropriations.

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, on the facilities

project proposed to be undertaken for the Marine Corps Reserve at the Naval Support Activity, New Orleans, La. Referred to the Committee on Armed Services.

REPORT OF DEPARTMENT OF THE NAVY

A letter from the Assistant Secretary of the Navy (Installations and Logistics) transmitting, pursuant to law, a report concerning a Department of the Navy Shore Establishment Realignment Action at the Construction Battalion Center, Davisville, R.I. (with an accompanying report). Referred to the Committee on Armed Services.

PROPOSED LEGISLATION TO AMEND THE SMALL BUSINESS INVESTMENT ACT OF 1958

A letter from the Administrator, Small Business Administration, transmitting a draft of proposed legislation to amend the Small Business Investment Act of 1958, and for other purposes (with an accompanying paper). Referred to the Committee on Banking, Housing and Urban Affairs.

REPORT OF NATIONAL RAILROAD PASSENGER CORPORATION

A letter from the Vice President, Public and Government Affairs, National Railroad Passenger Corporation, transmitting, pursuant to law, a report on the average number of passengers per day on board each train operated and the on-time performance at final destination of each train (with an accompanying report). Referred to the Committee on Commerce.

REPORT OF ENVIRONMENTAL PROTECTION AGENCY

A letter from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the annual report on Administration of the Ocean Dumping Permit program, dated August 1973 (with an accompanying report). Referred to the Committee on Commerce.

PROPOSED LEGISLATION BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Acting Secretary, Department of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Social Security Act to improve the program of health insurance for the aged and disabled (with an accompanying paper). Referred to the Committee on Finance.

SEEDSKADEE PROJECT, FONTENELLE DAM AND RESERVOIR

A letter from the Assistant Secretary of the Interior, transmitting, for the information of the Congress, a major change is being proposed in the plan for the Seedskadee project, Fontenelle Dam and Reservoir. Referred to the Committee on Interior and Insular Affairs.

PROPOSED CONCESSION CONTRACT, ROSS LAKE NATIONAL RECREATION AREA, WASH.

A letter from the Acting Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract to continue to provide accommodations, facilities, and services for the public within Ross Lake National Recreation Area, Wash. (with an accompanying paper). Referred to the Committee on Interior and Insular Affairs.

REPORT OF EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

A letter from the Chairman, Equal Employment Opportunity Commission, transmitting, pursuant to law, a report listing all employees of the Commission, by name, title, grade, and salary, as of the end of fiscal year 1973 (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. METCALF):

A resolution from the employees of Southern Pacific Railroad, protesting the use of live beagle pups to test various jetplane toxic fumes, and so forth. Referred to the Committee on Armed Services.

A resolution from the Council of the city of Binghamton, State of New York, urging Congress to extend daylight saving time. Referred to the Committee on Commerce.

A resolution from the Cumberland County Democratic Committee, Portland, Maine, demanding impeachment of Richard Milhous Nixon. Ordered to lie on the table.

Petition from David M. Bowles, Albuquerque, N. Mex., in the matter of the impeachment of the President. Ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHURCH, from the Committee on Foreign Relations, without amendment:

S. Res. 174. Resolution relating to the U.S. commitment to the Southeast Asia Collective Defense Treaty and Organization (Rept. No. 93-481).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EAGLETON, from the Committee on the District of Columbia:

Fred B. Ugast, of Maryland, to be an associate judge, Superior Court of the District of Columbia; and

William R. Stratton, of the District of Columbia, to be a member of the Public Service Commission of the District of Columbia.

(The above nomination was reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. SYMINGTON, from the Committee on Armed Services:

Lt. Gen. Alvan C. Gillem II (major general, Regular Air Force), U.S. Air Force.

By Mr. LONG, from the Committee on Finance:

Helmut Sonnenfeldt, of Maryland, to be Under Secretary of the Treasury.

(The above nomination was reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. PERCY (for himself, Mr. BAKER and Mr. COOK):

S. 2616. A bill to establish an independent Special Prosecution office, as an independent agency of the United States, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. HATFIELD (for himself and Mr. MCGOVERN):

S. 2617. A bill to prohibit the use of funds to finance any combat activity by U.S. military forces in the Middle East. Referred to the Committee on Armed Services.

By Mr. BELLMON:

S. 2618. A bill for the relief of Kria Malik Basiluos. Referred to the Committee on the Judiciary.

By Mr. MCGEE:

S. 2619. A bill to provide for access to all duly licensed psychologists and optometrists without prior referral in the Federal employee health benefits program. Referred to the Committee on Post Office and Civil Service.

S. 2620. A bill to establish a commission to investigate and study the practice of clear-cutting of timber resources of the United States on Federal lands. Referred to the Committee on Interior and Insular Affairs.

By Mr. JACKSON (for himself and Mr. HASKELL):

S. 2621. A bill to declare a national policy that the beaches of the United States are impressed with a national interest and that the public shall have free and unrestricted right to use them as a common consistent with such property rights of littoral landowners as may be protected absolutely by the Constitution, to establish procedures and provide Federal funding for the purchase or condemnation of easements of access to the beaches for public use, to provide for administration of the national open beaches program by the Secretary of the Interior; and for other purposes; and

S. 2622. A bill to declare a national policy to protect and manage islands of the Nation which possess unique environmental, recreational, historical, and cultural values; to authorize a study by the Secretary of the Interior of our Nation's islands including recommendations of islands to be added to the national park wildlife refuge, and forest systems; to encourage the establishment of State islands conservation and recreation programs; to add to the Land and Water Conservation Fund and authorize the provision of a portion of the additional funds to State and local governments for the acquisition of islands and the purchase or lease of Federal surplus island property; and for other purposes.

Referred to the Committee on Interior and Insular Affairs.

By Mr. HUGH SCOTT:

S. 2623. A bill for the relief of Yee Wai Fung. Referred to the Committee on the Judiciary.

By Mr. JAVITS:

S. 2624. A bill for the relief of Jose DePool. Referred to the Committee on the Judiciary.

By Mr. HARTKE:

S. 2625. A bill to amend title II of the Social Security Act to provide for the entitlement of disabled wives and husbands to unreduced wife's and husband's insurance benefits without regard to age. Referred to the Committee on Finance.

By Mr. BENTSEN:

S. 2626. A bill to amend the Federal Property and Administrative Services Act of 1949 and other pertinent statutes of the United States Code in order to establish Federal policy concerning the selection of firms and individuals to perform accounting services for the Federal Government, and for other purposes. Referred to the Committee on Government Operations.

By Mr. PACKWOOD:

S. 2627. A bill to further the purposes of the Wilderness Act by incorporating French Pete Creek and adjacent roadless lands in the Three Sisters Wilderness, Oreg., and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. SPARKMAN:

S. 2628. A bill to amend the Investment Company Act of 1940 and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

S. 2629. A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of small business investment

companies and shareholders in such companies. Referred to the Committee on Finance.

By Mr. HUMPHREY:

S. 2630. A bill to establish a temporary Joint Committee on Foreign Trade. Referred to the Committee on Government Operations by unanimous consent.

By Mr. BAKER (for himself and Mr. BROCK):

S. 2631. A bill to establish a bipartisan Independent Special Prosecution Force and for other purposes. Referred to the Committee on the Judiciary.

By Mr. CRANSTON:

S. 2632. A bill for the relief of Rose Gipson. Referred to the Committee on the Judiciary.

By Mr. NELSON:

S. 2633. A bill to amend the Federal Food, Drug, and Cosmetic Act, as amended, to prohibit the use of any name in connection with any prescription drug other than the official name designated for such drug by the Secretary of Health, Education, and Welfare. Referred to the Committee on Labor and Public Welfare.

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 2634. A bill to amend the Act of October 27, 1972, establishing the Golden Gate National Recreation Area in San Francisco and Marin Counties, Calif., and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. WILLIAMS:

S. 2635. A bill to amend section 110 of title 28, United States Code, to provide a place for the holding of Federal District Court in Hackensack, N.J. Referred to the Committee on the Judiciary.

By Mr. McGOVERN:

S. 2636. A bill to authorize supplemental appropriations for National Science Foundation Energy research and development. Referred to the Committee on Interior and Insular Affairs.

By Mr. THURMOND:

S. 2637. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder. Referred to the Committee on Finance.

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 2638. A bill to provide for fire accident data collection, analysis and dissemination, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and encourage fire prevention and control at all levels of government, and for other purposes. Referred to the Committee on Commerce.

By Mr. JACKSON:

S. 2639. A bill to amend the Maritime Academy Act of 1958 in order to authorize the Secretary of the Navy to appoint students at State maritime academies and colleges as Reserve midshipmen in the U.S. Navy, and for other purposes. Referred to the Committee on Armed Services.

By Mr. SCHWEIKER:

S.J. Res. 167. Joint resolution to amend the Constitution relative to silent prayer or meditation in the public schools and public buildings. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PERCY (for himself, Mr. BAKER, and Mr. COOK):

S. 2616. A bill to establish an independent Special Prosecution office, as an independent agency of the United States, and for other purposes. Referred to the Committee on the Judiciary.

Mr. PERCY. Mr. President, there must be a special Watergate prosecutor, independent and insulated from political pressure by either the Executive or Congress. This was my position last May when I introduced Senate Resolution 105, the original special prosecutor resolution, which was adopted by the Senate. It remains my position today. But now it is clear that stronger measures than those of last May are required to assure the American people that we have acted to preserve the integrity of the Watergate investigation and prosecution.

I am today introducing a measure, along with Senators BAKER, BROCK, and COOK, to establish an independent office to investigate the Watergate-related offenses. The President is authorized and directed to appoint, within 7 days of the enactment of this legislation, a special prosecutor and a deputy special prosecutor, subject to confirmation by the Senate.

Once confirmed, these two individuals would have full authority to take up where the Cox investigation left off, investigating and prosecuting all offenses against the United States arising out of the campaign and election for the Presidency in 1972. The actual powers given to the special prosecutor are based on the agreement reached between former Attorney General Richardson and Archibald Cox, and are the same as provided for in S. 2611. As in the Hart-Bayh bill, the office will exist for 2 years, except that any trials or appeals then in progress may be concluded.

Apart from the manner in which the special prosecutor and the deputy are appointed, the other major difference is in the manner in which the special prosecutor can be dismissed. Analogous to an independent agency, whose members are insulated from political pressure, the special prosecutor, under the provisions of my bill, can only be dismissed by the President for three reasons: malfeasance in office, neglect of duty, or violation of the statute which created his office. These are the same grounds which typically apply to members of independent agencies.

However, our bill goes even one step further toward protecting the independence of the special prosecutor by adopting the procedure which is used when the President proposes Executive reorganization plans to the Congress, and when the court proposes changes in the Federal Rules of Evidence. Should the President determine that one or more of the three grounds for dismissal had occurred, he would then prepare and transmit to the Congress a notice of dismissal. Either House of Congress would then have 30 days in which to pass a resolution of disapproval, which would prevent the dismissal from taking effect. If neither House of Congress did act, then the dismissal would become effective.

I believe that this approach is vastly preferable to having Judge Sirica appoint a new special prosecutor under the auspices of an act of Congress.

The judicial-appointment approach raises a threshold constitutional question which could delay the resumption of the investigation and the prosecution pending the judgment of the courts as to the plan's constitutionality. Or, worse yet, it could put in jeopardy any indictments or convictions obtained by the judicially appointed special prosecutor, should the court later judge such appointment and delegation of prosecutorial functions to be unconstitutional.

Professor Cox acknowledged this potential problem, even though he feels that such a plan is constitutional. On NBC's "Meet the Press," he said:

> But I have to say in honesty that there is room for argument on the other side (of the constitutionality of the judicially-appointed prosecutor) and the Congress will have to consider whether it is worth running the risk because if it is unconstitutional there would be further risk that indictments would be thrown out and justice would never be done.

On the other hand, Professor Cox readily acknowledges the constitutionality of the type of plan that I am proposing today. Our bill stays within the established precedent of having the President appoint and the Senate confirm, thus avoiding both a legal and an institutional confrontation.

Realistically, the President will soon name a special prosecutor and, if, as we all hope, it is an individual whom everyone will be able to fully support, can we then afford the confusion of having Judge Sirica also vested with this authority?

My legislation offers a chance to work with the executive branch toward achieving a common goal—convincing the public, beyond a shadow of a doubt, that impartial, fair, full, and nonpartisan justice has been done. This bill will allow us to take the President's nominee, wrap him or her in a cocoon of independence, much as we do with independent agencies, and allow that person to carry out the job that needs to be done.

Perhaps most important, this approach is necessary to protect the innocent. With the vast amount of publicity which has followed the Watergate investigation, the mere mention of a person's name raises the specter of guilt-by-association. Honorable individuals are in jeopardy of having their reputations ruined. In order to protect all of the innocent people connected with this event, we need to have a special prosecutor, who, because of the way he was nominated and confirmed, because of his integrity and independence, will be able to say, "Mr. X is completely innocent of any and all charges; I have found no credible evidence against him."

If the special prosecutor is subject to suspicion, justified or not, that he was influenced by political consideration, who will believe him when he says that "Mr. X is innocent"? But, if he is appointed and confirmed and allowed free hand to investigate and prosecute as set out in my bill, then the rights of the innocent will be guaranteed, and justice will indeed have been served.

This legislation is not intended to question the integrity of the Department of Justice or any of its employees. Indeed, both the former Attorney General and the former Deputy Attorney General, notwithstanding their high

regard for Assistant Attorney General Henry Petersen, feel that a special prosecutor needs to be appointed so that the appearance of justice will be as clear to the American people as is humanly possible.

The President himself has taken that position. Where we differ is in how best to achieve that independent status.

I believe that the approach I am suggesting today is not only a responsible and practical approach to the problem, but also one in which the American people will have faith and confidence. The important point is that all of us in the Congress, along with the Executive, realize that we have a common goal. What we need to find is the best way of achieving that common goal—one that will serve the ends of justice, but one which does not put us on a course of constitutional and institutional confrontation. It is my firm hope that this legislation will broaden the discussion and provide a realistic proposal that can be accepted with a minimum of constitutional doubt, legal delay, or political and institutional confrontation.

Mr. President, I ask unanimous consent that the bill be printed in full at this point in the RECORD.

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

S. 2616

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the Independent Special Prosecutor Act of 1973

SEC. 2. The Congress hereby finds and declares—

(a) Alleged crimes arising out of the Presidential campaign and election of 1972 have raised serious questions in the minds of all Americans of whether a full and complete investigation and prosecution of those crimes will proceed absent any partisanship or favor;

(b) Although the Justice Department is composed of men and women of the highest integrity and ability capable of conducting a fair, full and impartial investigation and prosecution of these alleged crimes, a significant doubt still remains as to whether the public need for the appearance as well as the fact of justice would be satisfied;

(c) The appointment of a Special Prosecution Force in the Executive branch of government on May 24, 1973, following upon the adoption of Senate Resolution 105, had begun the process of restoring the faith of the American people in the integrity of this Administration and in particular in the belief that the ends of justice were to be served;

(d) The dismissal of the Special Prosecutor on the direct order of the President of the United States on October 20, 1973, undermined this growing faith, and has plunged the country into a crisis of lack of confidence in its government and in those who have been elected to lead the government;

(e) In order to restore the public confidence, the investigation and prosecution of any offense arising out of the Presidential campaign and election of 1972 should be returned to an independent prosecutorial force.

SEC. 3. There is hereby established an Independent Special Prosecution Office, which will have the responsibility for investigating and initiating prosecution of all offenses arising out of the Presidential election of 1972 and matters related thereto and arising therefrom, including all matters which were under investigation by the Special Prosecutor force prior to October 19, 1973, pursuant to the agreement made between the former Special Prosecutor and the Attorney General Designate on May 19, 1973.

SEC. 4. The President of the United States is hereby authorized and directed to appoint (within seven days of the enactment of this legislation) a Special Prosecutor and a Deputy Special Prosecutor, by and with the advice and consent of the Senate.

SEC. 5. The Special Prosecutor is authorized and directed and shall have exclusive jurisdiction, to investigate, as he deems appropriate, and prosecute against and in the name of the United States—

(a) Offenses arising out of the unauthorized entry into Democratic National Committee Headquarters at the Watergate;

(b) Other offenses arising out of the 1972 Presidential election;

(c) Offenses alleged to have been committed by the President, Presidential appointees, or members of the White House staff in relation to the 1972 Presidential campaign and election;

(d) All other matters heretofore referred to the former Special Prosecutor pursuant to regulations of the Attorney General (28 C.F.R. Sec. 0.37, rescinded October 24, 1973); and

(e) Offenses relating to or arising out of any such matters.

SEC. 6. The Special Prosecutor shall have power and authority with respect to the matters set forth in Section 5 of the Act:

(a) To conduct proceedings before grand juries and other investigations he deems necessary;

(b) To review all documentary evidence available from any source;

(c) To determine whether or not to contest the assertion of "Executive Privilege" or any other testimonial privilege;

(d) To receive appropriate national security clearance and review all evidence sought to be withheld on grounds of national security and if necessary contest in court, including where appropriate through participation in camera proceedings, any claim of privilege or attempt to withhold evidence on grounds of national security;

(e) To make application to any Federal court for a grant of immunity to any witness, consistent with applicable statutory requirements, or for warrants, subpenas, or other court orders;

(f) To initiate and conduct prosecutions in any court of competent jurisdiction, frame and sign indictments, file informations, and handle all aspects of any cases over which he has jurisdiction under this Act, in the name of the United States, and

(g) Notwithstanding any other provision of law, to exercise all other powers as to the conduct of criminal investigations and prosecutions within his jurisdiction which would otherwise be vested in the Attorney General and the United States attorney under the provisions of chapters 31 and 35 of title 28, United States Code, and the provisions of 26 C.F.R. 301.6103 (a)-1(q), and act as the attorney for the Government in such investigations and prosecutions under the Federal Rules of Criminal Procedure.

SEC. 7. (a) All materials, tapes, documents, files, work in process, information, and all other property of whatever kind and description relevant to the duties enumerated in Section 5 hereof, tangible or intangible, collected by, developed by, or in the possession of the former Special Prosecutor or his staff established pursuant to regulation by the Attorney General (28 C.F.R., Sec. 0.37, rescinded October 24, 1973), shall be delivered into the possession of the Special Prosecutor appointed under this Act.

(b) All investigations, prosecutions, cases, litigation, and Grand Jury or other proceedings initiated by the former Special Prosecutor pursuant to regulations of the Attorney General (28 C.F.R., Sec. 0.37, rescinded October 24, 1973), shall be continued, as the Special Prosecutor deems appropriate, by him, and he shall become successor counsel for the United States in all such proceedings, notwithstanding any substitution of counsel made after October 20, 1973.

SEC. 8. The Special Prosecutor shall have power to appoint, fix the compensation, and assign the duties of such employees as he deems necessary, including but not limited to investigators, attorneys, and part-time consultants, without regard to the provision of title 5, United States Code governing appointments in the competitive civil service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title. The Special Prosecutor is authorized to request any officer of the Department of Justice, or any other Department of Justice, or any other Department or agency of the Federal or District of Columbia government, to provide on a reimbursable basis such assistance as he deems necessary, and any such officer shall comply with such request. Assistance by the Department of Justice shall include but not be limited to, affording to the Special Prosecutor full access to any records, files, or other materials relevant to matters within his jurisdiction and use by the Special Prosecutor of the investigative and other services, on a priority basis, of the Federal Bureau of Investigation, provided that only the Special Prosecutor and the Deputy Special Prosecutor shall have access to confidential or classified documents, records, files, or other such materials unless otherwise waived by the Attorney General or any other head of an appropriate agency.

SEC. 9. The Administrator of General Services shall furnish the Special Prosecutor with such offices, equipment, supplies, and services as are authorized to be furnished to any other agency or instrumentality of the United States.

SEC. 10. Notwithstanding any other provisions of law, the Special Prosecutor shall submit to the Congress directly requests for such funds, facilities, and legislation as he shall consider necessary to carry out his responsibilities under this Act, and such requests shall receive priority consideration by the Congress.

SEC. 11. The Special Prosecutor shall carry out his duties under this Act within two years, except as necessary to complete trial pending.

SEC. 12. (a) The Special Prosecutor and the Deputy Special Prosecutor may be removed by the President for neglect of duty, malfeasance in office, or violation of this Act, but for no other cause.

(b) When the President believes such violations have occurred, he shall prepare a notice of dismissal. Such notice of dismissal shall be delivered to both Houses of Congress, stating the reasons for such. The dismissal shall become effective at the end of the first period of thirty calendar days of continuous session of Congress after the date on which the notice is delivered to it unless between the date of transmittal and the end of the thirty-day period either House passed a resolution rejecting such dismissal.

(c) For the purpose of subsection (b) of this section,

(1) Continuity of session is broken only by an adjournment of Congress sine die; and,

(2) The days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day period.

SEC. 13. If any part of this Act is held invalid, the remainder of the Act shall not be affected thereby. The provisions of any part of this Act, or the application thereof to any person or circumstance if held invalid, the provision of other parts and their applica-

tion to other persons or circumstances shall not be affected thereby.

By Mr. HATFIELD (for himself and Mr. McGOVERN):

S. 2617. A bill to prohibit the use of funds to finance any combat activity by U.S. military forces in the Middle East. Referred to the Committee on Armed Services.

Mr. HATFIELD. Mr. President, I send to the desk a bill which would prohibit the expenditure of funds to finance directly or indirectly any combat activity by the U.S. military forces in or over or from off the shores of any country in the Middle East, unless specifically authorized by Congress.

There has been a cyclical pattern developing in the Middle East over the past quarter century which needs to be broken if we are to avert further bloodshed and avoid the increasing likelihood of a military confrontation with the Soviet Union. The pattern, which is easily discernible, goes as follows: First, either the Israelis or the Arabs become dissatisfied with the status quo; both make threatening statements after there is no sign of meaningful progress toward a settlement; the United States and U.S.S.R. arm the respective sides with the most sophisticated weaponry; one side attacks the other; there is significant loss of life and material; the United States and U.S.S.R. send more arms to the troubled area, and wait for the next round to begin.

There is only one part of this cycle where the United States has any influence—the shipment of arms. Like it or not, the threat of using the only other source of influence that we have—sending our own Armed Forces to the area—would only compound the problem there. Our policy to date has yet to bear signs of success. Not only has our influence with Israel diminished, but also we have alienated former friends among the Arab States and created the very conditions which have allowed the Soviet Union to expand its bridgehead in the area, at our expense.

There still remain to be resolved the same problems that were in question in 1948 when the present State of Israel was created: secure borders, the status of the Palestinians, the rights of non-Jews in Israel and Jews in the Arab countries; and Jerusalem. Since 1967 there has existed the added problem of the status of the occupied territories. The scope of each of these issues has changed over the years, but all for the worse. The problems are much more complex, the feelings and emotions more intense, and the violence and potential for conflict much greater.

More than ever before we must examine calmly and thoroughly what exactly are our interests in the Middle East. Obviously they would include our humanitarian interest in the survival of the people in the area; securing the religious rights of every group; our economic interests in the area, most notably oil; the increasing Soviet influence; and avoiding any mistakes of the magnitude we made in Southeast Asia.

At this juncture, the Israelis have military control over an area even larger than what they had before this most recent war began. I can envision no circumstances requiring the use of our troops to come to the assistance of Israel. The administration repeatedly has stated basic principles for bringing a durable settlement to amend conflict in the Middle East, a primary point of which was articulated by Secretary Kissinger on October 25, 1973, when he said:

> The United States is even more opposed to the unilateral introduction by any great power, especially by any nuclear power, of military forces into the Middle East, in whatever guise those forces should be introduced.

However, the administration appeared to be prepared to contradict that policy, as they alerted U.S. troops around the world for possible action in the Middle East.

The central question is, What should we have done had the Soviet Union introduced troops into the Sinai, for instance, to protect the Egyptian 3d Army? The answer hinges upon judgments as to whether the threat would have been significant enough to American interests to introduce our own troops. Consider if, in the early 1960's, the Soviet Union had alerted its troops around the world when we began introducing our forces into Southeast Asia. How would we have viewed it? We certainly would have been wary, but we probably would have looked upon it as an overreaction, a gross miscalculation. I think the same analysis holds true for our reaction to the latest action in the Middle East. Not only was the alert a contradiction of our stated policy, but a miscalculation that could easily have escalated into a military confrontation between superpowers that the world dreads.

It is time we exercised greater responsibility in the Middle East. As arms suppliers to several countries of that region we have important responsibilities for the future well-being of the inhabitants of that area. Sending U.S. troops, however, is not the way to exercise a responsibility for peace.

If President Nixon had not vetoed the war powers bill, which would have provided a congressional check against the power of a President to commit U.S. troops overseas for extended periods, there would be less need for the measure I am introducing today. The vacuum remains, however, in the legislative branch—the absence of any effective check to the President's power to undertake "police actions" abroad or to wage undeclared limited wars. Our only present recourse in Congress is to attempt to cut off funds for such activities by attaching antiwar-funding amendments to a series of important bills in order to get one through the White House.

It is my firm hope that we shall declare and establish in law the principle that our military forces will not be placed in combat in the Middle East, unless there is a specific authorization by the Congress. Surely all those who have decried the past abuses of Presidential war powers, and who have seen the tragedy of our past involvements abroad, such as in Southeast Asia, can support such a proposition.

I trust that the Senate Foreign Relations Committee will approve his measure as a part of any granting additional military assistance to Israel or other countries in the Middle East.

Mr. McGOVERN. Mr. President, I have joined with Senator HATFIELD in sponsoring legislation to prevent any direct U.S. military involvement in the Middle East unless there is prior specific approval by the Congress. The operative language reads as follows:

> Notwithstanding any other provision of law, no funds heretofore or hereafter appropriated may be obligated or expended to finance directly or indirectly any combat activity by United States military forces in or over or from off the shores of any country in the Middle East unless the Congress specifically authorizes such activity by legislation enacted after the date of enactment of this Act.

The administration has requested some $2.2 billion in emergency security assistance for Israel, to replace the enormous equipment losses incurred in the past several weeks and also to prepare, if necessary, for a longer conflict. There may be some reduction in that request in light of the ceasefire. Yet it is certainly clear that substantial additional aid—well beyond the $300 million in credit sales originally requested—will be needed to rebuild and resupply Israeli forces to deter any further attack.

I hope the Congress will act with dispatch on that request. When appropriate legislation is introduced, Senator HATFIELD and I will reintroduce the bill we are offering today as an amendment. I frankly think the American people will be fully prepared to provide the help Israel needs, if they know that aid is not, in this case, as it has been in other cases, an automatic first step toward an American war.

In this connection I want to make it clear that our proposal goes to process, not to merits. It does not prejudge any future situation which might arise, rather it determines that the Congress must be involved in any decision to involve U.S. forces.

We must be aware that Israel is not Vietnam. The conflict in the Middle East is not a civil war; rather it is a democratic state struggling for survival. And Israel has never requested that American forces become involved.

Nor does this proposal signal any lessening of my firm support of appropriate steps to assure the security of Israel. We must continue our diplomatic efforts on behalf of a Mideast settlement which would guarantee Israel's right to exist with recognized, secure and defensible boundaries. And we must continue to provide the supplies Israel needs to maintain the military balance, to deter aggression, and to foster a peaceful resolution of this tragic conflict. The recent attack by Syrian and Egyptian forces has underscored once again the compelling need to reaffirm those obligations.

But at the same time, I think we must decide very clearly that no unilateral act by the executive branch will be per-

mitted to bypass the constitutional authority of the Congress.

The American people are understandably concerned about the prospect that we may find ourselves at war in the Middle East. They know that in the past administrations have proclaimed inflated notions about the President's authority to decide on questions of war and peace. They also know that a very moderate war powers bill designed to curb those excesses has just recently been vetoed, principally because Mr. Nixon felt it interfered with his inherent power as commander in chief of the armed forces. Finally, they have seen a large-scale alert of U.S. forces—including strategic forces—in circumstances which suggest at the very least an excess of militance. I do not suggest that this was an effort to divert attention from Mr. Nixon's domestic political problems. But it certainly is hard to imagine what provocation there was that could have warranted steps toward nuclear war.

So given the past record, there is ample cause for alarm about what might happen next.

We all pray that the ceasefire will hold, and that negotiations between the parties directly involved will now proceed and prove fruitful.

But if that does not happen, and if the fighting should begin again, I think the American people deserve the firmest possible assurance that no U.S. forces will be sent in unless Congress specifically determines that such a step is in our national interest. Our system simply cannot stand another executive war.

By Mr. McGEE:

S. 2619. A bill to provide for access to all duly licensed psychologists and optometrists without prior referral in the Federal employee health benefits program. Referred to the Committee on Post Office and Civil Service.

Mr. McGEE. Mr. President, the bill I am introducing today would allow those Federal employees who are covered under the health benefits program to obtain the services of psychologists and optometrists without prior referral by a physician. Under many of the Federal employee plans, psychologist services can be provided only "at the direction and supervision of a psychiatrist or an attending physician." Access to optometric services is limited in a similar fashion. Enactment of this bill would avoid this lengthy referral.

I am hopeful the Committee on Post Office and Civil Service will have time in the near future to hold hearings on this legislation.

By Mr. McGEE:

S. 2620. A bill to establish a commission to investigate and study the practice of clearcutting of timber resources of the United States on Federal lands. Referred to the Committee on Interior and Insular Affairs.

Mr. McGEE. Mr. President, today I am introducing a bill which would provide for an interdisciplinary commission to review the practice of clearcutting to be accompanied by a moratorium on clearcutting in our national forests pending the results of the commission's findings.

My colleagues are well aware of my long-standing interest in forest management policies and in clearcutting in particular. Clearcutting as a method of timber harvesting has been the locus of controversy for many years and its potential for devastation has been acutely evident in the national forests of my own State of Wyoming. The legislation which I introduce today is essentially that which I have introduced in previous sessions of Congress. But I am convinced the need for an impartial review of clearcutting founded upon factual data, is more critical today than ever before. The crucial relationship which clearcutting bears to the dark outlook for timber production in the United States, is that as a dominant method of timber harvest, it may mean an irretrievable commitment of our national timber resources. Studies of the environmental impacts of clearcutting, such as those conducted by Bormann and Likens in New Hampshire and by Bolle in the Bitterroot National Forest in Montana, seriously question the capacity of the forest environment to withstand the effects of clearcutting without regeneration. Simply put, the case has too often been that clearcut forests fail to regain their original level of productivity, either because regeneration fails, or the rate of regrowth declines. At a time when our national timber heritage proves itself evermore valuable, this unproven, possibly destructive, practice of timber harvesting continues undaunted in the face of questionable consequences.

The possible annihilation of our timber resources is more real today than at any time in our Nation's history. The national need for lumber seems to grow with each passing day. It has been suggested that by the year 2000, demand for timber will have outstripped the available supply by some 20.4 billion board feet. The realities of the future portrayed by figures such as these must surely keen our sensibilities to the need for care in the decisions which we now make. Hasty solutions to the timber problems currently facing the United States could easily devastate that which has for so long been touted as our "renewable resource."

Statistics for timber production in America point to the inescapable conclusion that our forest lands are dwindling. In a special article appearing in the Washington Post yesterday, author Shelby Scates noted that the cutting of American softwoods in 1970 was 47.7 billion board feet while the net annual growth was but 40.2 billion board feet. Thus, the net loss for 1970 alone was 5.5 billion board feet of timber.

The Post article furthermore states heavy cutting occurs for the most part in stands of old growth timber. What this essentially means is that we are living off the successes of nature and her ability to manage forests and yet claim these successes as our own. We must be careful, therefore, in the consideration of an uncertain future to recognize the distinction between the capabilities of nature and the capabilities of men. As of now, our needs are being supplied by the forces of nature rather than the preparations of men. The fouled world around us bears no proof that we will be the capable successors to nature's design for the productive perpetuation of our forests.

It is exasperating to me, therefore, to witness the gathering forces of those who propose expanded assaults upon our national forests. Crushed beneath the pressures of an aggressive timber industry and a cooperative administration, the Forest Service has agreed to a record timber harvest of some 13 billion board feet during the fiscal year of 1974. Yet the Forest Service has unconvincingly determined it to be in the best interest of the country to reduce its reforestation program by approximately 4,500 acres and timber stand improvement by more than 100,000 acres. During hearings before the Interior Appropriations Subcommittee, I asked the Forest Service to explain the rationale behind its decisions. I was informed the President felt the reduction necessary to hold the line on Federal spending to avoid further inflation. I am at a loss to name the principle of economics which asserts that one can stem the tide of rising prices by creating a scarcity of a vital resource.

It is this same dubious theory of economics which must stimulate the administration's willingness to inflame the matter further by our timber export policy. The real victims of this policy are the American people, who must not only pay higher prices for lumber and lumber products, but who must yield their claims upon our national forests in the interest of this questionable policy. Because a limit exists on the amount of timber which may be exported off national forests, the large timber companies simply export the timber from their own lands and process for domestic consumption that which they cut in national forests.

Mr. President, because I referred to Shelby Scate's article earlier, and inasmuch as it explores at length the critical relationship of log exports and the timber shortage, I would like to request that it be inserted at the conclusion of my remarks.

The fictions and fantasies which surround the issues of timber management cannot help but condemn us to errors which posterity shall not forgive. I have attempted to show the confusion and lack of foresight which shrouds the policies by which our national forests are being managed. I do not intend to claim that by the bill I offer today, these problems will be swept away. Nevertheless, with every passing year, we become more desperate for answers. And yet, with each of those years we delay once again, our choices ever fewer. We do not have the luxury to waste time, we must begin to dedicate ourselves to the search for solutions.

Of the solutions we seek, the practice of clearcutting must be of the highest priority. If we are to be frugal with our natural resources, and the statistics show we must, then it is essential we begin to account for that which we do. By its potential for wastefulness and de-

struction, the possible impact of clear-cutting cannot go unstudied. I urge the Congress to act quickly on this legislation which will begin to answer the desperate questions we presently face.

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

[From the Washington Post, Oct. 29, 1973]

LOG EXPORTS STIR DEBATE—WASHINGTON STATE: "TREE FARM" FOR JAPAN?

(By Shelby Scates)

PORT TOWNSEND, WASH.—A bulldozer's roar and the crash of falling hemlock mingled on a recent day with the morning fog and heavy sea-smell on a bluff above Discovery Bay where Capt. George Vancouver came in 1792 in search of a Northern Passage.

Vancouver had sized it up quickly. There was no Northwest Passage, so the explorer turned his attention to the landscape, "the abundant fertility that unassisted nature puts forth, that requires only to be enriched by the industry of man." It was, he wrote, a land worth claiming for Great Britain as a colony.

Now, a near-convoy of flatbed diesel trucks carries the slender, fallen hemlocks to a ship about 25 miles away for the start of a long and controversial journey across the North Pacific to Japan.

What Great Britain failed to retain, the Japanese, say some, are now claiming. An apparently insatiable Japanese demand and a bullish domestic housing market are consuming this abundant national resource almost as fast as industrious men here can enrich it.

Since Vancouver's explorations, the forests of the Pacific Northwest have seemed as inexhaustible as the waters that tumble out of the surrounding Olympic and Cascade mountain ranges.

But good men are now in sharp dispute or deep puzzlement over the effect of intensive tree cutting on the region's, if not the nation's, timber supply.

"Every expert I talk with tells me otherwise," said Rogers Morton on a recent Seattle visit. "But every time I fly out over the Northwest I have a fear in my heart that we are overharvesting our timber.

"No, I'm not convinced of the figures—anybody's figures on the supply situation."

Morton talks about it in a tone of exasperation, and there is little wonder. The statistics on timber supply for the next 25 years—the framework for the dispute—are themselves disputed.

"I have to be honest about it," says Gary Reid, the fourth-generation head of the Simpson Timber Co., "I have to acknowledge how few facts we have about this situation."

The bitter edge of this timber supply debate centers on the export of logs to Japan, which increased from 522 million board feet in 1962 to 2.8 billion feet in 1972, running log prices many times over their appraised value and scores of marginal mill operators out of business.

Those 1972 exports, most of them from Washington forests, would build about 300,000 average-sized American homes, but they also pad our balance of payments and keep the Japanese looking eastward for their economic ties rather than to the abundant forests of Siberia.

To the U.S. State Department, those are enormous considerations, a fact they've made known by word of mouth, if not letter, to interested parties here.

CAN'T FILL BUCKETS

Mill workers can't fill their lunch-buckets on Japanese good will, and they are sharply aware that logs passing through their saws create about four times more work days than raw logs passing through longshoremen on the way to Japan.

"There's no doubt," says Reid, a lean, thoughtful man who would seem as much at home in a college economics seminar, "that some jobs have been lost, even in recent years, because of the log exports."

He supports those exports, nevertheless, and officials of nearly every other major forest products firm do too. Their common reason is the severely cyclical nature of their industry and the hope—so far justified—that when the domestic market is down, the Japanese market is up.

Their affirmation of log exports is based on the faith, however shaky, that we are not cutting ourselves out of trees, even as we are beginning to burn ourselves out of oil, gas, and in the Northwest—electrical energy.

That conviction, however, is not shared by the Western Forest Industries Association, whose members are small mill owners dependent on the federal and state lands for their log supply.

RUN AT CAPACITY

"The mills aren't down yet," says Joe McCracken, of Portland, the association's director. "They're running at capacity. But one day there won't be a tree left. All we'll have around here is a sea of stumps."

Rep. Lloyd Meeds (D-Wash.), whose district includes the great Douglas fir forests of the Cascades and Olympics, likens it to the present energy crisis:

"Unless we change our ways, we're going to wake up one day almost out of lumber—and the day isn't long coming."

These men want to stop log exports and start funneling money into the National Forest Services so that it can begin growing trees with the expertise and intensity of a Simpson or Weyerhaeuser.

At the other extreme of this argument is the Weyerhaeuser Co., headquartered, like Simpson, in Washington State. Weyerhaeuser is a timber giant with a staggering $1.67 billion in net sales last year.

Weyerhaeuser's spokesman, the Marshal Foch of the costly campaign for continuing log exports, is Bernie Orell, a combative vice president who declares there is no way the United States will run out of timber.

"We're staying within a sustained yield," he said, "The Forest Service has been raising that phantom for more than 50 years. Joe McCracken needs the controversy to justify his existence. He's made a living attacking Weyerhaeuser."

Behind this polarization are the timber supply estimates, and the latest are from a U.S. Forest Service report last December.

The most hair-raising projection is based on a continuation of saw-wood prices at 1970 levels. It would make the timber demand 20.4 billion board feet greater than the available supply by the year 2000—clearly a "timber crisis" to match the looming energy shortage.

But even the man who prepared this projection, Don Gedney, a resource analyst for the Forest Service office in Portland, admits it's "unreal" not to expect an increase in those prices.

Given a 50 per cent to 60 per cent price increase, the outlook for the year 2000 is for 6.9 billion board feet in available supply over the timber demand.

The gross statistics of timber supply

The gross statistics of timber supply strongly indicate too much consumption. In 1970, the total of all softwood removals in this country was 47.7 billion board feet, while net annual growth was 40.2 billion board feet.

But these forest service figures for "annual growth" do not include timbers of less than 11 inches in diameter—a considerable portion of the timber harvest in the Southern United States.

What they do reflect is a heavy harvest of old-growth timber, timber past its 30-year to 70-year maturity.

Old growth, by all accounts, is falling fast in the Northwest, but it's of no matter, say the Weyerhaeuser experts, as long as timber is being grown to replace it on a sustained basis.

"My feeling is, yes, we can avoid a timber supply shortage and toss in exports, if there's adequate tree farming on the state and national forest lands," said Dr. Bruce Barr of the University of Washington's School of Forestry.

"But we have to be very careful about keeping the proper balance between the old growth and the sustained yield, or we could wind up with a big timber supply gap."

That gap would occur, for example, if all of the old growth were harvested in a single year, leaving the nation dependent strictly on the timber from new or sustained yield forests. It's not likely to happen.

"The next 25 years will be extremely fascinating," said Gedney. "The old growth will go and the nation will depend on sustained yield.

"I'm not going to argue with Bernie's (Orell) flat prediction that we won't have a serious timber shortage. Frankly, nobody has an absolute handle on the data that goes into these projections.

"My honest opinion is that the truth lies somewhere between Bernie and myself."

But Gedney is certain in one assertion:

"We're not going to have all the wood we want at present prices. There is going to be less wood available to us."

Of more immediate and passionate concern in the Northwest is the effect of this transition and the log exports on jobs.

"I know Weyerhaeuser owns all that timber in Washington state (about 2 million acres)," said Hugh Bannister of the Western Pulp and Paper Workers Union, "but to some extent it also belongs to the people of Washington.

"They deserve to have jobs made out of it. We've seen Weyerhaeuser move its plants to British Columbia and the South. If Washington becomes a tree farm, Weyerhaeuser makes a lot of profit. But when it does that, a lot of people are going down the tube."

The Forest Service employment figures back up Bannister's contention.

With the anticipated increase in mill productivity and the decreasing log supply, the Forest Service figures the number of jobs in lumber, paper and woods products will decline from 121,000 in 1970 to 67,000 in the year 2000. During the same period, Gedney says jobs stemming from log exports will increase from 1,822 to 2,626.

Gedney attributes about 32,000 of these mill job losses to increased productivity, about 11,000 to decreased timber supply and 7,000 to Japanese exports.

His projections are based on the assumption that the Japanese will increase their demand for logs from the Washington "tree farm."

WOULD SAVE JOBS

"Of course," he noted, "if you ban the exports, you increase the timber supply, so that more than the 7,000 jobs would be saved."

As much as anything, these Forest Service figures set off last summer a battle in the Congress. The main aim was to stop log exports, and the Home building lobby joined McCracken's small mill owners.

Weyerhaeuser rushed full-force to head them off in the House and Senate committee rooms, and won eventually on skill and strength.

Weyerhaeuser is he General Motors of the timber companies, the leader in the substance, if not the style, of its industry.

Its rape-and-run forest practices are as far behind it as the crosscut saw and double-bit ax.

George Weyerhaeuser, like Reid a fourth generation chairman, is a progressive who

sometimes exchanges views with Brock Evans, the Sierra Club lobbyist in Washington, D.C.

"If all the forests were managed like Weyerhaeuser's, there'd be no worry about the timber supply situation," said McCracken. "They are the best."

"George is very smart—and very aggressive," says Gary Reid. "I wouldn't want to cross him."

What giant Weyerhaeuser Corporation wants it usually gets. Two years ago, it wanted a fundamental change in the way Washington State taxes its timber and got its way.

Weyerhaeuser wants to export logs for a reason that is implicit in its 1972 annual report: Log exporting is big, easy money.

Japanese demand last year resulted in Weyerhaeuser's sale of $250.5 million worth of logs, the heart of a record-high operating cash flow of $301 million. (By contrast, the cash flow of another well-known Northwest timber company was $10 million. It doesn't export, however.)

REGENERATION CAPITAL

The company is quick to note that this cash flow provided the capital for maximum utilization of the logs and regeneration of their millions of acres of forests.

It also financed completion of a containerboard plant in Oklahoma, where labor is cheaper, and a pulp mill in Kamloops, B.C. As union leaders are quick to note, this is an erosion of the industrial base in the Northwest.

But, the company's managers and bookkeepers argue that it would not be profitable for the firm (or any other) to retool with finer cutting saws needed to process the odd sized lumber consumed in the Japanese market.

Besides, they argue without blinking an eye at the irony that the Japanese want to protect their sawmill industry.

Nor would it be profitable, they say, to expand newsprint facilities, despite the current shortage.

Something else, however, makes log exports all the sweeter for Weyerhaeuser and other companies. It is the 50 per cent tax break on corporate profits a firm can get by setting up a Domestic International Sales Corporation.

The idea, of course, is to beef up U.S. balance of payments, one of the international considerations that play in this controversy along with the lunch-bucket and the value of timber company stock.

When Sen. Robert Packwood, (R-Ore.,) presented his bill restricting log exports and banning them from federally owned land, Weyerhaeuser went to war. A House bill by Rep. Meeds to limit the annual export to 1.5 billion board feet and to require equal value in the export of finished forest products provided an additional spur.

A kind of war between the lobbyist mercenaries of Weyerhaeuser, led by Orell, and the small mill owners, led by McCracken, ensued in the corridors and committee rooms of the Old Senate Office Building where John Dean, John Ehrlichman and H. R. Haldeman played to millions before the Senate Watergate Committee.

BILL SLIPPED AROUND

Anti-export forces struck first. Helped by McCracken and their Washington lobbyist Joe Miller, Packwood slipped his bill around the powerful committee chairmen from Washington state, where Weyerhaeuser's political influence is mighty, and into the Senate Banking Committee where Packwood sits.

That meant avoiding the Charybdis of Jackson's Interior Committee, and the Scylla of Magnuson's Commerce Committee—a very tidy trick for a bill so heavily tied to commerce and federal lands.

Both Magnuson and Jackson are Democrats. Weyerhaeuser's relationship with Republican Gov. Dan Evans is no less comfortable.

Orell's counterattack pinned its hopes on stalling the bill until a projected late summer drop in housing starts could cool the enthusiasm and the muscle of the home builders, McCracken's allies of expediency.

Weyerhaeuser moved fast, hiring Hugh Smith, an attorney associated politically with Sen. John Sparkman (D-Ala.), a ranking member of the Banking Committee.

They also retained Charls Walker, a former Assistant Secretary of the Treasury, and a one-time (1961–69) executive vice president of the American Bankers Association, which has paid long and careful court to the Banking Committee.

Orell hotly denies Walker was hired strictly to gun down the Packwood bill, but he did recollect that the former Nixon administration official "did some work" on the measure. Others say Walker did a lot.

The battle turned, however, on Sen. Hubert Humphrey's agreement to have a hearing on the bill before his foreign agricultural policy subcommittee—but not until July 11.

Larry Merthan, the Washington vice president of Hill and Knowlton public relations firm and a former legislative aide to Humphrey for the July 11 hearing, according to Miller.

It worked. By July 11, housing starts had dropped and the Home Builders were quietly withdrawing from the warfare.

"We don't view Hill and Knowlton as a lobbying organization," said Orell of the public relations firm, which Weyerhaeuser, like several other giant firms with critical business on Capitol Hill, has on retainer.

"If we could have gotten it to the (Senate) floor before July 1, it would have passed," said Miller. "But after the drop in housing starts too many people had an excuse to vote against it. There wasn't any point in bringing it to the floor after that."

SEES FIGHT DOOMED

McCracken agrees. He thinks the coalition Weyerhaeuser worked out with the export-conscious farm bloc during their battle dooms any fight in the immediate future to get a total ban on log exports.

There is a ban on exports of logs cut on federal lands. Significantly, it's placed in the annual omnibus farm bill and subject to year-to-year renewal.

But it is a questionable prohibition, given the Forest Service's limited funds for tracing the ultimate fate of the logs they sell. They could, for instance, be traded several times before reaching a Japanese logship. More likely, they could replace at the sawmill the privately owned timber that's being exported.

There is a common ground among all these lobbyists. At least they pay lip-service to the idea that more money is needed by the Forest Service to apply to regeneration of the forests, if not for police work.

"That is the real key to the timber supply question," said Reid. "It's regeneration—how much land we are able to keep in timber production and how well we use that land.

"I hate to see the old forest go. But if we can get new trees in their place, there'll be more profit—and no shortage of timber."

As Vancouver suggested, it seems to be a race between man's industry and his greed.

By Mr. JACKSON (for himself and Mr. HASKELL):

S. 2621. A bill to declare a national policy that the beaches of the United States are impressed with a national interest and that the public shall have free and unrestricted right to use them as a common consistent with such property rights of littoral landowners as may be protected absolutely by the Constitution, to establish procedures and provide Federal funding for the purchase or condemnation of easements of access to the beaches for public use, to provide for administration of the national open beaches program by the Secretary of the Interior; and for other purposes. Referred to the Committee on Interior and Insular Affairs.

A NATIONAL WATER-BASED RECREATION PROGRAM: THE NATIONAL ISLANDS CONSERVATION AND RECREATION ACT AND THE NATIONAL OPEN BEACHES ACT

Mr. JACKSON. Mr. President, I introduce today two measures designed to preserve and protect for public use our Nation's most valuable land—its beaches and islands. If enacted, these two measures—the National Islands Conservation and Recreation Act and the National Open Beaches Act—would, in effect, establish a national water-based recreation program to insure the availability of water-bordering lands for recreation and conservation purposes.

Mr. President, it has been estimated that our population will grow from 200 to 300 million in the next 30 years. The extent of the total American shoreline, will, however, be the same in the year 2000 as it is now. If action is not taken quickly, that portion of the shoreline which still possesses recreational, environmental, historical, and cultural values may vanish under the onslaught of other demands.

During the 10 years I have served as chairman of the Senate Committee on Interior and Insular Affairs, Congress has created 13 national seashores and lakeshores. In addition, the Land and Water Conservation Fund Act and the Federal Land for Parks and Recreation Act have provided better recreational opportunities within easy access of the cities. Last Congress, the Senate Interior Committee reported and Congress enacted into law proposals to create the Gateway National Parks virtually in the centers of New York City and San Francisco. In each of the last three Congresses, I have introduced and fought for a national land use policy bill to insure wise planning and use of our finite land base. Last year Congress enacted the Coastal Zone Management Act to provide for the proper management of our Nation's most critical land resource: The coastal zone.

But more must be done. Many beaches which were open to the public only a few years ago and many islands which were until recently undeveloped and accessible to all are now festooned with signs reading "Private Property—Keep Out," "No Trespassing—Private Beach," "Subdivision: Lots for Sale." Unfortunately, these are the signs of the times along our Nation's waterways and on its seashores. Inasmuch as the majority of outdoor recreation occurs around, and many of our Nation's richest natural environments exist near, water—whether it be streams, lakes, or seashore—steps must be taken to protect water-bordering land.

By encouraging the use of a variety of methods—reasserting a common law principle, purchase of access easements,

leasing and acquisition of land, and employment of zoning and other land use controls—by all levels of government, the two measures I introduce today would insure the protection of our beaches and islands heritage.

THE NATIONAL OPEN BEACHES ACT

Mr. President, I introduce for appropriate reference the National Open Beaches Act.

The Nation's ocean shoreline is a resource which, as was reported by the Outdoor Recreation Resources Review Commission—ORRRC—in 1962 in a report entitled "Shoreline Recreation Resources," has been neglected by the Nation as a recreational resource. It has "largely been left for acquisition and exploitation by whatever public or private agencies desired to undertake its ownership, control and management."

Mr. President, it is my view that the ocean beaches of the United States are a part of the common heritage of all of the people, that they are impressed with a public interest, and that new means must be found to protect this great resource and, to the maximum extent possible, make it available for public use and enjoyment.

I first introduced the National Open Beaches Act in 1971. The bill I introduce today is similar to this earlier proposal.

This bill is designed to establish a simple legal presumption: namely, that the public has a basic right of access to and over the open seacoast beaches of the United States. This right is based on the recognition that the ocean beaches of this Nation have traditionally served as thoroughfares and havens for persons pursuing all types of travel, commerce and recreation. The bill recognizes that the concept of the beach as a common resource of all citizens is threatened by shorelines being fenced or enclosed upon assumptions which in many cases and in many States are not founded on clear legality.

The purpose of this legislation is best described by quoting from sections * * * By reason of their traditional use as a thoroughfare and haven for fishermen and sea venturers, the necessity for them to be free and open in connection with shipping, navigation, salvage, and rescue operations, as well as recreation, Congress declares and affirms that the breaches of the United States are impressed with a national interest and that the public shall have free and unrestricted right to use them as a common to the full extent that such public right may be extended consistent with such property rights of littoral landowners as may be protected absolutely by the Constitution. It is the declared intention of Congress to exercise the full reach of its constitutional power to protect such public right. In order to carry out the purposes of this Act, Congress deems it desirable to establish a program to encourage the States and the Federal Government to act jointly to protect the rights and interests of the people in the use of the beaches.

No person shall create, erect, maintain, or construct any obstruction, barrier, or restraint of any nature which interferes with the free and unrestricted right of the public, individually and collectively, to enter, leave, cross, or use as a common the public beaches.

This measure, if enacted, would in no way affect the rights of littoral property owners. These rights are fully protected. The bill would establish procedures whereby easements for access to the beaches could, where necessary, be purchased or condemned for public use. Funds necessary for this purpose would come from the land and water conservation fund on a 25-percent State and 75-percent Federal matching basis.

Mr. President, the total shoreline of the United States, excluding both Alaska and Hawaii, is 59,157 statute miles. Of this total, 21,724 miles has been classified as recreation shoreline by the ORRRC study report. Of this total detailed shoreline only 1,209 miles—just barely 2 percent—is in public ownership and available, or potentially available, for recreational use. Of the area classified as recreational shoreline only 5.7 percent is available for recreational use. Table 4 from the ORRRC report breaks these figures down by major coastlines. Mr. President, I ask unanimous consent that this table be printed at this point in the RECORD.

TABLE 4.—MILEAGE OF DETAILED SHORELINE, RECREATION SHORELINE,[1] PUBLIC RECREATION SHORELINE, AND RESTRICTED SHORELINE, BY MAJOR COASTLINES

[In statute miles]

Shoreline location	Detailed shoreline	Recreation shoreline	Public recreation shoreline	Restricted shoreline
Atlantic Ocean	28,377	9,961	336	263
Gulf of Mexico	17,437	4,319	121	134
Pacific Ocean	7,863	3,175	296	127
Great Lakes	5,480	4,269	456	57
U.S. total	59,157	21,724	1,209	581

[1] Recreation shoreline is measured by the same methods used by the Coast and Geodetic Survey. The total in this table and the State totals found elsewhere in the study are the result of including all such measured shoreline that meets the criteria for recreation shoreline as noted above. These figures will undoubtedly be different than data published by many States. While some difference in the totals may be attributed to the inability of this study to identify all public shoreline areas, a major reason for the difference is in the different criteria used by this study and by the various States in their reports.

Mr. JACKSON. Mr. President, the fourth column of the table, "Restricted Shoreline," refers to areas of "restricted military use." These areas amount to 581 miles, or almost one-half of the total Nation's shoreline which is presently dedicated to public recreational use. If, after the military use of this shoreline is completed, these areas could be dedicated to public recreational use, the amount of shoreline available to the public would be increased by a full 50 percent without any further expenditure of Federal or State funds.

On October 22, 1970, the President signed my bill, the Federal Lands for Parks and Recreation Act. This measure makes surplus Federal lands which are suitable for park and recreational use available to State and local government at little or no cost. The Federal Lands for Parks and Recreation Act provides a means by which surplus military shoreline may be dedicated to public use.

Table 5 from the ORRRC study report shows the status of the Nation's recreational shoreline by State, mileage, type, ownership, and development status.

TABLE 5.—ESTIMATED MILEAGE, BY STATE, OF THE U.S. RECREATION SHORELINE, BY TYPE, OWNERSHIP, AND DEVELOPMENT STATUS

State	Total (miles)	Type			Ownership			Development status
		Beach (miles)	Bluff (miles)	Marsh (miles)	Public: Recreation areas (miles)	Public: Restricted areas (miles)	Privately owned (miles)	
Alabama	204	115		89	3	1	200	Low.
California	1,272	283	883	106	149	100	1,023	Moderate.
Connecticut	162	72	61	29	9		153	High.
Delaware	97	41		56	9	9	79	Moderate.
Florida	2,665	1,078	406	1,171	161	122	2,372	Low-moderate.
Georgia	385	92		293	5		380	Moderate.
Illinois	45	13	32		24	4	17	High.
Indiana	33	33			3		30	Do.
Louisiana	1,076	257		819	2		1,074	Low.
Maine	2,612	23	2,520	69	34		2,578	Do.
Maryland	1,368	40	912	416	3	113	1,252	Do.
Massachusetts	649	240	288	121	12	6	631	High.
Michigan	2,469	292	1,959	218	357		2,112	Low.
Minnesota	264	22	175	67	19		245	Do.
Mississippi	203	134		69		25	178	High.
New Hampshire	25	7	9	9	3		22	Very high.
New Jersey	366	101	33	232	18	15	333	Do.
New York	1,071	231	590	250	47		1,024	Moderate.
North Carolina	1,326	285	260	781	139	42	1,145	Low.
Ohio	275	20	195	60	9	5	261	High.
Oregon	332	133	181	18	101		231	Moderate.
Pennsylvania	57	9	44	4	19		38	Do.
Rhode Island	188	39	145	4	8	10	170	High.
South Carolina	522	162		360	9	10	503	Moderate.

State	Total (miles)	Type			Ownership			Development status
		Beach (miles)	Bluff (miles)	Marsh (miles)	Public: Recreation areas (miles)	Public: Restricted areas (miles)	Privately owned (miles)	
Texas	1,081	301	421	359	5	18	1,058	Very low.
Virginia	692	160	118	414	2	26	664	Low.
Washington	1,571	121	1,294	156	46	27	1,498	Moderate.
Wisconsin	724	46	634	44	13	[1] 48	663	Do.
Total	21,724	4,350	11,160	6,214	1,209	581	19,934	

[1] Includes some Indian lands held in trust.

Mr. JACKSON. Mr. President, the ORRRC report presented some additional statistics which place the demand upon our public-owned beaches in perspective. Using their criteria that each person requires 150 square feet of beach space, the 1,209 miles of public recreational shoreline could only accommodate 2.1 million persons at any one time. This calculation is based upon the assumption that all of these 1,209 miles are prime beach shoreline, when in fact a significant portion consists of marshes, bluffs, and rocky beaches. In addition, many of the beaches best adapted for outdoor recreation are not readily accesible to urban areas where the need is greatest.

Recognition of the attraction of people to water is exemplified by the public pressures on the 46 national parks, seashores, lakeshores, and monuments managed by the National Park Service on our seashores or on the Great Lakes. These Federal marine areas have been heavily used, and the growing demand for quality recreation will continue to challenge efforts to maintain their esthetic values.

The 15 National Seashores and Lakeshores and the 111 units of the National Wildlife Refuge System managed by the Bureau of Sport Fisheries and Wildlife along our country's coastline will also realize significant increases in recreational usage.

It is apparent that more must be done to make our beaches more available to the public. In 1967, the Bureau of Outdoor Recreation published a report entitled "Outdoor Recreation Trends" which categorized the various outdoor recreation activities and projected the demands for each. The report concluded that the greatest increases would come in activities which were water based or water related. It was estimated that by 1980 swimming would be the number one outdoor recreation activity, increasing 72 percent between 1965 and 1980. In these same 15 years, it was estimated water skiing would increase 121 percent, boating 76 percent, hiking 78 percent, and camping 78 percent.

These statistics make it abundantly clear that there is a nearly insatiable demand for water-based outdoor recreation experiences. Maintaining the quality of the already overburdened public seashores will be a nearly impossible future task unless additional areas are set aside and opened to all Americans.

This is no new revelation. The National Park Service published a booklet in 1955 entitled "Our Vanishing Shorelines" which stated that—

Present facilities are already inadequate and will be smothered by increased attendance unless additional recreation areas are provided.

Fortunately, many new areas have been established over the past 17 years. In the future, however, seashore suitable for recreation cannot be expected to be acquired in large quantities, primarily because of escalating land prices. Other approaches must be taken.

Mr. President, the need for additional public recreational opportunities on our waterfront areas was further elaborated upon in a 1969 report entitled "Our Nation and the Sea," prepared by the Commission on Marine Science, Engineering, and Resources. The report indicated that the existing publicity held marine recreation properties can never accommodate the pressures imposed upon them. As a result, the Marine Sciences Commission recommended that—

Federal, State, and local governments should give primary emphasis to acquiring access to the shores for purposes of recreation, especially near urban populations. Steps short of acquisition should be used to the extent feasible but, when necessary to control coastal use, land should be acquired.

The report also concluded that all levels of government should take action to insure that provisions are made for public access to waterfront in many of the private development projects along the shore. The Commission felt that because many private developments involving landfills may adversely affect a resource that belongs to everyone, then the developer should compensate for filling in these acres by providing access to the public for the use of adjacent waters.

Mr. President, the predominance of private control and ownership of the Nation's beaches and the lack of public access raises some very important questions of law, of public policy, and of the responsibilities of State and Federal Government. One of the major questions posed in the ORRRC study was as follows:

What is the right of the public in this limited resource, and is it superior to that of the private owner who has held domain for scores of years while public agencies ignored the resource?

The ORRRC study report went on to say that:

This report is based on the assumption that the total physical shoreline of the Nation can and should be considered available for public development and use. No attempt has been made to evaluate the legal, political financial, and policy difficulties that would accompany attempts to place more of the national shoreline under public control and management. The report does not imply that it is feasible or desirable to espouse public ownership of the entire shoreline. However, it does recognize the public interest in the shoreline as a national boundary and the necessity to consider the entire shoreline when policies of shoreline recreation are being formulated.

The National Open Beaches Act addresses these and other important questions discussed in the ORRRC report. Hearings on this measure and preliminary legal studies will provide a basis which will allow Congress to determine what the Federal role should be in making the Nation's beaches accessible to the public.

Mr. President, I ask unanimous consent that the text of the National Open Beaches Act be printed in the RECORD at this point. I further ask unanimous consent that articles from the New York Times and the Christian Science Monitor; a speech by Mr. Louis E. Reid, Jr., Bureau of Outdoor Recreation; and a series of articles on the vanishing Eastern shoreline by John Fialka and Roberta Hornig in the Washington Evening Star-News be printed in the RECORD at the conclusion of my statement on, and after the text of, the National Islands Conservation and Recreation Act.

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

(See exhibit 1 at conclusion of statement on S. 2622.)

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

S. 2621

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Open Beaches Act".

DEFINITIONS

SEC. 2. As used in this Act the term—

(1) "Secretary" means the Secretary of the Interior.

(2) "Sea" includes the Atlantic, Pacific, and Arctic Oceans, the Gulf of Mexico, and the Caribbean and Bering Seas, and the Great Lakes.

(3) "Beach" is the area along the shore of the sea affected by wave action directly from the open sea. It is more precisely defined in the situations and under the conditions hereinafter set forth as follows:

(A) In the case of a typically sandy or shell beach with a discernible vegetation line

which is constant or intermittent, it is that area which lies seaward from the line of vegetation to the sea.

(B) In the case of a beach having no discernible vegetation line, it shall include all area formed by wave action not to exceed two hundred feet in width (measured inland from the point of mean higher high tide).

(4) The "line of vegetation" is the extreme seaward boundary of natural vegetation which typically spreads continuously inland. It includes the line of vegetation on the seaward side of dunes or mounds of sand typically formed along the line of highest wave action, and, where such a line is clearly defined, the same shall constitute the line of vegetation. In any area where there is no clearly marked vegetation line, recourse shall be had to the nearest clearly marked line of vegetation on each side of such area to determine the elevation reached by the highest waves. The line of vegetation for the unmarked areas shall be the line of constant elevation connecting the two clearly marked lines of vegetation on each side. In the event the elevation of the two points on each side of the area is not the same, the extension defining the line reached by the highest wave shall be the average elevation between the two points. Such line shall be connected at each of its termini at the point where it begins to parallel the true vegetation line by a line connecting it with the true vegetation line at its farthest extent. Such line shall not be affected by occasional sprigs of grass seaward from the dunes and shall not be affected by artificial fill, by the addition or removal of turf or by other artifical changes in the natural vegetation of the area. Where such changes have been made, and thus the vegetation line has been obliterated or has been created artifically, the line of vegetation shall be reconstructed as it originally existed, if such is practicable; otherwise, it shall be determined in the same manner as in other areas where there is no clearly marked line of vegetation, as in paragraph (3)(B) of this section.

(5) "Area caused by wave action" means the area to the point affected by the highest wave of the sea not a storm wave. It may include scattered stones washed by the sea.

(6) "Public beaches" are those which, under the provisions of this Act, may be protected for use as a common.

(7) "Matching funds", as provided by a State, include funds or things of value which may be made available to the State for the purpose of matching the funds provided by the Federal Government for purchasing beach easements as, for instance, areas adjacent to beaches donated by individuals or associations for the purpose of parking. The value of such lands or other things used for matching Federal funds shall be determined by the Secretary. State matching funds shall not include any moneys which have been supplied through Federal grants.

(8) "Shore of the sea" includes those shores on the North American Continent, or land adjacent thereto, the State of Hawaii, free commonwealths, unincorporated territories, and trust territories of the United States.

STATEMENT OF POLICY AND PURPOSES

SEC. 3. By reason of their traditional use as a thoroughfare and haven for fishermen and sea venturers, the necessity for them to be free and open in connection with shipping, navigation, salvage, and rescue operations, as well as recreation, Congress declares and affirms that the beaches of the United States are impressed with a national interest and that the public shall have free and unrestricted right to use them as a common to the full extent that such public right may be extended consistent with such property rights of littoral landowners as may be protected absolutely by the Constitution. It is the declared intention of Congress to exercise the full reach of its constitutional power to protect such public right. In order to carry out the purposes of this Act, Congress deems it desirable to establish a program to encourage the States and the Federal Government to act jointly to protect the right and interests of the people in the use of the beaches.

FREE ACCESS TO AND USE OF BEACHES

SEC. 4. No person shall create, erect, maintain, or construct any obstruction, barrier, or restraint of any nature which interferes with the free and unrestricted right of the public, individually and collectively, to enter, leave, cross, or use as a common the public beaches.

FEDERAL ENFORCEMENT

SEC. 5. (a) An action shall be cognizable in the district courts of the United States without reference to jurisdictional amount, at the instance of the Attorney General or a United States district attorney to:

(1) establish and protect the public right to beaches;

(2) determine the existing status of title, ownership, and control in relation to beaches; and

(3) condemn such easements as may reasonably be necessary to accomplish the purposes of this Act.

(b) Actions brought under the authority of this section may be for injunctive, declaratory, or other suitable relief.

(c) The following rules concerning the consideration of evidence shall be applicable in all cases brought under this section:

(1) A showing that the area is a beach shall be prima facie evidence that the title of the littoral owner does not include the right to prevent the public from using the area as a common.

(2) A showing that the area is a beach shall be prima facie evidence that there has been imposed upon the beach a prescriptive right to use it as a common.

PLANNING, DEVELOPMENT, AND ACQUISITION GRANTS TO STATES

SEC. 6. (a) The Secretary is authorized to make grants to States for carrying out the purposes of this Act.

(b) Subsection (c) of section 5 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended is amended by adding immediately after the first sentence the following new sentence; "Any State shall be entitled to 75 per centum of the cost of planning or development of projects and acquisition of interests in land designed to secure the right of the public to beaches where the State has complied with the requirements of the National Open Beaches Act and where, in the judgment of the Secretary of the Interior, adequate State laws exist and are being satisfactorily employed to protect the public's right in the beaches."

TRANSPORTATION FACILITIES GRANTS TO STATES

SEC. 7. The Secretary of Transportation is authorized to provide financial assistance to any State and its political subdivisions for the development and maintenance of transportation facilities necessary for the use of public beaches in such State if, in the judgment of the Secretary of the Interior, such State, by State law, has defined and sufficiently protected public beaches within its boundaries. Such financial assistance shall be for projects which shall include, but not be limited to, the construction of necessary highways and roads to give access to the shoreline area, the construction of parking lots and adjacent park areas, as well as related transportation facilities. All sums appropriated to carry out title 23 of the United States Code are authorized to be made available to carry out this section.

AVAILABILITY OF FACILITIES AND INFORMATION

SEC. 8. The Secretary shall place at the disposal of the States such Federal research facilities, and, in cooperation with the other Federal agencies, such other information and facilities, as may be reasonably available to assist the States in carrying out the purposes of this Act. The President may promulgate regulations concerning such interagency and intergovernmental cooperation.

AUTHORITY OF THE SECRETARY OF THE INTERIOR

SEC. 9. The Secretary shall administer the terms and provisions of this Act and shall determine what actions shall be brought under section 5 hereof.

RECOVERY OF INTERESTS IN LAND

SEC. 10. All interests in land recovered under authority of this Act shall be treated as subject to the ownership, control, and authority of the State in the same measure as if the State itself had acted to recover such interest. In order that such interest may, where necessary, be recovered through condemnation, the State must participate in acquiring such interest by providing matching funds of not less than 25 per centum of the value of the land condemned.

SAVINGS CLAUSE

SEC. 11. Nothing in this Act shall be held to impair, interfere with, or prevent State—

(1) ownership of its lands and domains,

(2) control of the public beaches in behalf of the public for the protection of the common usage or incidental to the enjoyment thereof, or

(3) authority to perform State public services, including enactment of reasonable zones for wildlife, marine, and estuarine protection.

By Mr. JACKSON (for himself and Mr. HASKELL):

S. 2622. A bill to declare a national policy to protect and manage islands of the Nation which possess unique environmental, recreational, historical, and cultural values; to authorize a study by the Secretary of the Interior of our Nation's islands including recommendations of islands to be added to the national park, wildlife refuge, and forest systems; to encourage and establishment of State islands conservation and recreation programs; to add to the land and water conservation fund and authorize the provision of a portion of the additional funds to State and local governments for the acquisition of islands and the purchase or lease of Federal surplus island property; and for other purposes.

Referred to the Committee on Interior and Insular Affairs.

NATIONAL ISLANDS CONSERVATION AND RECREATION ACT

Mr. JACKSON. Mr. President, I introduce for appropriate reference the National Islands Conservation and Recreation Act.

This measure would preserve the recreational and environmental qualities of America's remaining undeveloped or minimally developed islands. The proposal would declare a new national policy to protect and manage islands which possess unique environmental, recreational, historical, and cultural values. To implement this policy, it would authorize a study of the Nation's islands

by the Secretary of the Interior, with the assistance of the Secretary of Agriculture. Recommendations would be made as to those islands which should be added to our national park, wildlife refuge, and forest systems and those islands which would be eligible for inclusion in islands conservation and recreation programs managed by State and local governments. The annual total of the land and water conservation fund would be increased by $200,000,000—to $500,000,000—of which $60,000,000 would be made available to States and local governments pursuant to agreements with the Secretary of the Interior, to study, plan for, and acquire island lands, and $15,000,000 to State and local governments to lease or acquire Federal surplus property and facilities situated on islands.

Mr. President, for far too long we have failed to take action to protect a rapidly dwindling, irreplaceable resource: our Nation's islands. In 1970 the Department of the Interior issued an excellent report, entitled "Islands of America," with recommendations to preserve the recreational and environmental qualities of America's remaining undeveloped or minimally developed islands. Contained in that report was suggested legislation, entitled the "National Island Trust Act." Although that proposal, which would have created a single pilot project off the coast of Maine, is inadequate to the task; neither it nor any alternative legislation has been introduced by the administration in the 3 years since the issuance of the islands report.

On February 14, 1972, I introduced S. 3164, the National Islands Conservation and Recreation Act, a proposal of much wider scope than the Trust Act suggested in the islands report. Hearings scheduled on that measure were canceled at the request of the joint leadership in order to expedite business on the floor of the Senate toward the close of the 92d Congress. The National Islands Conservation and Recreation Act which I introduce today and which is similar to S. 3164 of last year would remedy this failure of Federal action to protect our island heritage.

Our Nation's islands represent an untapped opportunity to add to our recreational resources and to enhance the quality of our environment. Yet, if strong measures are not soon taken the very wealth and technological achievement which would allow us to enjoy the natural beauty of our islands may impair, if not destroy, our chance to do so. Although, in 42 of our States, approximately 3 million acres of undeveloped or minimally developed island lands remain which have valuable recreational potential, we have little time in which to act to preserve these lands from development. Industry and commerce demand island waterfront sites for the inexpensive transportation and means of disposing effluents which such locations provide; more and more Americans are seeking second homesites or hotel space on island lands; and bridges, cars and boats are rendering these once isolated islands more accessible to all who seek to develop them.

These pressures to develop idle island land are particularly severe on islands near our urban centers. It is an astounding fact that, at a time when urban beaches and playgrounds are rendered nearly useless by overcrowding and when "no trespassing" signs are sprouting at an ever-more-rapid pace along shoreline once available for public use, there are situated less than 25 miles from cities of 50,000 or more persons almost 1 million acres of undeveloped or minimally developed island lands—1 million acres of beaches, fields, and woods. Our urban youngsters, indeed all of us, deserve the opportunity to escape the ever-present asphalt of the cities and to explore these "treasure islands."

The failure of the administration and the Congress to act to protect our islands is particularly unfortunate at this time when pressures for development coincide with rapidly increasing demands for recreation—demands which will be even more acute in the decade ahead. A 1967 study of the Bureau of Outdoor Recreation concluded that the greatest increase in America's recreational interests would come in activities which are water based or related. It found, for example, that by 1980 swimming would be the No. 1 outdoor recreation activity, increasing 72 percent between 1965 and 1980. Yet, on the mainland virtually all the beachfront readily accessible to our urban areas has already been dedicated to one or another use—too often a use other than recreation. With careful planning and wise governmental actions, the nearby islands can and should be drawn within the recreational ambit of our urban population. My bill would encourage such planning and actions.

If we properly protect our Nation's islands for recreational purposes, we will also have preserved important historical and cultural values, and have enhanced the quality of our environment. Our islands display an unparalleled variety of natural features and shelter a great diversity of plant and animal life. In addition, they have played a critical historical role, serving as sites for colonization, sanctuary, and embarkation in the exploration and settlement of this Nation—across the Aleutians in the West may have come our continent's first inhabitants, the forefathers of the American Indians; the Atlantic seacoast islands received the first European explorers and settlers; and the islands of the inland rivers served as stepping stones for the pioneers on their westward journeys. In our literature and imagination, we still explore new islands, we still escape from our less than perfect world to a simpler island ambience. More's "Utopia," "Robinson Crusoe," "The Swiss Family Robinson," and "Treasure Island" evoke for us the mystery and the beauty of islands—the same mystery and beauty we have one last chance to save.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the text of the National Islands Conservation and Recreation Act. In addition, I ask unanimous consent to have printed the appendixes from the 1970 islands report and an editorial from the New York Times.

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

S. 2622

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Islands Conservation and Recreation Act."

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds that:

(1) there is a national interest in preserving and enhancing the environmental, recreational, historical, and cultural values of the Nation's islands;

(2) our Nation's islands display an unparalleled variety of natural features, shelter a great diversity of plant and animal life, have served as sites for colonization, sanctuary, and embarkation in the exploration and settlement of this Nation, and thus possess unique environmental, historical, and cultural qualities;

(3) recreational demands of our Nation's citizenry, particularly those for water-based activities, are increasing at a rapid rate; that existing recreational sites and facilities cannot long meet these demands; that a too long neglected source of additional recreational sites and facilities is the vast acreage of undeveloped and minimally developed island land within short distances of urban centers; and, therefore, that our Nation's islands possess valuable recreational potential;

(4) all islands, including those islands which possess sufficiently valuable recreational, environmental, historical, or cultural qualities to warrant protection, are rapidly succumbing to pressures for industrial, commercial, and residential development; that industrial and commercial demand on scarce island resources and the pressures resulting from modern means of transportation are degrading the amenities and recreational qualities of once isolated islands; and

(5) the Federal Government, in concert with State and local governments and the private sector, must act to insure the protection and enhancement of the environmental, recreational, historical, and cultural values of the Nation's islands for present and future generations of Americans.

(b) The purpose of this Act is to establish a national policy to preserve and manage islands with unique environmental, recreational, historical, or cultural values and to implement this policy by—

(1) authorizing a study of the Nation's islands and providing for recommendations of those islands which should be included in the national park, wildlife refuge, and forest systems, and those islands which are suitable for acquisition by State and local governments for park or recreational purposes:

(2) encouraging the establishment, by agreements between the States and the Secretary of the Interior, of State island conservation and recreation programs; and

(3) authorizing additional funds for the Land and Water Conservation Fund and provision of a specific portion of those funds to State and local governments exclusively for the purposes of studying, planning for, and acquiring island lands and for acquiring or leasing surplus Federal facilities situated on islands.

POLICY

SEC. 3. To strengthen the environmental, recreational, and cultural well-being of the people of the United States, the Congress declares that it is the policy of the United States that islands or groups of islands of the Nation which possess unique environ-

mental, recreational, historical, or cultural values which warrant preservation and enhancement should be protected and managed through the combined efforts of Federal, State, and local governments and the private sector to insure that future generations shall have the opportunity to enjoy the Nation's island heritage.

NATIONAL ISLANDS REPORT

SEC. 4. (a) The Secretary of the Interior (hereinafter referred to as "the Secretary"), with the advice of the Secretary of Agriculture, shall undertake and complete a study of the Naton's islands. The report of such study shall be submitted to Congress and the Governors of the several States no later than two years from the date of enactment of this Act.

(b) The report shall include recommendations to Congress by the Secretary as to which islands, island groups, or parts of islands (hereinafter referred to as "islands"), should be added to or created as units of the national park, wildlife refuge, and forest system.

(c) In the report, the Secretary shall also recommend which islands should be acquired, with Federal assistance, by the States pursuant to this Act.

(d) Islands recommended by the Secretary as eligible for acquisition by the States pursuant to this Act shall—

(1) possess outstanding environmental, recreational, historical, or cultural values; and

(2) be largely undeveloped.

STATE ISLANDS CONSERVATION AND RECREATION PROGRAMS

SEC. 5. (a) The Secretary is authorized to enter into agreements with the several States providing for the protection and management for conservation and recreation purposes of islands within the jurisdiction of such States and for Federal assistance to such States from the Land and Water Conservation Fund to acquire island lands and other land or interests in land necessary to insure that such purposes are effected.

(b) Each agreement shall require the following:

(1) The State shall undertake a study of present State and local laws, regulations, and plans pertinent to a State islands conservation and recreation program, and issue guidelines for the adoption or amendment and enforcement of State and local laws, regulations, and plans to insure the success of such a program.

(2) The State shall identify islands to be included in the State islands conservation and recreation program. Such islands shall meet the criteria of subsection (d) of section 4.

(3) The State shall develop a schedule for inclusion of the islands identified pursuant to clause (2) of this subsection in the State islands conservation and recreation program. Priority shall be given to those islands which:

(A) are most accessible to urban areas;

(B) are most immediately threatened by the pressures of development;

(C) are situated within the jurisdiction of local governments which have demonstrated the capacity to take all steps necessary to protect and enhance the islands' relevant values; and

(D) can be protected for conservation and recreation purposes by means other than fee purchase of all lands involved.

(4) The State shall develop and maintain a general islands plan to preserve and enhance the environmental, recreational, historical, and cultural values of the islands to be included in the State islands conservation and recreation program. The general islands plan shall be in accord with the comprehensive statewide outdoor recreation plan submitted by the State pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended; where such State is a costal State within the meaning of the Coastal Zone Management Act of 1972 (86 Stat. 1280), the State coastal zone management program developed pursuant to that Act; and any State land use program which may be required by the enactment of a national land use policy law.

(5) The State, together with the local governments involved, shall, prior to inclusion of any specific island or islands in the State islands conservation and recreation program, develop and maintain a detailed plan for such island or islands. Such detailed plan shall be in accord with the general islands plan required pursuant to clause (4) of this subsection.

(6) The State shall prepare biennially a report on the State islands conservation and recreation program together with any recommendations for actions by the Federal Government, the State government, or local governments which would be of assistance to or improve the program.

(7) The State shall transmit to the Secretary:

(A) the study required pursuant to clause (1) within one year of the date of the signing of the agreement;

(B) the list of islands required by clause (2), the schedule required by clause (3), and the general islands plan required by clause (4), together with such information as is necessary to insure the criteria which are required to be met pursuant to those clauses are so met, within two years of the date of the signing of the agreement and whenever thereafter a change is made in such list, schedule, or plan;

(C) the detailed plan required by clause (5) prior to inclusion of the specific island or islands in the State islands conservation and recreation program and whenever thereafter a change is made in such plan; and

(D) the biennial report required by clause (6) within one year of the date of the signing of the agreement and biennially thereafter.

(8) The Secretary and, upon the request of the Secretary, the head of any Federal agency shall furnish to the State such information as may be necessary to effect the purposes of this Act and as may be available to or procurable by the Department of the Interior or such agency.

(c) Each agreement may contain such other terms and conditions as the parties thereto deem desirable.

FEDERAL FINANCIAL ASSISTANCE

SEC. 6. (a) Upon the signing of an agreement by the Secretary with any State pursuant to section 5 of this Act, financial assistance may be provided to any such State pursuant to subsection (c) of section 2 and subsections (a) and (h) of section 5 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended, for the purposes of (i) fulfilling the requirements of clauses (1) through (5) of subsection (b) of section 5 of this Act, and (ii) acquiring island lands, interests therein, or development thereon.

(b) Prior to providing assistance pursuant to clause (ii) of subsection (a), the Secretary shall have:

(1) signed an agreement with the State pursuant to section 5 of this Act;

(2) reviewed and approved the general islands plan. Where the State is a coastal State within the meaning of the Coastal Zone Management Act of 1972 (86 Stat. 1280), in the review of the general islands plans of such State the Secretary shall receive the advice of the Secretary of Commerce concerning the compatibility of the plan with the State coastal zone management program developed pursuant to that Act;

(3) reviewed and approved the detailed plan concerning the specific island or islands in relation to which the Federal assistance is required;

(4) ascertained that the specific island or islands meet the criteria of clauses (2) and (3) of subsection (b) of section 5;

(5) reviewed the study of, and recommendations concerning, State and local laws, regulations, and plans as to the adequacy thereof to insure effective management of a State islands conservation and recreation program; and

(6) reviewed State and local efforts to adopt new or amend existing laws, regulations, and plans pursuant to the recommendations of the study and determined that such efforts are in good faith and likely to succeed.

Provided, That, during the two-year period from the date of the signing of an agreement with any State, any of the conditions of clauses (2) through (6) of this subsection may be waived and financial assistance may be extended to any such State pursuant to clause (ii) of subsection (a) of this section, whenever such State demonstrates to the satisfaction of the Secretary that the conservation or recreation values of the specific island or islands in relation to which financial assistance is sought are threatened with significant degradation unless such island or islands or any interests therein are immediately acquired and included in the State islands conservation and recreation program.

SEC. 7. Subsection (c) of section 2 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended, is further amended as follows:

(a) In clause (1), strike "and not less than $300,000,000 for each fiscal year thereafter through June 30, 1989" and insert in lieu thereof, "not less than $300,000,000 for each of the fiscal years 1971 through 1975 and not less than $500,000,000 for each fiscal year thereafter through June 30, 1989".

(b) In clause (2), strike "or $300,000,000" and insert in lieu thereof, "$300,000,000, or $500,000,000".

(c) After clause (2), add a new clause (3) as follows:

"(3) Of the $500,000,000 authorized to be appropriated for each fiscal year after fiscal year 1975—

"(i) a sum of $60,000,000 shall be paid out of the fund for the purposes of planning, acquisition, and development of island lands by State and local governments pursuant to subsection (h) of section 5 of this Act; and

"(ii) an additional sum of $15,000,000 shall be paid out of the fund for the purposes of leasing or purchasing surplus Federal real property and facilities situated on islands."

SEC. 8. Section 5 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended, is amended by adding a new subsection (h) after subsection (g) as follows:

"(h)(1) Notwithstanding any other provision of this section, including the apportionment formula of subsection (b) of this section, financial assistance from the $60,000,000 of the fund available for planning, purchase, and development of islands as provided for in clause (3) of subsection (c) of section 2 of this Act shall be paid to State and local governments in accordance with the requirements of, and pursuant to, the National Islands Conservation and Recreation Act.

"(2) For a period of five full fiscal years from the date of enactment of the National Islands Conservation and Recreation Act, payments from the $60,000,000 of the fund available for planning, purchase, and development of island lands as provided for in clause (3) of subsection (c) of section 2 of this Act shall not exceed 75 per centum of the cost of such activities. The remaining share of the cost shall be borne by the State in a manner and with such funds or services as shall be satisfactory to the Secretary. After the five full fiscal year period, payments to the States shall cover not more than 50 per centum of the cost in conformity with all other payments under this

Act pursuant to subsection (c) of this section."

SEC. 9. Section 203 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, is further amended by adding after the end of the first sentence of clause (2) of subsection (k) thereof (40 U.S.C. 484(k)(2)) the following new language: "The heads of all Federal agencies are each directed to submit to the Administrator no later than one year after the date of enactment of the National Islands Conservation and Recreation Act a review of all Federal lands and facilities within their respective jurisdictions which are located on the Nation's islands. Said reviews shall include recommendations of those Federal lands and facilities which would be appropriate for disposal pursuant to this subsection for inclusion within the State islands conservation and recreation programs as provided for in such Act."

AUTHORIZATION OF APPROPRIATIONS

SEC. 10. There are authorized to be appropriated such sums as may be necessary for the Secretary to administer the program established pursuant to this Act.

FEDERAL JURISDICTION

SEC. 11. Nothing in the agreements authorized by this Act shall be construed to relinquish the functions, powers, or duties of the Congress with respect to the control of navigable waters, nor shall any provision thereof be construed in derogation of any of the constitutional powers of Congress to regulate commerce among the States and with foreign nations.

APPENDIX I

AMERICAN ISLANDS: NUMBER 10 ACRES AND LARGER AND ACREAGE BY SIZE AND STATE [1]

State	Number (acres)					Total acreage [2]
	Total	By size class				
		10 to 99	100 to 499	500 to 999	1,000 or more	
Total	26,325	19,349	4,025	1,669	1,282	28,643,834
Total excluding Alaska	20,637	14,211	3,922	1,641	863	7,493,627
Alabama	242	177	44	9	12	66,288
Alaska	5,688	5,138	103	28	419	21,150,207
Arizona	72	63	9			3,692
Arkansas	261	155	87	4	15	78,450
California	692	521	97	18	56	629,278
Colorado	180	168	11	1		7,783
Connecticut	89	82	6	1		4,757
Delaware	105	85	16	2	2	20,329
Florida	4,510	2,444	837	1,112	117	840,727
Georgia	434	257	80	25	72	351,077
Hawaii	29	19	5	2	3	168,564
Idaho	193	161	27	2	3	15,598
Illinois	420	321	80	12	7	70,908
Indiana	36	26	8	1	1	5,487
Iowa	277	214	53	6	4	27,648
Kansas	44	34	8	1	1	6,739
Kentucky	104	76	24	2	2	35,174
Louisiana	2,482	1,401	751	166	164	1,279,282
Maine	1,149	954	133	26	36	277,689
Maryland	247	167	57	10	13	103,266
Massachusetts	210	164	31	5	10	138,719
Michigan	379	280	68	8	23	458,313
Minnesota	850	749	79	14	8	57,827
Mississippi	128	78	30	6	14	115,265
Missouri	180	89	60	15	16	52,271
Montana	253	222	30		1	14,087
Nebraska	161	125	32	1	3	17,190
Nevada	427	396	26	5		8,506
New Hampshire	179	159	16	3	1	10,353
New Jersey	453	331	101	13	8	94,128
New Mexico	23	22	1			925
New York	789	650	102	18	19	134,883
North Carolina	522	364	101	23	34	204,819
North Dakota	106	93	11	2		8,514
Ohio	64	54	6	2	2	9,240
Oklahoma	61	48	12	1		4,665
Oregon	337	258	69	3	7	75,232
Pennsylvania	266	242	23	1		13,120
Rhode Island	29	23	3		3	17,419
South Carolina	727	418	179	51	79	544,352
South Dakota	59	45	9	4	1	7,008
Tennessee	280	214	50	3	13	55,416
Texas	416	314	64	15	23	354,365
Utah	155	138	14	1	2	53,498
Vermont	38	26	7	2	3	35,214
Virginia	311	219	57	15	20	96,866
Washington	657	487	123	10	37	554,045
West Virginia	90	83	6	1		4,939
Wisconsin	766	474	252	15	25	291,417
Wyoming	100	87	10	3		6,896
Puerto Rico	18	10	4	1	3	57,675
Virgin Islands	32	21	11			3,045
District of Columbia	5	3	2			739

[1] 1968 data. Excludes the main island of Puerto Rico, the 3 major Virgin Islands, Guam, Samoa, and the Trust Territory, the 5 major Hawaiian Islands, and the 3 principal New York Islands—Manhattan, Staten Island and Long Island.

[2] Some acreage of islands less than 10 acres in size is included if within an inventoried group or were designated as having recreational potential.

APPENDIX II

AMERICAN ISLANDS: COMPARISON OF RECREATION POTENTIAL OF ISLAND ACREAGE WITHIN 25-MILES OF URBAN AREAS OF 50,000 PERSONS AND OVER, BY DEVELOPMENT STATUS AND STATE [1]

State	Total island acreage by percent developed [2]			Acreage with recreation potential by percent developed [3]		
	Total	None to 25	26 to 100	Total	None to 25	26 to 100
Total	2,498,345	2,027,200	471,145	1,329,850	1,010,520	319,330
Total excluding Alaska	2,498,092	2,026,947	471,145	1,329,850	1,010,520	319,330
Alabama	54,489	40,380	14,109	27,490	25,390	2,100
Alaska	253	253				
Arizona	180	180				
Arkansas	28,611	14,303	14,308			
California	363,438	352,276	11,162	348,784	348,761	23
Colorado	280	280				
Connecticut	1,768	1,042	726	1,584	1,241	343
Delaware	5,373	4,582	791	4,129	3,338	791
Florida	224,938	219,328	5,610	111,040	111,040	
Georgia	214,183	213,943	240	104,316	104,316	
Hawaii	1,115	159	956	611		611
Idaho						
Illinois	36,972	30,982	5,990	8,308	8,038	270
Indiana	3,886	3,867	19	3,434	3,434	
Iowa	14,436	14,436		5,639	5,639	
Kansas	1,826	1,826				
Kentucky	5,491	5,491		2,056	2,056	
Louisiana	141,255	141,255				
Maine	50,597	31,551	19,046	38,450	22,806	15,644
Maryland	7,163	7,163		6,638	6,638	
Massachusetts	32,860	19,402	13,458	26,274	13,503	12,771
Michigan	93,454	27,195	66,259	32,970	1,914	31,056
Minnesota	8,772	7,307	1,465	4,119	4,119	
Mississippi	43,435	42,185	1,250	9,770	8,520	1,250
Missouri	19,951	19,951		6,822	6,822	
Montana	765	765				
Nebraska	4,600	4,600		4,500	4,500	
Nevada	1,020	1,020				
New Hampshire	784	700	48	660	612	48
New Jersey	36,407	12,440	23,967	11,389	11,207	182
New Mexico	200	200				
New York	90,458	61,966	28,492	40,123	19,676	20,447
North Carolina	8,391	8,391				
North Dakota						
Ohio	8,255	2,000	6,255	6,290	314	5,976
Oklahoma	1,366	1,366				
Oregon	33,431	32,296	1,135	31,068	29,128	1,940
Pennsylvania	7,379	5,723	1,656	3,278	3,278	
Rhode Island	17,294	17,087	207	17,090	16,995	95
South Carolina	218,739	215,089	3,650	23,272	9,972	13,300
South Dakota						
Tennessee	18,869	9,670	9,199	10,359	1,359	9,000
Texas	243,094	190,094	53,000	48,300	20,800	27,500
Utah	46,780	46,780		41,425	41,425	
Vermont						
Virginia	7,291	7,291		200	200	
Washington	347,129	160,037	187,092	311,537	135,649	175,888
West Virginia	2,105	1,675	430			
Wisconsin	14,062	13,269	793	4,528	4,433	95
Wyoming						
Puerto Rico	34,502	34,502		33,022	33,022	
Virgin Islands						
District of Columbia	739	619	120	375	375	

[1] 1968 data. Excludes the main island of Puerto Rico, the 3 major Virgin Islands, Guam, Samoa, and trust territory, the 5 major Hawaiian Islands, and the 3 principal New York islands—Manhattan, Staten and Long Island.

[2] For the purposes of the island inventory, "development" included building sites as well as land associated with the site such as yards and storage areas. Agricultural land, land used for forest production, and public and quasi-public recreation developments were considered as undeveloped; whereas, a private resort was inventoried as developed.

[3] Excluded from this category are most of the 1,500,000 acres already available for public recreation.

APPENDIX III

AMERICAN ISLANDS: ACREAGE BY OWNERSHIP AND STATE [1]

State	Total [2]	Federal	State	Other public	Quasi-public [3]	Private
Total	27,731,905	21,210,066	1,412,202	55,077	9,692	5,044,868
Total excluding Alaska	6,617,954	1,033,500	530,899	40,517	9,692	5,003,346
Alabama	65,851	4,513	8,940	184	----	52,214
Alaska	21,113,951	20,176,566	881,303	14,560	----	41,522
Arizona	3,692	3,176	30	50	----	436
Arkansas	78,405	12,800	35	----	----	65,570
California	619,854	80,612	14,339	2,111	----	522,822
Colorado	7,323	596	668	20	----	6,039
Connecticut	4,133	----	1,189	104	----	2,840
Delaware	19,278	9,853	1,373	----	----	8,052
Florida	793,042	251,078	54,550	842	----	486,572
Georgia	350,901	28,103	15,140	60	100	307,498
Hawaii	163,504	31,236	868	3	----	136,397
Idaho	8,807	2,763	2,000	500	----	3,544
Illinois	38,175	9,743	15,620	47	----	12,765
Indiana	5,487	----	110	----	----	5,377
Iowa	27,533	16,592	5,007	440	----	5,494
Kansas	6,729	55	1,138	----	----	5,536
Kentucky	34,093	475	797	----	15	32,806
Louisiana	1,213,186	4,965	107,260	1,800	----	1,099,161
Maine	39,177	31,270	7,450	307	40	110
Maryland	104,246	30,674	10,851	80	157	62,484
Massachusetts	75,040	4,468	9,336	3,384	75	57,777
Michigan	428,174	136,841	120,638	1,426	888	168,381
Minnesota	56,401	21,064	5,895	808	1,217	27,417
Mississippi	115,247	3,545	280	----	1,150	110,272
Missouri	51,742	9,217	2,876	578	----	39,071
Montana	5,869	1,074	75	85	----	4,635
Nebraska	14,867	----	966	----	----	13,901
Nevada	8,506	2,355	48	86	----	6,017
New Hampshire	2,992	78	178	725	383	1,628
New Jersey	76,830	4,239	7,534	1,666	568	62,823
New Mexico	905	180	130	----	----	595
New York	12,709	3,427	5,761	1,278	----	2,243
North Carolina	189,489	24,743	400	25	----	164,321
North Dakota	8,524	1,777	5,412	50	219	1,066
Ohio	8,805	197	665	290	188	7,465
Oklahoma	3,460	2,866	569	25	----	----
Oregon	24,486	7,003	14,184	30	----	3,269
Pennsylvania	11,700	----	1,403	421	----	9,876
Rhode Island	17,738	1,375	120	195	460	15,588
South Carolina	533,782	40,987	4,430	20	----	488,345
South Dakota	3,690	2,327	316	----	50	997
Tennessee	56,498	11,676	2,986	----	----	41,836
Texas	324,556	145,622	14,246	5,076	280	159,332
Utah	53,088	2,137	2,165	----	----	48,786
Vermont	34,081	60	1,445	80	130	32,366
Virginia	95,241	14,970	12,381	395	----	67,495
Washington	482,621	21,154	21,230	2,213	528	437,496
West Virginia	545	446	15	4	----	80
Wisconsin	263,827	14,460	32,463	11,204	3,244	202,456
Wyoming	6,819	3,278	375	32	----	3,134
Puerto Rico	57,625	32,095	14,129	3,873	----	7,528
Virgin Islands	3,045	699	913	----	----	1,433
District of Columbia	636	636	----	----	----	----

[1] 1968 data. Excludes the main island of Puerto Rico, the 3 major Virgin Islands, Guam, Samoa, and trust territory, the 5 major Hawaiian Islands, and the 3 principal New York islands—Manhattan, Staten, and Long Island.

[2] Ownership data is fragmentary; therefore, total acreage is less than that shown in app. I.

[3] Nonprofit organizations such as Boy Scouts, YMCA, and the Nature Conservancy.

APPENDIX IV

NAMED ISLANDS WITH STATE, REGIONAL, OR NATIONAL RECREATION POTENTIAL UNAVAILABLE TO THE PUBLIC [1]

Island	Percent developed [2]	County	Acreage [3]	Body of water
ALABAMA				
Aikin Island [4]	None	Baldwin	13,300	Tensaw River.
Dauphin Island [5]	1–25	Mobile	2,100	Mississippi Sound.
Grand Bay Island group [5]	None	do	275	Do.
Gravine Island [5]	None	Baldwin	675	Tensaw River.
Isle Aux Herbes [5]	None	Mobile	800	Mississippi Sound.
Justins Bay Island [5]	26–50	Baldwin	900	Apalachee River.
Little Dauphin Island [5]	1–25	Mobile	200	Mississippi Sound.
Long Island [5]	None	Jackson	805	Guntersville Impoundment.
Pelican Island [5]	None	Mobile	75	Mississippi Sound.
Sand Island [5]	None	do	80	Mobile Bay.
Sand Island [5]	None	do	160	Gulf of Mexico.
Tensaw Island group [5]	None	Baldwin	8,000	Mobile River.
Subtotal (12)			27,370	
ALASKA				
Frying Pan Island [5]	None	----	50	Sitka Sound.
Kasiana Island group [4]	None	----	180	Skilak Lake.
King Island group [7]	None	----	2,500	Bering Sea.
Little Diomede Island [7]	None	----	1,900	Do.
Spruce Island group [4]	None	----	11,200	Marmot Bay.
Swan Island [5]	None	----	19	Walker Lake.
Subtotal (6)			15,849	
ARIZONA				
Horse Island group [5]	None	Yuma	184	Colorado River.
Subtotal (1)			184	
ARKANSAS (none)				
CALIFORNIA				
Alcatraz Island [4a]	76–100	San Francisco	23	San Francisco Bay.
Blackberry Island [5]	None	Tehama	62	Sacramento River.
Deer Island [5]	None	San Bernardino	315	Colorado River.
East-West Marin Island group [11c]	1–25	Marin	14	San Rafael Bay.
Foster Island [5]	None	Tehama	274	Sacramento River.
Goat Island [5]	None	Shasta	252	Do.
Hall Island [5]	None	Riverside	621	Colorado River.
North Arcata Bay Island group [11c]	None	Humboldt	15	Arcata Bay.
North Bay-Eel River Island group [11c]	1–25	do	2,114	Eel River.
Ryan Island [5]	None	Butte	14	Sacramento River.
Sacramento-San Joaquin Delta Island group [5]	1–25	San Joaquin	288,780	Sacramento-San Joaquin Delta.
San Miguel Island group [7]	None	Santa Barbara	14,000	Pacific Ocean.
San Nicholas Island [7]	1–25	Ventura	13,370	Do.
Santa Catalina Island [7]	1–25	Los Angeles	42,880	Do.
Santa Cruz Island group [7]	1–25	Santa Barbara	62,018	Do.
Santa Rosa Island group [7]	1–25	do	55,006	Do.
South Arcata Bay Island group [11a]	1–25	Humboldt	342	Arcata Bay.
South Arcata Island group [11c]	None	do	111	Humboldt Bay.
Tillas Island group [11c]	None	Del Norte	234	Smith River.
Todd Island group [5]	None	Tehama	192	Sacramento River.
Subtotal (20)			480,614	
COLORADO (None)				
CONNECTICUT				
Mason Island group [4a]	50	New London	396	Mystic Harbor.
Andrews Island group [4a]	2	do	60	Fishers Island Sound.
Brockway Island [5]	None	Middlesex	10	Connecticut River.
Calf Island group [4a]	2	Fairfield	32	Captain Harbor.
Candlewood Isle [5]	75	do	235	Lake Candlewood.
Canfield Island group [4a]	80	do	29	Long Island Sound.
Carting Island group [5]	None	do	95	Housatonic River.
Charles Island [4a]	None	New Haven	11	Long Island Sound.
Cockenoe Island group [4a]	5	Fairfield	22	Do.
Dart Island [5]	None	Middlesex	10	Connecticut River.
Essex Island group [5]	50	do	27	Do.
Fowler Island [5]	None	New Haven	30	Housatonic River.
Gildersleeve Island [5]	None	Middlesex	60	Connecticut River.
Goose Island group [5]	None	New London	115	Do.
Grassy Island group [4a]	5	Fairfield	75	Long Island Sound.
Great Island group [5]	None	New London	503	Connecticut River.
Green Island group [5]	None	Fairfield	132	Lake Candlewood.
Griswold Island group [4a]	None	New London	19	Long Island Sound.
Kings Island group [5]	85	Hartford	133	Connecticut River.
Manrissa Island [4a]	26–50	Fairfield	18	Long Island Sound.
Mink Island group [5]	None	New London	75	Lord Creek.
Nells Island [5]	None	New Haven	700	Housatonic River.
Nott Island group [5]	None	New London	68	Connecticut River.
Offshore Island group [4a]	None	New Haven	10	Branford Harbor Bay.
Pine Island [4a]	5	New London	15	Fishers Island Sound.
Pratt Island [4a]	75	Fairfield	12	Long Island Sound.
Ram Island group [4a]	10	do	39	Do.
Rich Island group [5]	None	Middlesex	82	Connecticut River.
Selden Neck Island group [5]	None	New London	500	Do.
Sheffield Island group [4a]	25	Fairfield	52	Long Island Sound.
Sixpenny Island [5]	None	New London	42	Mystic Harbor.
The Thimbles Island group [4a]	100	New Haven	108	Long Island Sound.
Twin Island group [5]	None	Middlesex	14	Pocotopaug Lake.
Two-Mile Island group [5]	None	Fairfield	23	Housatonic River.
Watts Island group [5]	5	New London	59	Pataguanset River.
Wilcox Island group [5]	None	Hartford	34	Connecticut River.
Subtotal (36)			3,845	
DELAWARE				
Bombay Hook Island [5]	None	Kent	5,435	Delaware Bay.
Cedar Swamp Island group [5]	None	New Castle	200	Delaware River.
Little Cedar Island group [5]	None	Sussex	136	Indian River Bay.
Marsh Island group [5]	None	do	46	Little Assawoman Bay.

*Footnotes appear at the end of this Appendix.

APPENDIX IV—Continued

NAMED ISLANDS WITH STATE, REGIONAL, OR NATIONAL RECREATION POTENTIAL UNAVAILABLE TO THE PUBLIC [1]—Continued

Island	Percent developed [2]	County	Acreage [3]	Body of water
DELAWARE—Continued				
Middle Island [6]	None	Sussex	10	Big Ditch River.
Pea Patch Island [6]	None	New Castle	315	Delaware River.
Reedy Island [6]	None	Sussex	6	Little Bay.
Reedy Island group [6]	10	New Castle	52	Delaware River.
Subtotal (8)			6,200	
FLORIDA				
Captiva Island [5]	1–25	Lee	800	Pine Island Sound.
Cedar Keys Island group [4]	1–25	Levy	1,600	Gulf of Mexico.
Drayton Island [9]	1–25	Putman	1,660	Lake George.
Egmont Key [5]	1–25	Hillsborough	387	Gulf of Mexico.
Estero Island group [5]	1–25	Lee	2,630	Do.
Fort George Island [9]	1–25	Duval	840	Fort George River.
Gasparilla Island [5]	1–25	Lee	1,420	Gasparilla Sound.
Hog Island [5]	None	Charlotte	840	Charlotte Harbor.
Kimball Island [9]	None	Lake	1,000	St. Johns River.
Little Gasparilla Island [5]	None	Charlotte	560	Gulf of Mexico.
Liverpool Island group [9]	None	do	7,320	Peace River.
Merritt Island group [5]	1–25	Brevard	78,640	Indian River.
North Captiva Island [5]	1–25	Lee	640	Pine Island Sound
Perdido Key Island [5]	1–25	Escambia	3,300	Gulf of Mexico.
Pine Island group [5]	1–25	Lee	9,050	Pine Island Sound.
Sand Key Island [5]	1–25	Pinellas	2,000	Gulf of Mexico.
Sanibel Island group [5]	1–25	Lee	10,055	Do.
Santa Rosa Island [5]	1–25	Santa Rosa	11,040	Santa Rosa Sound.
St. Vincent Island [6]	1–25	Franklin	12,000	St. Vincent Sound.
Ten Thousand Island group [6]	None	Collier	42,945	Gulf of Mexico.
Thousands Islands [5]	None	Brevard	1,000	Banana River.
Subtotal (21)			189,727	
GEORGIA				
Blythe Island [9]	1–25	Glynn	4,500	Turtle River.
Cumberland Island [5]	1–25	Camden	31,000	Atlantic Ocean.
Ossabaw Island [5]	None	Chatham	27,000	Do.
Sapelo Island [5]	1–25	McIntosh	20,000	Do.
Skidaway Island [5]	1–25	Chatham	14,350	Do.
St. Catherines Island [5]	None	Liberty	13 440	Do.
St. Simons Island [5]	1–25	Glynn	23,200	Do.
Wassaw Island [5]	None	Chatham	4,266	Do.
Wolf Island [6]	None	McIntosh	4,500	Doboy Sound.
Subtotal (9)			142,256	
HAWAII				
Kahoolawe Island [7]	None	Maui	28,800	Pacific Ocean.
Lanai Island [7]	1–25	do	90,240	Do.
Niihau Island [7]	1–25	Kauai	46,080	Do.
Sand Island [11] [6]	26–50	Honolulu	611	Mamala Bay.
Subtotal (4)			165,731	
IDAHO				
Baritoe Island [9]	None	Bonner	190	Priest Lake.
Eight-Mile Island [9]	None	do	100	Do.
Kalispell Island [9]	None	do	214	Do.
Kellers Island [9]	None	Jefferson	60	Snake River.
Schoffs Island [9]	None	Elmore	135	Do.
Sparlin Island group [9]	None	do	170	Do.
Three Island Crossing group [9]	None	do	30	Do.
Warren Island [9]	None	Bonner	200	Pend Oreille Lake.
Subtotal (8)			1,099	
ILLINOIS				
Blue Goose Island [6]	None	Hancock	31	Mississippi River.
Burlington Island group [6]	None	Henderson	1,475	Do.
Buzzard Island [5]	None	Hancock	290	Do.
Cambells Island [6]	26–50	Rock Island	270	Do.
Chillicothe Island [6]	None	Ogle	155	Illinois River.
Davis Island [6]	None	Adams	30	Mississippi River.
Diamond Island [6]	None	Calhoun	640	Illinois River.
Dillin Island [6]	None	Adams	503	Mississippi River.
Eagles Nest Island [6]	None	Jersey	150	Do.
Grand Island [9]	None	Mason	3,800	Illinois River.
Hackley Island [6]	None	Hancock	156	Mississippi River.
Helmbold Island [6]	1–25	Calhoun	240	Illinois River.
Henry Creek Bar Island [6]	None	Henderson	30	Mississippi River.
Huff Island [6]	None	Hancock	149	Do.
Hunt Island [6]	None	do	47	Do.
Hurricane Island [6]	1–25	Calhoun	400	Illinois River.
Knapps Island [6]	None	Mason	320	Do.
Kuise Island [6]	None	Hancock	55	Mississippi River.
Mud Island [6]	None	do	97	Do.
Nilsin Island [5]	None	Adams	255	Do.
Paddy Island [6]	None	Henderson	35	Do.
Piasa Island [6]	1–25	Jersey	280	Do.
Polly Island [6]	None	Adams	24	Do.
Santa Fe Island [6]	None	Carroll	36	Do.
Shok Bar Island [6]	None	Henderson	30	Do.
Shucks Island [6]	None	Pike	64	Do.
Taylor Island [6]	None	Hancock	112	Do.
Taylor Island [6]	None	Pike	49	Do.
Twelve Mile Island [6]	None	Jersey	210	Illinois River.
Two Mile Island [6]	None	Henderson	120	Mississippi River.
ILLINOIS—Continued				
Wolf Island [6]	None	Iroquois	18	Iroquois River.
Wollpecan Island [6]	None	Grundy	60	Illinois River.
Subtotal (32)			10,158	
INDIANA				
Mink Island [6]	None	Posey	110	Wabash River.
Ribeyre Island [6]	None	do	3,224	Do.
Subtotal (2)			3,334	
IOWA				
Big Rush Island [6]	None	Des Moines	180	Mississippi River.
Big Soupbone Island [6]	None	Jackson	63	Do.
Bowman's Island [6]	None	do	35	Do.
Caseys Island [6]	None	Jackson	60	Do.
Cooks Island [6]	None	Clinton	75	Do.
Delphey Island [6]	None	Allamakee	336	Do.
Grape Island [6]	None	Lee	200	Do.
Hamm Island [6]	1–25	Dubuque	249	Do.
Hogback Island [6]	None	Des Moines	20	Do.
Horse Island [6]	20	Scott	53	Do.
Hubie Island [6]	None	Jackson	40	Do.
Indian Island [6]	None	do	37	Do.
Jackson Island [6]	None	Allamakee	1,126	Do.
Keg Island [6]	None	Louisa	105	Do.
Little Soupbone Island [6]	None	Jackson	51	Do.
Mercer Island [6]	None	Des Moines	35	Do.
Nine Mile Island [6]	None	Dubuque	479	Do.
O'Connell Island [6]	None	Des Moines	490	Do.
Otter Island [6]	1–25	do	300	Do.
Railroad Island [6]	None	Jackson	500	Do.
Rush Island [6]	None	Des Moines	55	Do.
Snyder Island group [6]	None	Woodbury	150	Missouri River.
Towhead Island [6]	None	Muscatine	88	Mississippi River.
Trienes Island [6]	None	Des Moines	18	Do.
Winnebago Island [6]	None	Woodbury	300	Missouri River.
Subtotal (25)			5,045	
KANSAS				
Big Island [9]	1	Neosho	3,300	Neosho River.
Subtotal (1)			3,300	
KENTUCKY				
Big Island [6]	None	Wayne	40	Beaver Creek.
Brushcreek Island [6]	None	Lewis	27	Ohio River.
French Island No. 1 [6]	None	Daviess	325	Do.
French Island No. 2 [6]	None	do	448	Do.
Island No. 8 [6]	2	Fulton	4,623	Mississippi River.
Little Hurricane Island [6]	None	Daviess	400	Ohio River.
Low Gap Island [6]	None	Russell	13	Lake Cumberland.
Manchester Island No. 1 [6]	None	Lewis	28	Ohio River.
Manchester Island No. 2 [6]	None	do	105	Do.
Rocky Ledge Island [6]	None	Jefferson	108	Do.
Slim Island [6]	None	Union	620	Do.
Wabash Island [6]	None	do	2,337	Do.
Wolf Island [6]	2	Hickman	9,918	Mississippi River.
Wolf Island Bar [6]	None	do	1,070	Do.
Yellow Bank Island [6]	None	Daviess	140	Ohio River.
Subtotal (15)			20,202	
LOUISIANA				
Casse—Tete Island group [5]	None	Lafourche	2,150	Gulf of Mexico.
Chandeleur Island group [5]	None	St. Bernard	4,000	Do.
Grand Island [5]	None	do	1,200	Do.
Grand Isle [5]	1–25	Jefferson	1,000	Do.
Grand Terre Island group [5]	None	do	3,200	Do.
Isles Derniers group [5]	1–25	Terrebonne	4,200	Do.
Timbalier Island group [5]	1–25	do	2,000	Do.
Subtotal (7)			17,750	
MAINE				
Andrews Island group [4a]	5	Knox	430	Atlantic Ocean.
Appledore Island group [4a]	1–25	York	162	Do.
Ash Island group [4a]	1–25	Knox	91	Penobscot Bay.
Bailey Island group [4a]	80	Cumberland	470	Casco Bay.
Bar Island [4a]	None	Washington	84	Pigeon Hill Bay.
Bartlett Island group [4a]	10	Hancock	2,253	Blue Hill Bay.
Bear Island group [9]	1–25	Washington	190	Grand Lake.
Big Island [9]	None	Piscataquis	500	Lobster Lake.
Big Island group [9]	None	Washington	387	Sysladobsis Lake.
Big Island group [5]	None	Kennebec	36	Lake Annabessacook.
Big Wash Island group [4a]	2	Washington	170	Western Bay.
Birch Island group [9]	1–25	do	95	St. Croix River.
Black Cat Island group [5]	None	do	560	Grand Falls Lake.
Blue Berry Island group [5]	None	Penobscot	101	Endless Lake.
Bois Bubert Island group [4a]	1–25	Washington	1,053	Atlantic Ocean.
Burnt Island group [9]	None	Penobscot	69	Sysladobsis Lake.
Butter Island group [4a]	10	Hancock	1,769	East Penobscot Bay.
Cape Washington Island [4a]	None	Washington	20	Little Machias Bay.

Footnotes at the end of appendix.

APPENDIX IV—Continued

NAMED ISLANDS WITH STATE, REGIONAL, OR NATIONAL RECREATION POTENTIAL UNAVAILABLE TO THE PUBLIC [1]—Continued

Island	Percent developed [2]	County	Acreage [3]	Body of water
MAINE—Continued				
Clark Island group [4a]	3	Knox	254	Atlantic Ocean.
Cranberry Island group [4a]	30	Hancock	2,330	Do.
Cranberry Island group [5]	None	Penobscot	66	Mattamiscontis Lake.
Cross Island group [4a]	1-25	Washington	1,565	Atlantic Ocean.
Cunliffe Island group [5]	None	Aroostook	17	Allagash River.
Curtis Island [4a]	1-25	Knox	9	West Penobscot Bay.
Cushing Island [4a]	60	Cumberland	249	Casco Bay.
Damariscove Island group [4a]	None	Lincoln	518	Atlantic Ocean.
Dayton Island group [5]	1-25	Hancock	214	Nicatous Lake.
Deer Island group [4a]	30	do	24,117	East Penobscot Bay.
Doyle Island group [4a]	None	Washington	105	Wohoa Bay.
Drisko Island group [4a]	3	do	183	Western Bay.
Dunn Island group [4a]	1-25	do	192	Englishman Bay.
Dutch Island group [5]	1-25	Penobscot	30	South Branch Lake.
Dyer Island group [4a]	None	Washington	346	Narraguagus Bay.
Falls Island group [4a]	None	do	192	Straight.
Farm Island [5]	1-25	Piscataquis	875	Moosehead Lake.
Farm Island group [5]	None	do	88	Eagle Lake.
Flint Island group [4a]	None	Washington	258	Atlantic Ocean.
Foster Island group [4a]	None	do	426	Narraguagus Bay.
Frye Island group [5]	3	Oxford	1,026	Sebago Lake.
Georgetown Island group [4a]	15	Sagadahoc	12,241	Kennebec River.
Gooseberry Island group [4a]	None	do	14	Casco Bay.
Great Diamond Island group [4a]	60	Cumberland	445	Do.
Great Wass Island group [4a]	5	Washington	3,133	Atlantic Ocean.
Green Island group [4a]	None	Cumberland	11	Casco Bay.
Griswold Island group [5]	None	Androscoggin	338	Androscoggin River.
Halfmoon Island group [5]	None	Aroostook	90	Grand Lake.
Halifax Island group [4a]	None	Washington	319	Englishman Bay.
Hallowell Island group [4a]	None	do	160	Dennys Bay.
Hastings Island group [5]	1-25	Oxford	482	Androscoggin River.
Head Harbor Island group [4a]	10	Washington	1,699	Atlantic Ocean.
Holbrook Island group [4a]	15	Hancock	235	Penobscot Bay.
Horseshoe Island group [5]	1-25	Kennebec	484	Cobbosseecontee Lake.
Hoyt Island group [5]	26-50	do	508	Great Pond.
Ironpound Island group [4a]	1-25	Hancock	2,590	Frenchman Bay.
Isle Au Haut group [4a]	5	Knox	7,803	Atlantic Ocean.
Islesboro Island group [4a]	40	Waldo	8,725	Penobscot Bay.
Jewell Island group [4a]	None	Cumberland	198	Casco Bay.
Kittery Island [5]	None	Washington	20	Upper Hot Brook.
Large Green Island group [4a]	1-25	Knox	130	Atlantic Ocean.
Leyford Island group [5]	None	Piscataquis	354	Seboies Lake.
Libby Islands [4a]	None	Washington	200	Machias Bay.
Little Chebeague Island [4a]	10	Cumberland	91	Casco Bay.
Long Island [4a]	5	Hancock	4,450	Blue Hill Bay.
Long Island group [5]	None	Washington	161	Baskahegan Lake.
Long Island group [4a]	None	do	147	Cobscook Bay.
Long Island group [4a]	60	Cumberland	830	Casco Bay.
Marks Island group [5]	1-25	Washington	185	Grand Lake.
Masters Island group [5]	1-25	do	216	Meddybemps Lake.
Matinicus Island group [7]	20	Knox	1,642	Atlantic Ocean.
Metinic Island group [4a]	2	do	368	Do.
Monhegan Island group [4a]	20	Lincoln	566	Do.
Monroe Island group [4a]	1-25	Knox	291	West Penobscot Bay.
Moose Island [5]	None	Washington	625	West River.
Moshier Island group [4a]	None	Cumberland	168	Casco Bay.
Mosquito Island group [4a]	1-25	Knox	221	Atlantic Ocean.
Norton Island group [4a]	1-25	Washington	189	Pleasant Bay.
Norton Island group [4a]	1-25	do	195	Western Bay.
Norris Island group [5]	1-25	Androscoggin	84	Androscoggin Lake.
Olamon Island group [5]	1-25	Penobscot	1,966	Penobscot Bay.
Orrs Island group [4a]	55	Cumberland	1,177	Casco Bay.
Peaks Island group [4a]	40	do	762	Do.
Petit Manan Island group [4a]	5	Washington	34	Atlantic Ocean.
Pillsbury Island [5]	None	Piscataquis	250	Eagle Lake.
Pond Island group [4a]	1-25	Washington	274	Atlantic Ocean.
Prune Island group [4a]	None	do	94	Third Machias Lake.
Rackliff Island group [4a]	1-25	Knox	418	Atlantic Ocean.
Richmond Island [4a]	None	Cumberland	215	Do.
Rogue Island group [4a]	1-25	Washington	1,938	Englishman Bay.
Rutherford Island group [4a]	26-50	Lincoln	1,355	Damariscotta River.
Sabasodegon Island group [4a]	30	Cumberland	6,351	Casco Bay.
Sally Island group [4a]	None	Washington	45	Atlantic Ocean.
Salt Island group [4a]	1-25	do	324	Machias Bay.
Seguin Island group [4a]	5	Sagadahoc	123	Atlantic Ocean.
Sheep Island [4a]	None	Washington	10	Dyer Bay.
Southport Island group [4a]	40	Lincoln	5,162	Atlantic Ocean.
Sprucehead Island group [4a]	26-50	Knox	147	Do.
Stevens Island group [5]	None	Oxford	100	Androscoggin River.
Sturdivant Island [4a]	5	Cumberland	70	Casco Bay.
Swan Island group [4a]	2	Kennebec	1,450	Kennebec River.
Swans Island group [4a]	10	Hancock	12,046	Atlantic Ocean.
Toothaker Island group [11a]	1-25	Oxford	882	Mooselookmeguntic Lake.
Treat Island group [4a]	25	Washington	100	Cobscook Bay.
Trott Island group [4a]	2	York	162	Atlantic Ocean.
Vinalhaven Island group [4a]	30	Knox	22,339	Penobscot Bay.
Westport Island group [4a]	20	Lincoln	5,492	Back River.
Whaleboat Island group [4a]	None	Cumberland	149	Casco Bay.
White Island group [5]	1	Washington	510	Big Lake.
Wood Island group [4a]	10	Sagadahoc	69	Atlantic Ocean.
Wood Island group [4a]	None	York	79	Do.
Subtotal (109)			156,201	
MARYLAND				
Adam Island [6]	1	Dorchester	142	Chesapeake Bay.
Ayer Island group [4a]	None	Worcester	54	Ayer Creek.
Barren Island [4a]	1	Dorchester	370	Chesapeake Bay.
Big Island group [6]	None	Somerset	50	Pocomoke Sound.
Bloodsworth Island group [6]	None	Dorchester	4,535	Chesapeake Bay.
MARYLAND—Continued				
Byrnes Island group [9]	None	Frederick	36	Potomac River.
Chase Island [6]	None	Kent	16	Chester River.
Cherry Island [4a]	10	Dorchester	14	Choptank River.
Deal Island group [6]	17	Somerset	2,347	Tangier Sound.
Devil Island group [6]	None	Worcester	20	Assawoman Bay.
Dickerson Island [6]	None	Talbot	48	Choptank River.
Dunnock Island group [6]	None	Dorchester	256	Dunonock Island. Creek.
Eastern Neck Island [4a]	15	Kent	2,304	Chesapeake Bay.
Garrett Island [9]	None	Cecil	159	Susquehanna River.
Gibson Island group [4a]	25	Anne Arundel	811	Magothy River.
Hambleton Island [4a]	None	Talbot	42	Broad Creek.
Harpers Island group [6]	None	Dorchester	146	Blackwater River.
Harrison Island group [9]	2	Montgomery	333	Potomac River.
Heaters Island group [9]	3	Frederick	485	Do.
Holland Island [6]	1	Dorchester	143	Chesapeake Bay.
Jackson Island group [6]	None	Somerset	28	Annemessex River.
Jericho Island group [6]	2	do	754	Manokin River.
Kent Island group [4a]	10	Anne Arundel	22,542	Chesapeake Bay.
Lower Hooper Island [4a]	None	Dorchester	736	Do.
Mason Island group [9]	1	Montgomery	240	Potomac River.
Meekins Neck group [6]	5	Dorchester	4,471	Chesapeake Bay.
Middle Hooper Island group [4a]	20	do	1,686	Do.
Mills Island group [6]	1	Worcester	642	Chincoteague Bay.
Northeast Island [6]	None	Dorchester	29	Chesapeake Bay.
Point Lookout Island group [4a]	20	St. Marys	238	Do.
Pone Island group [6]	None	Dorchester	446	Do.
Pooles Island [4a]	2	Harford	173	Do.
Poplar Island group [4a]	1	Talbot	200	Eastern Bay.
Ragged Island group [4a]	2	Dorchester	106	Little Choptank River.
Reedy Island group [6]	None	Worcester	35	Assawoman Bay.
Roberts Island group [9]	8	Harford	99	Susquehanna River.
Seiden Island group [9]	1	Montgomery	464	Potomac River.
Smith Island group [6]	4	Somerset	9,906	Chesapeake Bay.
Shelldrake Island [6]	None	Worcester	344	Chincoteague Bay.
Shepherds Island group [9]	None	Washington	16	Potomac River.
Sherwin Island group [9]	None	Montgomery	260	Do.
South Hammocks Island group. [6]	None	Worcester	162	Assawoman Bay.
South Marsh Island group [6]	None	Somerset	2,884	Tangier Sound.
Spesutie Island group [4a]	20	Harford	1,526	Chesapeake Bay.
Spring Island group [6]	None	Dorchester	53	Do.
St. Catherine Island group [4a]	5	St. Marys	69	Potomac River.
St. George Island [4a]	40	do	510	St Marys River.
Sugarloaf Island [6]	None	Dorchester	224	Blackwater River.
Taylors Island group [4a]	10	do	8,094	Chesapeake Bay.
Tilghman Island group [4a]	18	Talbot	1,488	Do.
Tizzard Island group [6]	None	Worcester	150	Johnson Bay.
Upper Hooper Island [4a]	40	Dorchester	1,044	Chesapeake Bay.
Watkins Island group [9]	None	Montgomery	779	Potomac River.
Wroten Island [4a]	3	Dorchester	503	Honga River.
Wye Island [4a]	8	Queen Anne	2,112	Wye Narrows.
Subtotal (55)			75,324	
MASSACHUSETTS				
Big Ram Island group [6]	3	Bristol	238	Westport River—East Branch.
Brant Island group [4a]	5	Plymouth	16	Buzzards Bay.
Calf Island group [11b]	10	Suffolk	92	Massachusetts Bay
Cape Ann Island [4a]	50	Essex	11,730	Atlantic Ocean—Ipswich Bay.
Chappaquiddick Island [7]	10	Dukes	3,570	Atlantic Ocean.
Elizabeth Island group [4a]	25	do	8,268	Buzzards Bay.
Hog Island group [4a]	15	Essex	723	Essex Bay.
Hopkins Island group [5]	None	Barnstable	575	Nauset Bay.
Jules Island group [5]	None	do	283	Cape Cod Bay.
Kidds Island [9]	None	Franklin	18	Connecticut River.
Kimball Island [9]	None	Essex	20	Merrimack River.
Lieutenant Island group [6]	5	Barnstable	276	Wellfleet Harbor.
Long Island group [4a]	None	Bristol	45	Buzzards Bay.
Marblehead Neck Island group. [4a]	35	Essex	285	Massachusetts Bay.
Martha's Vineyard [7]	15	Dukes	63,000	Atlantic Ocean.
Muskeget Island [7]	None	Nantucket	300	Do.
Nantucket Island [7]	3	do	30,391	Do.
Narrows Island group [4a]	20	Suffolk	113	Massachusetts Bay.
Noman's Land Island [7]	None	Dukes	628	Atlantic Ocean.
Pearce Island group [6]	5	Essex	231	Annisquam River.
Peddocks Island [4a]	15	Plymouth	170	Hull Bay.
Pine Island group [11a]	None	Worcester	121	Sudbury Reservoir.
Plum Island [4a]	25	Essex	3,305	Atlantic Ocean.
Quincy Bay Island group [4a]	40	Suffolk	305	Boston Harbor.
Rawson Island group [9]	30	Franklin	210	Connecticut River.
Roger Island group [6]	None	Essex	418	Plum Island River.
Sanford Flat Island group [6]	3	Bristol	120	Westport River.
Strong Island group [6]	5	Barnstable	508	Pleasant Bay.
Thacher Island group [4a]	None	Essex	112	Atlantic Ocean.
Thompson Island group [4a]	None	Suffolk	231	Dorchester Bay.
Tuckernuck Island [7]	None	Nantucket	1,000	Atlantic Ocean.
Weepocket Island group [4a]	None	Dukes	11	Buzzards Bay.
West Island [4a]	20	Bristol	560	Do.
Weymouth-Hingham Island group. [4a]	5	Norfolk	124	Hull Bay.
Winter Island [9]	None	Essex	50	Massachusetts Bay.
Woodbridge Island group [6]	None	do	274	Plum Island River.
Subtotal (35)			127,693	

Footnotes at the end of appendix.

APPENDIX IV—Continued

NAMED ISLANDS WITH STATE, REGIONAL, OR NATIONAL RECREATION POTENTIAL UNAVAILABLE TO THE PUBLIC [1]—Continued

Island	Percent developed [2]	County	Acreage [3]	Body of water
MICHIGAN				
Andrews Island [4b]	5	Chippewa	14	Potagannissing Bay.
Apple Island [9]	None	Oakland	38	Orchard Lake.
Arnold Island [4b]	None	Chippewa	30	Lake Huron.
Ashman Island [4b]	None	do	62	Potagannissing Bay.
Au Train Island [4b]	None	Alger	105	Lake Superior.
Bald Island [4b]	1	Chippewa	75	Potagannissing Bay.
Beaver Island [10]	10	Charlevoix	35,465	Lake Michigan.
Beavertail Point Island [4b]	1	Mackinac	41	Lake Huron.
Bellevue Island [4b]	None	Chippewa	30	Do.
Big La Salle Island [4b]	1	Mackinac	1,012	Do.
Big St. Martin Island [4b]	None	do	951	Do.
Big Trout Island [4b]	None	Chippewa	94	Potagannissing Bay.
Birch Island [4b]	None	Mackinac	21	Lake Huron.
Bois Blanc Island [4b]	1	do	21,352	Do.
Boot Island [4b]	5	do	123	Do.
Boulanger Island [4b]	4	Chippewa	46	Potagannissing Bay.
Brown Island [9]	None	Presque Isle	55	Grand Lake.
Burnt Island [4b]	5	Chippewa	411	Potagannissing Bay.
Butterfield Island [4b]	1	do	32	Do.
Cass Island [4b]	1	do	74	Do.
Cedar Island [4b]	None	do	64	Do.
Celeron Island [9]	5	Wayne	120	Detroit River.
Charity Island [4b]	None	Arenac	280	Lake Huron.
Cherry Island [4b]	None	Wayne	30	Detroit River.
Claw Island [4b]	None	Chippewa	10	Potagannissing Bay.
Corvell Island [4b]	50	Mackinac	82	Lake Huron.
Crooked Island [4b]	1–25	Alpena	47	Do.
Duck Island [4b]	1	Chippewa	10	Whitney Bay.
Duck Island [10]	1	do	200	Lake George.
Espanore Island [4b]	5	do	120	Lake Huron.
Flat Island [9]	1	Marquette	15	Lake Michigamme.
Fox Island [6]	None	Grand Traverse	12	Long Lake.
Garden Island [10]	None	Charlevoix	4,372	Lake Michigan.
Garden Island [4b]	None	Chippewa	40	Lake Huron.
Gitche Manato Island [9]	None	Marquette	10	Lake Michigamme.
Government Island [4b]	None	Mackinac	215	Lake Huron
Grand Island [9]	None	Preque Isle	273	Grand Lake.
Grand Island [4b]	1–25	Alger	12,905	Lake Superior
Grape Island [4b]	2	Chippewa	80	Potagannissing Bay.
Gravel Island [4b]	None	do	20	Lake Huron.
Green Island [6]	None	Saginaw	35	Saginaw River.
Gull Island [10]	None	Charlevoix	240	Lake Michigan.
Gull Island [4b]	None	Chippeqa	16	Potagannissing Bay.
Gull Island [4b]	None	Delta	13	Lake Michigan.
Harbor Island [4b]	None	Chippewa	694	Potagannissing Bay.
Harris Island [4b]	None	do	11	Do.
Hart Island [4b]	None	do	20	Munuscong Lake.
Hill Island [4b]	30	Mackinac	235	Lake Huron.
Hog Island [10]	None	Charlevoix	2,071	Lake Michigan.
Island No. 8 [4b]	25	Mackinac	132	Lake Huron.
Island No. 12 [6]	None	Ionia	15	Grand River.
James Island [4b]	10	Chippewa	26	Potagannissing Bay.
La Pointe Island [4b]	5	do	23	Do.
Lighthouse Island [4b]	None	Marquette	40	Lake Superior.
Lime Island [4b]	5	Chippewa	900	Munuscong Lake.
Little Charity Island [4b]	None	Arenac	17	Lake Huron.
Little Gull Island [4b]	None	Delta	10	Lake Michigan.
Little La Salle Island [4b]	1	Mackinac	400	Lake Huron.
Little Lime Island	None	Chippewa	16	Munuscong Lake.
Little Presque Island [4d]	None	Marquette	14	Lake Superior.
Little St. Martin Island [4b]	None	Mackinac	472	Lake Huron.
Little Summer Island [4b]	None	Delta	506	Lake Michigan.
Long Island [9]	1	Grand Traverse	24	Long Lake.
Long Island [4b]	1	Mackinac	70	Lake Huron.
Long Island [4b]	None	Chippewa	17	Potagannissing Bay.
Long Island [4b]	3	do	40	Lake Huron.
Love Island [4b]	None	do	20	Munuscong Lake.
Mackinac Island [4b]	15	Mackinac	2,321	Lake Huron.
Macomb Island [4b]	1	Chippewa	240	Potagannissing Bay.
Manitou Island [4b]	10	Keweenaw	1,013	Lake Superior.
Maple Island [4b]	1	Chippewa	123	Potagannissing Bay.
Marion Island [4b]	1	Grand Traverse	600	Grand Traverse Bay.
Marquette Island [4b]	None	Mackinac	4,000	Lake Huron.
Meade Island [4b]	5	Chippewa	160	Do.
Middle Island [4b]	None	Alpena	255	Do.
Neebish Island [4b]	20	Chippewa	12,981	Lake Nicolet.
North Fox Island [10]	5	Leelanau	777	Lake Michigan.
North Island [4b]	10	Huron	88	Saginaw Bay.
North Manitou Island [10]	5	Leelanau	14,100	Lake Michigan.
Odiem Island [5]	None	Monroe	40	North Maumee Bay.
Patridge Island [4b]	None	Marquette	85	Lake Superior.
Peck Island [4b]	1	Chippewa	40	Patogannissing Bay.
Pipe Island [4b]	10	do	13	Do.
Rains Island [4b]	5	do	300	Munuscong Lake.
Ramsey Island [4b]	None	Marquette	26	Lake Michigamme.
Rocky Island [9]	None	Delta	10	Lake Michigan.
Rogg Island [4b]	None	Chippewa	29	Potagannissing Bay.
Round Island [4b]	None	Mackinac	392	Lake Huron.
Rover Island [4b]	None	do	16	Do.
Rutland Island [4b]	None	Chippewa	73	Potagannissing Bay.
Saltonstall Island [4b]	None	do	19	Do.
Shelter Island [4b]	None	do	70	Lake Huron.
Snake Island [4b]	None	Delta	10	Big Bay De Noc.
South Fox Island [10]	5	Leelanau	3,382	Lake Michigan.
South Island [9]	None	Grand Traverse	12	Long Lake.
South Manitou Island [10]	5	Leelanau	4,940	Lake Michigan.
Squaw Island [10]	1	Charlevoix	69	Do.
St. Helena Island [4b]	None	Mackinac	241	Do.
St. Martin Island [4b]	1	Delta	1,332	Do.
Stony Island [4b]	None	Huron	387	Saginaw Bay.
Stricklands Point Island [4b]	30	Chippewa	30	Potagannissing Bay.
Strongs Island [4b]	None	Mackinac	90	Lake Huron.
Sturgeon Bar Island [9]	None	Wayne	10	Detroit River.
St. Vitals Island [4b]	None	Delta	20	Big Bay De Noc.
Sugar Island [9]	None	Wayne	40	Detroit River.
Sugar Island [4b]	30	Chippewa	31,056	Lake Nicolet.
Sugar Island [4b]	None	Alpena	173	Lake Huron.
Summer Island [4b]	1	Delta	2,130	Lake Michigan.
Sweets Point Island [4b]	10	Chippewa	100	Munuscong Lake.
Thunder Bay Island [4b]	1	Alpena	218	Lake Huron.
Traverse Island [4b]	None	Houghton	91	Keweenaw Bay.
Trout Island [10]	1	Charlevoix	80	Lake Michigan.
Whiskey Island [10]	1	do	96	Do.
Wilson Island [10]	1	Chippewa	159	Potagannissing Bay.
Williams Island [4b]	None	Alger	33	Lake Superior.
Wood Island [4b]	None	do	170	Do.
Subtotal (116)			167,653	
MINNESOTA				
Alepo [9]	1	St. Louis	15	Lake Vermillion
Baylis Island [9]	1	do	75	Crane Lake
Bear Island [9]	None	do	150	Bear Island Lake
Beaver Island [5]	None	Sterns	225	Mississippi River
Blueberry Island [9]	None	St. Louis	15	Burntside Lake
Brownell Island [9]	None	do	10	Do.
Burnt Island [9]	None	do	40	Do.
Coleman Island [9]	None	do	3,200	Do.
Comet Island [9]	2	do	40	Lake Vermillion
Cramer Island [9]	1	do	20	Trout Lake
Dollar Island [9]	None	do	15	Burntside Lake
Drury Island [6]	None	Wabasha	64	Mississippi River
Hall Island [9]	None	St. Louis	75	Burntside Lake
Honeymoon Island [9]	None	do	55	Do.
Istch Island [6b]	10	Winona	60	Mississippi River
Indian Island [9]	None	St. Louis	25	Crane Lake
Knotts Island [9]	1	do	55	Vermillion Lake
Last Girl Island [9]	None	do	40	Burntside Lake
Lock Island [9]	None	do	12	Do.
Long Island [9]	None	do	35	Do.
Lower Grey Cloud Island [6b]	None	Washington	1,358	Mississippi River.
Matson Island [9]	None	St. Louis	20	Lake Vermillion.
Oliver Island South [9]	None	do	40	Burntside Lake.
Oliver Island North [9]	None	do	35	Do.
Pine Island [9]	None	do	15	Do.
Bear Island [9]	None	Cass	1,022	Leech Lake.
Beaver Island [9]	1–25	Lake	10	Lake Superior.
Big Island [9]	None	Koochichin	178	Nett Lake.
Big Star Island [9]	1–25	Beltrami	1,155	Cass Lake.
Elmwood Island [9]	None	Itasca	37	Island Lake.
Fort St. Charles Island group [9]	1–25	Lake of the Woods	471	Lake of the Woods.
Garden Island [9]	1–25	do	690	Do.
Gary Island [9]	1–25	Lake	12	Basswood Lake.
Goat Island [9]	26–50	Hubbard	65	Lake Belle Taine.
Grand Portage Island [9]	None	Cook	50	Lake Superior.
Half Dog Island [9]	1–25	Lake	15	Basswood Lake.
Indian Grave Island [9]	1–25	do	15	Do.
Loon Island [9]	1–25	Murray	44	Lake Shetek.
Mile Island [9]	1–25	Lake	65	Fall Lake.
Minnesota Island [9]	None	Cass	252	Leech Lake.
Oak Island [9]	1–25	Lake of the Woods	1,626	Lake of the Woods.
Pelican Island [9]	None	Cass	166	Leech Lake.
Pike Island [9]	None	Ramsey	238	Mississippi River.
Pipe Island [9]	None	Cass	12	Leech Lake.
Seven Island [9]	None	Pine	20	St. Croix River.
Susie Island group [9]	None	Cook	360	Lake Superior.
Pine Island [9]	None	St. Louis	2,500	Lake Vermillion.
Ripple Island [9]	None	do	20	Burntside Lake.
Sioux Pine Island [9]	None	do	600	Trout Lake.
Snellman Island [9]	None	do	45	Burntside Lake.
Spider Island [9]	1	do	12	Lake Vermillion.
Sumpter Island [9]	None	do	10	Burntside Lake.
Three Island [9]	None	do	75	Iron Lake.
Upper Grey Cloud Island [6b]	None	Washington	1,047	Mississippi River.
Subtotal (54)			16,506	
MISSISSIPPI				
Cat Island [5]	None	Harrison	2,400	Mississippi Sound.
Deer Island [5]	1–25	do	530	Do.
Horn Island [5]	1–25	Jackson	3,690	Do.
Petit Bois Island [5]	1–25	do	1,470	Do.
Round Island [5]	None	do	80	Do.
Ship Island [5]	26–50	Harrison	1,250	Do.
Subtotal (6)			9,420	
MISSOURI				
Cora Island [9]	None	St. Charles	1,330	Missouri River.
Cuivre Island [6]	1	Lincoln	1,355	Mississippi River.
Dresser Island [6]	None	St. Charles	788	Do.
Fabius Island [6]	None	Marion	305	Do.
Fox Island [6]	None	Cole	150	Missouri River.
Howell Island [6]	None	St. Charles	2,511	Do.
Orton Island [6]	None	Marion	85	Mississippi River.

Footnotes appear at the end of this appendix.

APPENDIX IV—Continued

NAMED ISLANDS WITH STATE, REGIONAL, OR NATIONAL RECREATION POTENTIAL UNAVAILABLE TO THE PUBLIC [1]—Continued

Island	Percent developed [2]	County	Acreage [3]	Body of water
MISSOURI—Continued				
Stillman Island [8]	None	Marian	120	Mississippi River.
Turkey Island [8]	None	Lincoln	128	Do.
Subtotal (9)			6,772	
MONTANA				
Bird Island [9]	None	Lake	30	Flathead Lake.
Bull Island [9]	None	do	110	Do.
Cedar Island [9]	None	do	25	Do.
Cemetery Island [11]	None	Lewis and Clark	20	Canyon Ferry Impoundment.
Council Island [9]	None	Fergus	20	Missouri River.
Cow Island group [9]	None	do	110	Do.
Cromwell Island [9]	None	Lake	360	Flathead Lake.
Hole-in-the-Wall Island group [9]	None	Chouteau	10	Missouri River.
Holmes Council Island group [9]	None	Fergus	15	Missouri River.
Iron City Island group [9]	None	do	15	Do.
Little Bull Island group [9]	None	Lake	35	Flathead Lake.
Melita Island [9]	Nohe	do	70	Do.
Norris Island group [9]	None	Chouteau	105	Missouri River.
Pablo Island group [9]	None	do	10	Do.
Shelter Island [9]	None	Lake	25	Flathead Lake.
Sturgeon Island group [9]	None	Blaine	50	Missouri River.
Wild Horse Island [9]	1–25	Lake	2,500	Flathead Lake.
Wolf Island [9]	None	Chouteau	10	Missouri River.
Subtotal (18)			3,520	
NEBRASKA				
Platte River Island group [6]	1	Colfax, Dodge, Butler, Cass, Douglass, Saunders, Sarpy.	5,170	Platte River.
Subtotal (1)			5,170	
NEVADA (None)				
NEW HAMPSHIRE				
Barndoor Island group [9]	10	Carroll	162	Lake Winnipesaukee.
Beach Island group [9]	10	Strafford	25	Bow Lake.
Bear Island [9]	None	Merrimack	105	Suncook River.
Bear Island group [9]	10	Belknap	290	Lake Winnipesaukee.
Big Island [9]	None	Carroll	9	Silver Lake.
Big Island [9]	10	do	13	Lovell Lake.
Big Island group [9]	None	Coos	182	Umbagog Lake.
Black Cat Island group [9]	30	Belknap	177	Lake Winnipesaukee.
Black Island [9]	20	Carroll	50	Moultonboro Bay.
Browns Island group [9]	None	Rockingham	102	Massabesic Lake.
Burnap's Island [9]	None	Sullivan	5	Connecticut River.
Chapman Island group [9]	None	Belknap	37	Lake Waukewan.
Chase Island [9]	None	Sullivan	12	Connecticut River.
Dunshee Island [9]	None	Cheshire	10	Do.
Evans Island [9]	None	Coos	30	Androscoggin River.
Gleason Island [9]	None	Grafton	10	Connecticut River.
Governors Island group [9]	None	Rockingham	272	Island Pond.
Governors Island [9]	20	Belknap	500	Lake Winnipesaukee.
Hart Island [9]	None	Sullivan	26	Connecticut River.
Hinman Island group [9]	None	Coos	13	Do.
Howard Island group [9]	None	Grafton	80	Do.
Hubbard group [9]	None	Sullivan	32	Do.
Isles of Shoals group [3]	None	Rockingham	131	Altantic Ocean.
Jarvis Island [9]	None	Sullivan	12	Connecticut River.
Johnston Island [9]	None	Grafton	8	Do.
Jose Island group [9]	None	Carroll	15	Moultonboro Bay.
Kelly Island [9]	None	Belknap	23	Pemigewasset Lake.
Ledge Island [9]	None	Sullivan	3	Connecticut River.
Log Cabin Island group [9]	None	Rockingham	15	Pawtuckaway Pond.
Long Island [9]	10	Carroll	1,170	Lake Winnipesaukee.
Loon Island [9]	None	do	6	Leavitt Bay.
Mark Island group [9]	10	Belknap	642	Lake Winnipesaukee.
Mayhew Island [9]	None	Grafton	40	Newfound Lake.
Moat Island [9]	None	Rockingham	15	Lamprey River.
New Castle Island group [4b]	60	do	570	Portsmouth Harbor.
Rattlesnake Island group [9]	15	Belknap	523	Lake Winnipesaukee.
Spring Island group [9]	30	Carroll	49	Green's Basin Lake.
Squam Lake Island group [9]	None	Grafton	755	Squam Lake.
Stebbin Island [9]	None	Cheshire	30	Connecticut River.
Stamp Act Island group [9]	10	Carroll	131	Lake Wentworth.
Stevens Island group [9]	None	Grafton	14	Connecticut River.
Stonedam Island group [9]	10	Belknap	146	Meredith Bay.
Sumner Island group [9]	None	do	53	Pemigewasset River.
Wentworth Island [9]	None	Coos	10	Androscoggin River.
Whortleberry Island [9]	15	Carroll	957	Lake Winnipesaukee.
Subtotal (46)			7,475	
NEW JERSEY				
Artificial Island group [6]	None	Salem	3,200	Delaware River.
Bonnet Island group [6b]	5	Ocean	520	Manahawkin Bay.
Brigantine Island [5]	60	Atlantic	2,450	Atlantic Ocean.
Bulls Island [9]	None	Hunterdon	80	Delaware River.
Chester Island [8]	None	Gloucester	140	Do.
Clam Island group [6]	None	Ocean	446	Barnegat Bay.
Conklin Island group [6]	None	do	1,866	Do.
Devils Island group [5]	None	Cape May	1,351	Ludlam Bay.
Devils Wedge Island group [5]	5	Cape May	712	Turtle Gut Bay.
Dildine Island group [9]	5	Warren	104	Delaware River.
Eagle Island [9]	None	Hunterdon	18	Do.
Ellis Island [4]	100	Hudson	24	Upper New York Bay.
Fortescue Neck Island group [6]	10	Cumberland	6,945	Delaware Bay.
Fowler Island group [6]	None	do	33	Maurice River.
Glassy Sound Island group [5]	None	Cape May	1,890	Richardson Sound.
Great Island group [5]	5	Atlantic	3,050	Egg Harbor.
Gull Island group [5]	None	Cape May	3,540	Jenkins Sound.
Gull Island group [5]	None	do	760	Townsend Sound.
Gunning Island group [6]	None	Monmouth	166	Shrewsbury River.
Ham Island group [6]	None	Ocean	248	Little Egg Harbor.
Herring Island [6]	None	do	40	Metedeconk River.
Hickory Island group [6b]	None	Salem	600	Salem River.
Hog Island group [6]	None	Atlantic	160	Mullica River.
Mashipacong Island group [9]	None	Sussex	514	Delaware River.
Monds Island [6]	None	Gloucester	150	Do.
Money Island group [6]	None	Salem	412	Do.
Mormandie Island group [6]	20	Monmouth	158	Navesink River.
Ocean City Island [5]	60	Cape May	3,450	Atlantic Ocean.
Osborn Island [9]	None	Monmouth	8	Manasquan River.
Pine Island Meadow group [6]	None	Salem	840	Salem River.
Pine Island group [6]	None	do	5,156	Delaware Bay.
Raccoon Creek group [6]	None	Gloucester	145	Raccoon Creek.
Rainbow Island group [5]	5	Cape May	1,270	Great Egg Harbor.
Rotary Island [9]	None	Mercer	29	Delaware River.
Sedge Island group [6]	None	Ocean	404	Barnegat Bay.
Seven Island group [5]	None	do	1,862	Great Bay.
Story Island group [5]	None	do	988	Little Egg Harbor.
Thorofare Island group [5]	None	Cape May	848	Jarvis Sound.
Tocks Island group [9]	None	Warren	50	Delaware River.
Treasure Island group [9]	None	Hunterdon	68	Do.
Upper Island group [5]	5	Cape May	3,897	Stites Sound.
Weak Fish Island group [5]	5	Atlantic	5,262	Reeds Bay.
Wildwood Island group [5]	80	Cape May	4,118	Atlantic Ocean.
Subtotal (43)			57,972	
NEW MEXICO (None)				
NEW YORK				
Barnhart Island group [9]	None	St. Lawrence	1,820	St. Lawrence River.
Beacon Island group [9]	None	Fulton	80	Sacandaga Reservoir.
Big Island group [9]	None	Oswego	75	Oswego River.
Big Island group [9]	10	Onondaga	502	Seneca River.
Big Island group [9]	10	Hamilton	114	Raque te Lake.
Bonsted Island group [9]	30	Oswego	25	Oswego River.
Bowman Island group [9]	None	St. Lawrence	27	Black Lake.
Campbell Island group [9]	None	Rensselaer	43	Hudson River
Cedar Island group [9]	None	St. Lawrence	120	Chippewa Bay.
Cherry Island [9]	None	Orange	11	Delaware River.
Croil Island group [9]	None	St. Lawrence	785	St. Lawrence River.
Delano Island group [9]	None	Jefferson	98	Black River.
Dunham Island group [9]	None	Oswego	50	Oneida Lake.
East Bar Island group [6b]	None	Suffolk	70	Nissequoque River.
Esopus Island [9]	None	Dutchess	10	Hudson River.
Fire Island [9]	10	Suffolk	6,700	Atlantic Ocean.
Fishers Island group [4a]	30	do	2,730	Great Peconic Bay
Fox Island group [6b]	None	Jefferson	1,372	Lake Ontario.
Galop Island group	None	St. Lawrence	515	St. Lawrence River.
Gardiners Island group [6]	5	Suffolk	3,307	Block Island Sound.
Glosky Island [9]	None	Onondaga	100	Oneida River.
Governors Island [9]	None	New York	180	Upper New York Bay.
Grand Island [9]	55	Niagara	18,310	Niagara River.
Great Island [9]	None	Westchester	323	Kensico Reservoir.
Green Island group [9]	None	Franklin	157	Upper Saranac Lake.
Green Island [9]	None	Saratoga	23	Hudson River
Griffin Island [9]	None	do	70	Do.
Grindstone Island group [9]	None	Jefferson	5,451	St. Lawrence River.
Gumaer Island [9]	None	Ulster	25	Rondont Creek.
Hen Island group [9]	None	Westchester	29	Mamaroneck Harbor.
Hiawatha Island [9]	10	Tioga	125	Susquehanna River.
Hoopers Valley Island [9]	None	do	20	Do.
Long Sault Island group [9]	None	St. Lawrence	898	St. Lawrence River.
Magdelan Island group [9]	None	Dutchess	194	Hudson River.
Maloney Island [9]	None	Onondaga	22	Seneca River.
Maple Bend Island group [9]	None	Washington	151	Lake Champlain.
Middleground Flats Island group [9]	None	Greene	175	Hudson River.
Moose Island group [9]	10	Essex	760	Lake Placid.
Newark Island group [9]	10	Wayne	204	Sodus Bay.
Ogden Island [9]	None	St. Lawrence	459	St. Lawrence River.
Peobles Island group [9]	None	Rensselaer	155	Hudson River.
Pepper Island group [9]	5	Montgomery	92	Mohawk River.
Pollepel Island group [9]	None	Dutchess	20	Hudson River.
Poors Island group [9]	5	Jefferson	86	Black River.
Quack Island group [9]	None	Rensselaer	143	Hudson River.
Rattlesnake Island group [9]	None	Greene	115	Do.
Robins Island [9]	None	Suffolk	442	Great Peconic Bay.
Rogers Island [9]	5	Columbia	175	Hudson River.
Schuyler Island [9]	None	Essex	168	Lake Champlain.
Sedge Island group [9]	None	Suffolk	111	Shinnecock Bay.
Simmons Island group [9]	None	Albany	76	Hudson River.
Sols Island group [9]	20	St. Lawrence	187	Raquette River.
Squaw Island group [9]	None	Erie	157	Niagara River.
Stockport Island group [9]	15	Greene	210	Hudson River.
Stoney Island group [4b]	None	Jefferson	1,422	Lake Ontario.
Thompson Island [9]	None	Saratoga	50	Hudson River.
Velcour Island group [9]	None	Clinton	1,024	Lake Champlain.

Footnotes appear at the end of this appendix.

APPENDIX IV—Continued

NAMED ISLANDS WITH STATE, REGIONAL, OR NATIONAL RECREATION POTENTIAL UNAVAILABLE TO THE PUBLIC [1]—Continued

Island	Percent developed [2]	County	Acreage [3]	Body of water
NEW YORK—Continued				
Walter Island [9]	None	Onondaga	14	Oswego River.
Wellesley Island group [9]	5	Jefferson	8,075	St. Lawrence River.
Wilson Hill Island group [9]	None	St. Lawrence	1,051	Do.
Subtotal (60)			59,903	
NORTH CAROLINA				
Battery Island [5]	1–25	Brunswick	60	Long Bay.
Bogue Banks Island [5]	None	Carteret	6,400	Atlantic Ocean.
Marshy Island group [5]	None	Currituck	1,500	Do.
Smith Island group [5]	None	Brunswick	11,000	Do.
Striking Island [5]	None	do	30	Dutchman Creek.
Subtotal (5)			18,990	
NORTH DAKOTA (None)				
OHIO				
Johnson Island [4b]	5	Ottawa	300	Lake Erie.
Kelleys Island [4b]	10	Erie	2,888	Do.
Middle Bass Island [4b]	20	Ottawa	750	Do.
Mouse Island [4b]	10	do	8	Do.
North Bass Island [4b]	10	do	705	Do.
Rattlesnake Island [4b]	20	do	65	Do.
South Bass Island [4b]	20	do	1,568	Do.
Squaw Island [4b]	None	Sandusky	3	Do.
Starve Island [4b]	None	Ottawa	1	Do.
Turtle Island [4b]	None	Sandusky	2	Do.
Subtotal (10)			6,290	
OKLAHOMA (None)				
OREGON				
Bolon Island [9]	30	Douglas	200	Umpqua River.
Booth Island group [9]	None	Lane	120	Siltcoos Lake.
Cascade Locks Island [9]	None	Hood River	20	Columbia River.
Cathlament Bay Island group [9]	None	Clatsop	650	Do.
Goose Island [9]	None	do	20	Do.
Government Island group [9]	None	Multnomah	2,268	Do.
Grassy Island [9]	None	Clatsop	80	Do.
Green Island group [9]	None	do	255	Do.
Johnson Island group [9]	None	Malheur	540	Snake River.
Karlson Island group [9]	None	Clatsop	1,155	Columbia River.
Lava Island [9]	None	Deschutes	10	Deschutes River.
Marsh Island group [9]	None	Clatsop	1,915	Columbia River.
Miller Sands Island group [9]	None	do	235	Do.
Minaker Island group [9]	None	do	265	Do.
Mott Island group [9]	None	do	1,000	Do.
Myrtle Island [9]	None	Douglas	28	Umpqua River.
Pearcy Island [9]	None	Multnomah	1,940	Columbia River.
Quinin Island group [9]	None	Clatsop	365	Do.
Russian Island group [9]	None	do	825	Do.
Sauvie Island group [9]	None	Columbia	26,720	Do.
Seal Island group [9]	None	Clatsop	342	Do.
Svenson Island group [9]	None	do	465	Do.
Tronson Island group [9]	None	do	135	Do.
Woody Island [9]	None	do	220	Do.
Subtotal (24)			39,773	
PENNSYLVANIA				
Ackerman Island [11a]	None	Crawford	13	Pymatuning Reservoir.
Bell Island [9]	None	Juniata	110	Juniata River.
Blood Island group [9]	None	Northunberland	316	Susquehanna River.
Clark Island group [11a]	5	Crawford	285	Pymatuning Reservoir.
Grafts Island group [9]	None	Dauphin	154	Susquehanna River.
Dodd Island group [9]	None	Bradford	35	Do.
Duncan Island group [9]	None	Lancaster	120	Do.
Georgetown Island [9]	None	Beaver	32	Ohio River.
Gould Island [9]	None	Luzerne	50	Susquenhanna River.
Great Island [9]	5	Clinton	250	West Branch. Susquehanna River.
Harris Island group [9]	None	Bradford	74	Susquehanna River.
Hawns Bridge Island [9]	None	Huntingdon	65	Juniata River.
Hendrick Island [9]	None	Bucks	40	Delaware River.
Hoge Island group [9]	None	Venango	40	Allegheny River.
Keifer Island [9]	None	Northampton	30	Delaware River.
Lagrange Island [9]	None	Wyoming	14	Susquehanna River.
Little Island group [9]	None	Luzerne	32	Do.
McClokey Island	None	Clinton	30	W. Branch Susquehanna River.
Mead Island group [9]	None	Warren	169	Allegheny River.
Montgomery Island group [9]	None	Northumberland	77	Susquehanna River.
Mowey Island group [9]	None	Bucks	325	Delaware River.
Nicholson Island group [9]	None	Armstrong	17	Allegheny River.
Phillis Island [9]	None	Beaver	40	Ohio River.
Prahis Island group [9]	None	Bucks	39	Delaware River.
Richard Island [9]	None	Luzerne	75	Susquehanna River.
Ross Island [9]	None	Armstrong	24	Allegheny River.
Scovell Island [9]	None	Luzerne	65	Susquehanna River.
Shawnee Island group [9]	None	Monroe	415	Delaware River.
PENNSYLVANIA—Continued				
Urey Island group [9]	None	York	49	Susquehanna River.
Weise Island [9]	None	Lancaster	90	Do.
Wharf Island group [9]	None	Dauphin	514	Do.
Whitherup Island [9]	None	Venango	10	Allegheny River.
Subtotal (32)			3,598	
RHODE ISLAND				
Bills Island group [4a]	None	Washington	37	Quonochontaug Pond.
Block Island [7]	10	do	6,504	Atlantic Ocean.
Conanicut Island [4a]	25	Newport	6,105	Narragansett Bay.
Dutch Island [4a]	5	do	75	Do.
Dyer Island [4a]	1	do	30	Do.
Goat Island [4a]	50	do	35	Newport Harbor.
Gooseberry Island [4a]	5	Washington	25	Point Judith Pond.
Gould Island [4a]	80	Newport	60	Narragansett Bay.
Hog Island group [4a]	10	do	182	Do.
Hope Island [4a]	5	do	75	Do.
Narragansett Bay Island group [4a]	30	Washington	36	Do.
Page Island group [9]	5	Providence	14	Pascoag Reservoir.
Patience Island [4a]	5	Newport	200	Narragansett Bay.
Phillips Island [9]	None	Washington	10	Yawgoog Pond.
Prudence Island [4a]	20	Newport	3,627	Narragansett Bay.
Ram Island [4a]	None	Washington	35	Point Judith Pond.
Rose Island [4a]	5	Newport	17	Narragansett Bay.
Sandy Point Island [5]	None	Washington	50	Little Narragansett Bay.
Ward Island group [5]	None	do	65	Ninigret Pond.
Subtotal (19)			17,182	
SOUTH CAROLINA				
Bay Point Island [5]	1–25	Beaufort	1,800	Atlantic Ocean.
Bull Island [10]	26–50	do	3,500	May River.
Capers Island [5]	1–25	Charleston	200	Atlantic Ocean.
Capers Island [5]	1–25	Beaufort	200	Do.
Cedar Island [5]	1–25	Georgetown	3,500	Do.
Daufuskie Island [5]	1–25	Beaufort	5,882	Do.
Debidue Island [5]	None	Georgetown	8,400	Do.
Dewees Island [5]	1–25	Charleston	890	Do.
Edisto Island [5]	26–50	do	34,000	Do.
Fripps Island [5]	26–50	Beaufort	3,000	Story River.
Hunting Island [5]	26–50	do	3,000	Atlantic Ocean.
Kiawah Island [5]	26–50	Charleston	7,300	Do.
Morgan Island [5]	None	Beaufort	2,000	Coosaw River.
Morris Island [5]	None	Charleston	1,200	Atlantic Ocean.
North Island [5]	None	Georgetown	6,000	Do.
Persanti Island [9]	None	Clarendon	350	Lake Marion.
Raccoon Island group [9]	26–50	Charleston	2,500	South Edisto River.
Seabrook Island [5]	1–25	do	1,800	Atlantic Ocean.
Subtotal (18)			85,522	
SOUTH DAKOTA				
Gills Island [9]	None	Day	10	Enemy Swim Lake.
Kite Island [9]	2	Roberts	101	Big Stone Lake.
La Framboise Island [9]	None	Hughes	688	Lake Sharpe.
Subtotal (3)			799	
TENNESSEE				
Beef Island group [9]	1–25	Shelby	3,500	Mississippi River.
City Island [9]	51–75	do	2,500	Do.
Diamond Island [9]	None	Hardin	162	Tennessee River.
Long Island [9]	26–50	Sullivan	1,500	Boone Reservoir.
Loos Hatche Bar Island [9]	None	Shelby	500	Mississippi River.
Presidents Island [9]	26–50	do	6,500	Do.
Treasure Island [9]	None	do	400	Do.
Williams Island [9]	None	Hamilton	459	Tennessee River.
Subtotal (8)			15,521	
TEXAS				
Galveston Island [5]	51	Galveston	27,500	Gulf of Mexico.
Matagorda Island [5]	5	Matagorda	44,800	Do.
Matagorda Peninsula North [5]	5	do	18,500	Do.
Matagorda Peninsual South [5]	1	do	15,500	Do.
Mustang Island [5]	25	Nueces	15,300	Do.
San Luis Follets Island [5]	10	Brazoria	5,500	Do.
St. Joseph Island [5]	1	Aransas	33,000	Do.
Subtotal (7)			160,000	
UTAH				
Antelope Island [9]	1–25	Davis	41,425	Great Salt Lake.
Subtotal (1)			41,425	
VERMONT				
Burton Island group [9]	None	Grand Isle	920	Lake Champlain.
Isle De Motte [9]	20	do	4,672	Do.
Metcalfe Island group [9]	None	Franklin	160	Do.
North Hero Island [9]	7	Grand Isle	8,192	Do.

Footnotes appear at the end of this appendix.

APPENDIX IV—Continued

NAMED ISLANDS WITH STATE, REGIONAL, OR NATIONAL RECREATION POTENTIAL UNAVAILABLE TO THE PUBLIC 1—Continued

Island	Percent developed [2]	County	Acreage [2]	Body of water
VERMONT—Continued				
Rabbit Island [9]	2	Rutland	15	Lake Bomoseen.
South Hero Island group [9]	35	Grand Isle	19,877	Lake Champlain.
Subtotal (6)			33,836	
VIRGINIA				
Burwell Island [9]	None	Clarke	160	Shenandoah River.
Cedar Island group [5]	None	Accomack	5,000	Atlantic Ocean.
Fisherman's Island group [5]	None	Northampton	1,100	Do.
Fleets Island [9]	1–25	Lancaster	1,100	Chesapeake Bay.
Goodwin Island group [9]	None	York	200	York River.
Hog Island [5]	None	Northampton	5,000	Atlantic Ocean.
Parramore Island group [5]	None	Accomack	12,000	Do.
Wallops Island [5]	1–25	do	5,000	Do.
Subtotal (8)			29,560	
WASHINGTON				
Allan Island [4]	None	Skagit	300	Barrows Bay.
Anderson Island [4]	None	Pierce	3,176	Puget Sound.
Blakely Island [4]	None	San Juan	4,430	Rosario Strait.
Camano Island [4]	None	Island	24,268	Puget Sound.
Cypress Island [4]	None	Skagit	5,430	Rosario Strait.
Decatur Island [4]	None	San Juan	2,250	Do.
Driscoll Island group [9]	None	Okanogan	360	Okanogan River.
Eliza Island [4]	None	Whatcom	130	Bellingham Bay.
Fidalgo Island [4]	15	Skagit	27,294	Rosario Strait.
Fox Island [4]	30	Pierce	3,364	Puget Sound.
Guemes Island [4]	15	Skagit	5,430	Bellingham.
Hartstene Island [4]	10	Mason	12,000	Puget Sound.
Herron Island [4]	None	Pierce	312	Case Inlet.
Indian Islnd [4]	5	Jefferson	2,784	Kilisut Harbor.
Lopez Island [4]	None	San Juan	18,560	Rosario Strait.
Lower Columbia River group [9]	None	Wahkiakum, Clark, Skamania, Cowlitz	4,960	Lower Columbia River.
Marrowstone Island [4]	10	Jefferson	3,652	Admiralty Inlet.
Orcas Island [4]	10	San Juan	36,480	Rosario Strait.
Patos Island group [4]	None	San Juan	220	Strait of Georgia.
Portage Island [4]	None	Whatcom	925	Bellingham Bay.
Puget Island Group [9]	10	Wahkiakum	3,950	Columbia River.
Saddlebag Island [4]	None	Skagit	28	Padilla Bay.
San Juan Island [4]	20	San Juan	35,200	Haro Strait.
Satellite Island [4]	None	San Juan	112	Do.
Shaw Island [4]	10	San Juan	5,120	San Juan Channel.
Skagit Island group [9]	None	Skagit	4,648	Skagit River.
Squaxin Island [4]	None	Mason	1,480	Peale Passage.
Stuart Island [4]	None	San Juan	1,848	Haro Strait.
Sucias Islnd group [4]	None	San Juan	712	Strait of Georgia.
Vashon Island [4]	30	King	151,620	Puget Sound.
Waldron Island [4]	5	San Juan	2,904	Haro Strait.
Whidbey Island [4]	None	Island	97,284	Puget Sound.
Subtotal (32)			451,231	
WEST VIRGINIA				
Buckley Island [9]	25	Wood	60	Ohio River.
Subtotal (1)			60	
WISCONSIN				
Allen Island group [6]	None	Crawford	180	Wisconsin River.
Basswood Island [4b]	None	Ashland	1,879	Lake Superior.
Bear Island [4b]	None	Ashland	1,714	Do.
Big Island [9]	1	Burnett	410	St. Croix River.
Blackhawk Island [6]	None	Juneau	10	Wisconsin River.
Brushwood Island [9]	None	Dodge	15	Fox Lake.
Cat Island [4b]	None	Ashland	1,291	Lake Superior.
Chambers Island [4b]	2	Door	2,800	Green Bay.
Champaign Island [9]	None	Bayfield	12	Lake Namakagon.
Coumbe Island [6]	None	Grant	355	Wisconsin River.
Detroit Island [4b]	None	Door	680	Green Bay.
Devils Island [4b]	None	Ashland	320	Lake Superior.
Feather Island [6]	None	Crawford	140	Wisconsin River.
Goose Island [6]	None	Vernon	310	Mississippi River.
Hacklin Island [6]	None	Crawford	85	Wisconsin River.
Harris Island [6]	None	Crawford	80	Do.
Hermit Island [4b]	None	Ashland	742	Lake Superior.
Hunter Island [6]	None	Crawford	50	Mississippi River.
Ironwood Island [4b]	None	Ashland	662	Lake Superior.
Krolls Island [6]	None	Crawford	18	Wisconsin River.
Little Island [6]	None	Grant	44	Wisconsin River.
Long Island [4b]	None	Ashland	134	Lake Superior.
Madeline Island [4b]	25	Ashland	15,176	Do.
Manitou Island [4b]	None	Ashland	1,365	Do.
Michigan Island [4b]	None	Ashland	1,564	Do.
Newton Island [6]	None	Crawford	100	Wisconsin River.
North Twin Island [4b]	None	Ashland	165	Lake Superior.
Nose Peak Island [6]	None	Marinette	13	Menominee River.
Oak Island [4b]	None	Ashland	4,971	Lake Superior.
Otter Island [4b]	None	do	1,32	Do.
Outer Island [4b]	None	do	8,033	Do.
Paines Island [9]	1	Bayfield	65	Lake Namakagon.
Patterson Island [6]	None	Grant	47	Wisconsin River.
Pjum Island [4b]	1	Door	276	Green Bay.
Richmond Island [6]	None	Trempealeau	45	Mississippi River.
Rocky Island [4b]	None	Ashland	1,112	Lake Superior.
Sand Island [4b]	None	Bayfield	2,922	Do.
Snake Island [4b]	None	Door	21	Green Bay.
South Twin Island [4b]	None	Ashland	361	Lake Superior.
Steamboat Island [6]	None	Grant	34	Wisconsin River.
Stockton Island [4b]	None	Ashland	9,811	Lake Superior.
The Big Island [9]	None	Iron	1,994	Flambeau Flowage.
Trempealeau Mount Island [6]	None	Trempealeau	66	Mississippi River.
Washington Island [4b]	4	Door	15,700	Green Bay.
Weniger Island [6]	None	Crawford	200	Wisconsin River.
York Island [4b]	None	Bayfield	321	Lake Superior.
Subtotal (46)			77,615	
WYOMING (none)				
PUERTO RICO				
Cayo Caribe Island [11d]	None		11	Caribbean Sea.
Culebra Island [11d]	1–25		8,886	Atlantic Ocean.
Mona Island [11d]	None		14,032	Do.
Vieques Island [11d]	1–25		33,000	Do.
Subtotal (4)			55,929	
VIRGIN ISLANDS				
Booby Rock Island [11d]	None		1	Caribbean Sea.
Bovoni Cay Island [11d]	None		50	Jersey Bay.
Buck Island [11d]	None		42	Caribbean Sea.
Buck Island [11d]	None		180	Do.
Capella Island [11d]	None		22	Do.
Cas Cay Island [11d]	None		15	Atlantic Ocean.
Cinnamon Cay Island [11d]	None		1	Do.
Cockroach Island group [11d]	None		23	Caribbean Sea.
Cocoloba Cay Island [11d]	None		1	Do.
Congo Cay Island group [11d]	None		26	Atlantic Ocean.
Dog Island [11d]	None		13	Caribbean Sea.
Duck Island [11d]	None		14	Do.
Dutchcap Cay Island [11d]	None		32	Atlantic Ocean.
Flat Cay Island group [11d]	None		3	Caribbean Sea.
French Cap Cay Island [11d]	None		10	Do.
Grass Cay Island [11d]	None		49	Atlantic Ocean.
Great St. James Island group [11d]	None		158	Caribbean Sea.
Green Cay Island [11d]	76–100		13	Do.
Hans Lollik Island [11d]	1–25		489	Atlantic Ocean.
Inner Brass Island [11d]	None		128	Do.
Kalkun Cay Island [11d]	None		4	Caribbean Sea.
Little St. James Island [11d]	None		69	Do.
Lovango Cay Island [11d]	1–25		117	Atlantic Ocean.
Mingo Cay Island [11d]	None		48	Do.
Outer Brass Island [11d]	None		108	Do.
Patricia Cay Island [11d]	None		33	Jersey Bay.
Pelican Cay Island group [11d]	None		106	Atlantic Ocean.
Perkins Cay Island [11d]	None		1	Do.
Saba Island [11d]	None		34	Caribbean Sea.
Salt Cay Island [11d]	None		56	Do.
Savana Island [11d]	None		173	Do.
Thatch Cay Island [11d]	1–25		287	Atlantic Ocean.
Trank Cay Island [11d]	None		2	Do.
Waterlemon Cay [11d]	None		1	Leinster Bay.
West Cay Island [11d]	None		40	Caribbean Sea.
Whistling Cay Island [11d]	None		19	Atlantic Ocean.
Subtotal (36)			2,368	
DISTRICT OF COLUMBIA (none)				

[1] 1968 data. Excludes the main island of Puerto Rico, the 3 major Virgin Islands, Guam, Samoa and Trust Territory, the 5 major Hawaiian Islands, and the 3 principal New York islands—Manhattan, Staten and Long Island.

[2] For the purposes of the Island Inventory, "development" included building sites as well as land associated with the site such as yards and storage areas. Agricultural land, land used for forest production, and public and quasi-public recreation developments were considered as undeveloped; whereas, a private resort was inventoried as developed.

[3] Not included are a number of unnamed islands totalling approximately 200,000 acres with recreation potential.

[4] Inundated Mainlands—Drowned coastlines in large natural bodies of waters such as the rocky Maine islands or islands in the Great Lakes. (The island is similar to the mainland in geology and vegetation and a more appropriate descriptor is not possible.)

[a] Salt water.

[b] Fresh water.

[5] Barrier Island—Sandy, narrow and long islands or closely related island groups paralleling mainland coast for considerable distances.

[6] Marsh Island—Low elevation, subject to frequent and periodic flooding.

[7] Oceanic Island—Located at least 15 miles from the mainland coast. (Does not apply to the Great Lakes.)

[8] Coral Islands—Florida Keys.

[9] River or lake islands not otherwise described.

[10] ND—Precise data not available.

[11] Other.

[a] Impoundment.

[b] Barren.

[c] Bay Islands.

[d] Volcanic islands.

[From the New York Times, July 26, 1972]

ISLANDS AT BAY

Upstate New York officials were reported searching Cayuga Lake recently for a "runaway island," a potpourri of logs, weeds and mud churned up by Tropical Storm Agnes which entangled to form a one-acre floating mass. They want to break it up before it becomes a menace to lakeside campsites. If they don't hurry up, some enterprising realtor may try to snare it and sell it.

Islands, symbols of escape for world-weary mainlanders throughout history, are in heavy demand and short supply these days as harried urban Americans seek the tranquility and solitude they uniquely offer. A Maine coast real estate agent lamented a couple of years ago that he had more than 200 customers asking for islands and only two or three to sell. An island that sold for $2,000 in 1965 was on the market in 1970 at $12,000.

The pressure for island retreats is creating a development boom that could destroy the very values the escapists are seeking, for this and future generations of Americans. In a report on "The islands of America," published in 1970, the Department of Interior warned: "Islands are fragile resources, vulnerable both to destructive natural forces and to the inconsiderate actions of man. The purposes of this report are to alert the nation to the presence and importance of its islands, to identify conservation opportunities for the various levels of government and the private sector, and to propose a national program for island conservation."

A key recommendation of the report, as we noted last year, was creation of a new National System of Island Trusts administered by commissions comprised of Federal, state and local representatives. The commissions would have broad powers to plan and control land use and to acquire island property for public purposes. So far the island Trust proposal has made little headway in Congress and has run into stiff resistance in Maine, where a pilot project was suggested for the islands of Casco Bay.

Senator Jackson introduced a bill this year embodying the island trust concept but the measure has been unfortunately sidetracked in Majority Leader Mansfield's drive to wind up Senate business for the year. Meanwhile, citing the ruinous threat of overdevelopment to Massachusetts' priceless islands of Martha's Vineyard and Nantucket, Senator Kennedy has proposed a separate measure to create a Nantucket Sound Islands Trust.

Although the Kennedy proposal stirred a storm of protest when it was first announced a few months ago, it has been an enormously helpful catalyst, which has had the effect of forcing the islanders for the first time seriously to consider—and to recognize—the inadequacy of local or even state measures to protect their island home from certain destruction at the hands of developers. The Senator already has incorporated into his proposal various changes suggested by residents of the two islands to adapt it more effectively to their particular concerns.

This constructive debate on the Nantucket Sound islands could serve as an example for other communities, in Maine and elsewhere. Only through the kind of cooperative Federal, state and local action—public and private—envisioned in the broad outlines of the "trust" idea can the nation's island heritage be saved from the man-made disaster that now threatens.

EXHIBIT 1

[From the New York Times, Mar. 29, 1970]

FEW SEASIDE BEACHES LEFT OPEN TO PUBLIC IN DEVELOPERS' RUSH

(By Bayard Webster)

The shoreline of the United States has been so built up, industrialized and polluted during the last decade that there are relatively few beaches left for the family in search of a free, solitary hour by the sea.

From Maine to Florida and on around to Texas, from Southern California up to Washington State, the nation's seashores have become cluttered with hotels, motels, sprawling development, military complexes and industries of every kind.

Miles of tranquil beaches where hundreds of seaside retreats were once open to everyone for swimming or fishing have been fouled by oil spills, industrial effluents, farm pesticides and city sewage.

"It's a kind of urban-industrial ooze that's infected the whole coastline," says Derekson W. Bennett, conservation director of the American Littoral Society at Sandy Hook, N.J., a national organization interested in coastal marine problems.

What remains—shore land that is not dirty, crowded or closed to the public—amounts to a tiny fraction of the country's total coast zone, about 1,200 miles or 5 per cent of the shore areas considered suitable for recreation or human habitation.

The prospect of continuing encroachment, together with the intensified natural erosion often caused by heedless development (even in normal weather, winds and waves can eat away or shift up to 20 feet of beach a year), has alarmed many marine biologists and conservationists.

"A lot of us familiar with the coast are terribly concerned that if the present development and pollution continues unchecked there just won't be any useable coast left in a few years," says Dr. Arthur W. Cooper, head of the department of botany at North Carolina State University in Raleigh.

Although he and other conservationists have been encouraged by indications that some states and bureaus of the Federal Government are becoming interested in protecting the nation's coastline as a separate natural resource, they fear that it may already be too late to reverse the trend.

Close to the heart of the problem are two factors largely beyond the control of governmental authorities. One is the sharp increase in recent years in the nation's population. The other is the rush to the large coastal cities by millions of people from inland rural areas.

The result is that popular demand for open recreational space near the water is rising just as private and industrial developers are fencing off the best of it—if not the last of it in any given area—and land prices are spiraling far beyond the means of most urban dwellers.

IMPACT IS OUTLINED

Reports from most of the 21 coastal states show that tremendous pressures from expanding populations and industrial needs have had these effects on the nation's coastal areas:

Land values have skyrocketed. In South Carolina, frontfoot prices have soared from $75 to $1,600. In Massachusetts, an acre of shore land now sells for around $50,000, up five-fold since 1965.

The craving for vacation space by the sea has led to the development in such places as Virginia Beach, Va., and Ocean City, Md., of coastal sections in which houses, motels and hotels are built as close as six feet apart for many miles along the beach.

The search for coastal sites by companies that need substantial water supplies has resulted in the loss of many miles of scenic coastline. In California, for example, power companies are taking over large stretches of the coast for nuclear power plants.

Pollution by many of these industries has wiped out untold square miles of fish and shellfish producing areas. In Georgia, for instance, pollution in the Savannah River has eliminated a multi-million dollar coastal shellfish industry.

The "dredge-and-fill" operations of developers in such tidal areas as Miami have covered up thousands of square miles of salt marshes regarded as invaluable sources of seafood and as nursing and feeding grounds for finfish and waterfowl.

Shore erosion, always a danger, has greatly accelerated because of improper land use that stems from a lack of knowledge of the dynamics of beach erosion.

LACK OF COORDINATION SEEN

Underlying these problems there is a lack of coordination among industries and local, state and Federal agencies.

In a study of coastal problems made recently for the National Council on Marine Resources and Engineering Development, Harold F. Wise & Associates, a Washington firm specializing in coastal planning, discovered that most states and communities "are not cognizant of the coast zone as an environment apart from other regions of the state."

The study urged that the Federal Government, acting through Congress, "declare a national policy on the resources of the Coastal Zone."

There is no absolute measurement of the length and area of the nation's coastline, which changes with tides and storms, and there are few available statistics showing the varied land use of the shore areas. Thus it has been difficult for conservationists to find specific data to buttress their arguments.

Scientific studies of land use along the coasts are currently being made for the American Geographical Society by George P. Spinner, a marine scientist from Princeton, N.J., and by the Association of Coastal States, an organization just formed in Atlanta to promote preservation of the shores.

The United States Coast and Geodetic Survey has estimated, however, that there are approximately 53,000 miles of coastline bracketing the continental United States. This includes shore areas along major bays and inlets.

Of these miles of beaches, bluffs and marshes, fewer than half are regarded as suitable for recreation or human habitat. And of these 26,000 miles, only some 1,200 miles are publicly owned and therefore easily available to everyone.

In recent years, the decline in the amount of shore land open to the public has come mostly through changing patterns of land use: Owners who had always allowed friends and passersby to use their beaches sold out to industries or developers, who then promptly put up "No Trespassing" signs.

The rapid rate at which habitable land by the sea is being taken over by commercial interests can be seen on the coast of North Carolina.

For decades, visitors to the Outer Banks and Cape Hatteras had occasionally ventured north by boat or beach buggy to fish or just to explore the wild, unspoiled stretch of beach that runs for 35 miles along the Currituck Banks from Kitty Hawk to the Virginia border.

Gulls and shore birds wheel over the rolling dunes and virgin beach in all seasons. There are no roads, except for the makeshift one at the southern end. In summer the area is a fishing and swimming paradise.

But in the last year, despite the lacn of transportation facilities, real estate developers have been gobbling up the land on speculation for a price of about $1-million a mile or about $190 a front foot. The future price to private lot buyers will be much higher.

DEVELOPER IS CONCERNED

Not far away there is a large development of individually styled houses placed in widely separated areas whose principal owner, David Stack, the North Carolina historian, is concerned about the deterioration of the shore.

"I'm proud of my development, which we started 20 years ago," he said. "But if I knew then what I know now about ecology, I'm not sure I would have developed that land or

changed it in any way—I might have just left it alone."

"One of the main problems with the seashore is that no one understands how it should be preserved," he said. "The main thing is to leave it alone. The closer you build to it the more you harm its natural dynamics, the things that hold it together—the dunes, the dune grasses and the beach. When you disturb these natural aspects and build on them, the shore only erodes faster."

The disappearance of natural beaches is most apparent near the country's most populous areas. From Massachusetts to North Carolina, in Florida, in California near Los Angeles and San Francisco and along the Gulf Coast, a sprawling confusion of buildings crowd the shore.

SPRAWL IN OCEAN CITY

Perhaps the best example of such conditions is Ocean City, on Maryland's eastern shore. Not long ago a visitor watched as a bulldozer pushed around mounds of sand in an effort to repair damage inflicted by winter storms. To the north, almost as far as the eye could see, wall-to-wall houses, motels, bowling halls, pizza parlors and recreation centers—all empty—stretched out in the pale winter sun.

A few decades ago, Ocean City was less than half its present size. But several years ago, as land values rose, the City expanded its boundaries to take in more than twice as much shoreline.

As a result, crowded development accelerated with the aid and encouragement of the city, and additional real estate taxes rolled into the city treasury.

And there is Miami Beach. "The only thing Miami Beach is good for is a horrible example," says Joseph B. Browder, the 31-year-old southeastern field representative for the Audubon Society.

He cited erosion caused by hotels built almost right in the surf, housing projects built on thousands of once-wild acres of tidal marshes, thermal pollution in Biscayne Bay, and pollution by sewage in both ocean and bay.

Although all of the country's coastal areas are plagued by pollution, the main ones tend to have different specific problems stemming from industrialization and housing development.

In New England, the large number of glacier-formed, deep-water inlets are greatly admired by industries requiring multi-fathom harbors such as tanker-oriented oil companies and chemical plants.

In the New York metropolitan area, every conceivable problem is found: oil spills, agricultural (fertilizer and pesticide) runoff into bays and estuaries, sewage pollution, thermal pollution and the loss of tidal marsh areas. Connecticut alone has lost almost 80 percent of its salt marshes.

The South Atlantic coast, with its combination of deep and shallow water ports as well as its vast collection of salt marshes and bay areas, feels the impact of most of the spectrum of recreational and industrial pressures.

On the Pacific side of the nation, the narrow green coastal plain slopes down to the bluffs that make up much of the California and Oregon coast. Most of the problems there are concentrated near the cities. Elsewhere, the rugged and often inaccessible coastline makes shore acreage less desirable and more expensive to build on.

A few weeks ago, several thousand feet above the coast, C. Martin Litton, pilot, nature photographer and a director of the Sierra Club, relaxed at the controls of a four-seater Cessna and pointed to an area below him. Huge gashes, piles of earth and cleared areas marked the place where one of the coast's last unspoiled arroyos, Diablo Canyon, was being cut and filled to make way for a nuclear power plant.

The canyon, lying a few miles west of San Luis Obispo, is a green wilderness of glen and forest. "This was the last wild, unspoiled canyon on the coast," Mr. Litton said. "Now look at it."

Although there is no Federal law regarding access to, or use of, beach areas, some of the states are showing interest in preserving their shores.

The Oregon Supreme Court has ruled that the state's entire beach area must be kept free for use of the public and that property owners must permit the public to use it.

In Hawaii, the Legislature has been asked to declare an area 100 feet deep around all the islands open for public use.

In Washington, members of Congress are seeking ways to write laws that would allow the public free and unrestricted access to all seashore areas but not encroach on state prerogatives or the rights of individual owners.

But conservationists say that even though the problems are beginning to be recognized, their very magnitude will make solutions difficult. For even if the urban growth rate slows down or stabilizes, they say, pressures for more coastal vacation areas by the sea are sure to go on building.

Results of these pressures are graphically shown in the view from an airliner. As the aircraft nears the shore a passenger can see the traditional checkerboard of communities spreading out in an ever-widening pattern.

But if he looks closely he will also see that as the checkerboard becomes larger and the shoreline comes nearer, the number of squares—homesites—grows larger and the size of each square decreases.

[From the Christian Science Monitor, Jan. 2, 1970]

A PRECEDENT FOR OTHER STATES? NO MORE "KEEP OFF" SIGNS ON OREGON BEACHES

(By Malcolm Bauer)

SALEM, OREG.—Oregonians and their visitors received a big Christmas present from Oregon state officials: the more than 300 miles of the state's Pacific Ocean beaches.

The Oregon Supreme Court ruled unanimously that all of the dry-sand areas of the oceanfront, including those under private ownership, are reserved for public use.

Soon afterward the Oregon State Highway Commission closed all beaches to motor vehicles, proclaiming: "Beaches are for people."

The two official actions underwrite the dedication of the state's shoreline to public recreation. The tens of thousands of tourists who visit Oregon each year will be among the beneficiaries.

Gov. Tom McCall hailed the Supreme Court decision as a reason for thanksgiving in the holiday season. He called it "a most significant act in the continuing story of the efforts of thousands of Oregonians in their determination that the sands of the ocean shore are for public use in perpetuity."

The Governor said the ruling had set a precedent for similar establishment of public rights on the beaches of other states.

The court based its decision on the historical record of public use of the beaches below the vegetation line, affirming that such customary use had established a right by preemption prevailing over private ownership.

COURT ACTION

For more than a half-century, Oregon law has designated the ocean shore below mean high tide—the wet sands—as public property. The effect of the court's ruling is to extend the claim of the public landward over the dry sands to the line of vegetation.

The court test of public vs. private property rights along the beaches was precipitated by the rush of development along the Oregon coast, particularly that area within 100 miles or less of metropolitan Portland.

The particular case on which the court acted grew out of a Cannon Beach motel owner's staking off the dry sand in front of his property. This raised public protests. Both 1967 and 1969 Oregon Legislatures passed bills with the purpose of asserting the public right to the dry sands. The court, in effect, upheld the 1969 law, ending several years of controversy on the beach-property rights issue.

Explaining the State Highway Commission's action in closing the beaches to motor vehicles, Glenn Jackson, commission chairman, said: "I think that closing the beaches to vehicular traffic will be carrying out the wishes of a majority of the people."

SENTIMENT ASSESSED

There has been ample evidence over the past several years of a majority sentiment for public use of the beaches. Citizens' committees have been formed to advocate the public's right to such use. A 1968 initiative measure promoted by such organizations asserted this right. However, it was rejected, probably because it included a one-cent-a-gallon tax on gasoline to provide a fund for purchase of private property along the shore.

It is not yet certain whether or not such funds will be required now that the State Supreme Court has upheld the right of public use by preemption. But the eventual effect is expected to be that the more than 300 miles of sands—wet and dry—will be reserved for public recreation without restriction by waterfront property owners or hazard from racing vehicles.

There will be some exceptions to the prohibition of vehicles on the beaches. Permits will be issued for the aged, crippled, and others who cannot walk onto the beach, and for woodcutters salving driftwood.

But there will be, officials say, no fences, no gates, no "no trespassing" signs on Oregon's Pacific sands, from the Columbia River on the north to the California line on the south. That cannot be said of the coastline of any other state in the Union.

REMARKS OF LOUIS E. REED, JR.

The opportunity to meet with the Sixth National Access to Recreational Waters Conference here in Traverse City, Michigan, is one I appreciate very much. The subject matter I am to discuss is of unquestioned importance to those who are concerned with recreation and conservation.

One of the most interesting cartoons I have seen recently shows a painter hard at work on a water front sunset scene. All appears tranquil except for the onslaught of a frenzied property owner. He is shown charging past a sign reading "Private Beach" and yelling, "That's my sunset you are painting."

And therein lies a problem. Someone needs to determine whether it was indeed his sunset.

The "Private Beach" sign is a standard manifestation of an overpopulated Twentieth Century America. It's normal to desire a little piece of land of your own. It's fine, but just imagine what would happen if Columbus came sailing up to America today. He would find the shores fenced and "Private Beach" signs galore. Would he have to return to Europe, leaving us undiscovered? Would Henry Hudson and Ponce de Leon and Juan Rodrequez Cabrillo and Samuel de Champlain be unknown to history if they had faced "Private Beach" signs such as are common today?

Well, the questions are fanciful. The seacoast beaches were open when those gentlemen came to the New World. And when a lot of our other forebears arrived as well. But for the most part the coasts bristle with access restrictions today. Possibly less than five percent of our beaches are open to the general public, and that amount is steadily decreasing. And that is why I am here. I'll warn you now that a Great Lakes shore location may be the worst possible place to make

these remarks. You will see why as I go along.

I was invited to discuss a particular bill that is before Congress, a highly imaginative approach to one of our most serious recreation and conservation problems. The measure I am talking about is H.R. 11016, introduced by Congressman Bob Eckhardt of Houston, Texas, and eight co-sponsors, and styled a "National Open Beaches" bill. The co-sponsors are Mr. Button of New York, Mr. Dingell of Michigan, Mr. Edwards of California, Mr. Halpern of New York, Mr. Mann of South Carolina, Mr. Mikva of Illinois, Mr. Podell of New York, and Mr. Udall of Arizona.

I am not here to advocate the bill or to promote its defeat. The Administration has not yet taken an official position on the measure. Until it does, as a career professional employee in the Executive Branch of the Government, it would be improper for me to take a position on the proposal.

Fundamentally, this bill sets forth and, if passed, would establish one simple legal presumption. It says the public has a basic right of access to and over the open seacoast beaches of the Nation. This right is based on a declaration of a public interest in the beaches.

I can sense immediately that some of you, even those with the greatest stake in making as much water available to access as possible, are experiencing a violent reaction. What about property rights, you are thinking. Does the Federal government propose to preempt property rights, an area traditionally reserved to the States?

Let me set your minds at rest on that point at once. H.R. 11016 would in no way affect property rights, not any property right, whether possessed by individual or corporation.

The National Open Beaches bill justifies its main presumption in this way. It says that the margins of the sea from time immemorial have been used for recreational purposes and for fishing. It cites the public right to interstate travel. This includes the right to travel on and across the open beaches.

The key language in the measure is this: I quote. "Congress declares and affirms that the beaches of the United States are impressed with a national interest and that the public shall have free and unrestricted right to use them as a common to the full extent that such public right may be extended consistent with such property rights of littoral landowners as may be protected absolutely by the Constitution. It is the declared intention of Congress to exercise the full reach of its constitutional power over the subject. No person shall create, erect, maintain, or construct any obstruction, barrier, or restraint of any nature which interferes with the free and unrestricted right of the public, individually and collectively, to enter, leave, cross, or use as a common the public beaches." That's the end of the quotation.

The bill establishes a prima facie determination that the right to exclusive use of the beaches has never been granted by the sovereign to littoral land holders, with certain exceptions. It says that an individual may own seacoast land, lock, stock, and barrel, but that he does not have legal basis for excluding you or anyone else from access to and across the beach unless he can prove that his particular title grants him that right.

Of major significance here is this fact: in nearly all States ownership up to either the vegetation or to the mean high tide line resides in the State. Almost without exception, when ownership of an individual extends seaward beyond that point, there is a specific provision in the land grant which says so. In other words, the State normally owns what is called the wet sand.

The fact that the State almost always owns the seacoast to the vegetation or mean high tide line means that the rights of the public to such areas are almost without meaning unless the public also possesses the right of access to and use of the immediately adjacent seacoast.

If the public has this right, the recreation seeker for once occupies the unique position of not having to prove that he has a right to go on a beach. The littoral owner would have to prove that the public doesn't have an access right, if this bill were to become law.

So we are left with this situation: the National Open Beaches bill declares the legal presumption that the seacoast beaches of the Nation are a common, and therefore open to access. Property owners' right would not be affected by its passage. Let me stress that point in two ways. On the one hand, rights of property owners whose titles provided the right to restrict or deny access to the beach would not be affected. On the other hand, property owners whose titles did not provide that right would be left with all the property rights they ever possessed.

If Congressman Eckhardt's Open Beaches bill passed, you would see a lot of "Private Beach" signs come down. But not, remember, because any portion of the property rights would be extinguished. The fences and signs would come down because the beaches wouldn't be restricted to the private use of the beach owner and those he invited to come swimming.

Property owners would not have the right to erect or maintain structures which would restrict the right of access.

All of this is based on more than just theory or expectations. Texas has passed an Open Beaches bill quite similar to H.R. 11016. As a result, the fences that long had kept the public off part of Galveston Beach have come down. You can go down there and get to the water now. The littoral owners still own all the rights they ever owned, but now Texas law asserts the public's traditional and historic right of access to those beaches. The law says that the littoral owners never possessed the right to limit access and use.

Congressman Eckhardt was a member of the Texas Legislature and a sponsor of the legislation at the time it passed. The Texas bill did three things. It authorized and directed the Attorney General to protect the people's interest in beaches. It established a prima facie determination that the right to use the beaches had never been granted by the sovereign to littoral land holders. It established a prima facie determination that the public had obtained a prescriptive right to the use of the beach.

This law has been tested in the Texas courts. The strongest case to date determined that by long use the public had gained a prescriptive right to use of Galveston Beach. No determination has been made to date on the basis of the presumption of retention by the sovereign of the easement right.

In some circumstances, the courts might hold the fences running into the sea are legal. Take the big cattle ranching area along Matagorda Peninsula in Texas. These grazing lands are bounded by fences running into the sea and in effect are partially fenced by the sea on one side. The finding of a court there, if a legal case were joined, might be that the public has not enjoyed a continuing use and that the littoral owner had gained a right to limit public access.

Congressman Eckhardt's H.R. 11016 proposes Federal law, of course. The proposition has been attracting increasing attention. This summer the Izaak Walton League of America, for example enacted a resolution at its annual convention endorsing the proposition.

There is no reason that individual states could not consider passing the same kind of open beach laws which Texas has passed. Of course, State constitutions and State property laws vary greatly. In some States a presumptive Open Beaches bill could be enacted and effective, possibly not in others. State beach access law is usually fuzzy and frequently untested and undefined by the courts. Congressman Eckhardt's office has done considerable work on a model State law which is available upon request.

I have dwelt at length with the presumptions of the bill which is before the House. It has other features which I wish to mention.

The National Open Beaches bill faces up to the prospect that the public needs access to some seacoast beaches where it would lack the right of access, even under the presumptions of H.R. 11016. The measure therefore provides machinery with which access easements or even full title to beaches could be purchased. These purchases would involve the States, their political subdivisions, and the Federal government, with the former two acquiring the easements or titles. They could use matching Federal grant money from the Land and Water Conservation Fund. H.R. 11016 proposes that this be available on a 75–25 basis.

I have purposely delayed comments on a couple of items until this point. H.R. 11016, if enacted, would apply to the seacoast beaches of the Atlantic, Pacific, and Arctic Oceans, the Gulf of Mexico, and the Caribbean and Bering Seas. That purposely does not include the Great Lakes, other lakes, or river shorelines. There is good reason. Use of such inland shorelines as commons traditionally open to the public is much less well defined than are the uses of the sea beaches as commons.

I also have not told you how the measure defines a beach. It says that a beach is the area along the shore of the sea affected by wave action directly from the open sea. This area is more precisely defined in the case of typically sandy or shell beaches. There, it is the area seaward from the discernible vegetation line. When no vegetation line exists, it is the area not to exceed 200 feet in width measured inland from the point of mean higher high tide. Mean higher high tide is a precise term to the U.S. Coast and Geodetic Survey, as those of you familiar with its lexicon know. For the rest of us, it seems sufficient to say that it doesn't mean flood tides.

Hearings on this measure have not to date been scheduled. Whether they will be this session or next will depend on the amount of public interest shown, if tradition prevails. There seems to be a certain incubation period for conservation legislation. I don't know how long it might take for H.R. 11016 to hatch, or even if it will hatch. I do know that it is an interesting and arresting idea. It could simplify a number of recreation problems by eliminating much of the need to buy easements or titles to seacoast beaches. We will need more of such thinking if we are to provide adequate access to our recreational waters for the people of the Nation.

THE BEACH: A SUPER CITY

(By John Fialka)

America is witnessing the birth of a super city.

It has no name and no one planned it. When it is finished it will be over 1,500 miles long and about six blocks wide, running down the shoreline of the eastern United States from Maine to Florida.

Its street system will be a profusion of country roads and former highways, lined with telephone poles, stop lights, gas stations, motels, cottages and pizza parlors.

Its sewer system will consist mainly of hundreds of thousands of septic tanks. Its water will come from wells beside the septic tanks.

Its residents will be primarily "summer people" who have little or no voice in community affairs. Its civic leaders will be mostly politicians and businessmen from small

towns and rural counties who thrive off of higgledy-piggledy growth.

The damage already done to the East Coast shoreline has raised a number of serious and immediate problems:

Beach erosion has caused over a billion dollars of damage and continues with each wave. Currently Congress and the Office of Management and Budget are studying 26 bills that would provide for some type of federal beach restoration project. Some of them would, for the first time, open up private beaches to the public.

The continuing, and often illegal, destruction of coastal wetlands by developers planning to sell "waterfront" lots, and industry finding "cheap land" has produced a monumental confusion among law enforcement agencies.

Even the view from the beach may soon be threatened by a variety of science-fiction-like installations that are now actually coming off the drawing boards of government and private industry. They include floating power plants, floating harbors, floating airports and even, perhaps, floating cities.

The great strip city of the shore was once only a vision, conjured up by conservationists to frighten people into doing something to preserve the beauty of the Eastern sea coast.

Now, at the end of the summer of 1972, there are economists and other experts in development, who believe this super city is no longer a vision.

One of them is George Kennedy Jr., senior vice president of Gladstone Associates, an economic consulting firm that has specialized in studying the development along the coast.

"I've been sort of appalled as I go up and down the coast at how badly unenlightened the control is. You constantly see things that reflect the worst elements of our cities: the proliferation of strip-type development, inadequate building setbacks, no logical land use planning, excessive curb cuts, minimal lot requirements," he said in a recent interview.

He said the three major elements now contributing to coastal growth: high rise condominiums, "second home" lot sales and the proliferation of seaside mobile home parks will soon fill up the gaps between the major resort cities of the east coast.

Little thought is being given to public access to the shore, he said. Once the title to any body of land is split up into tiny parcels, he adds, the process is "irreversible."

"My great concern is that you kill the goose that laid the golden egg if you destroy the reason why people want to come from the cities to the seashore."

From southern Maine, where in some areas as much as 75 percent of coastal land has been split into building lots and sold to out-of-staters, through Cape Cod, Long Island, the New Jersey shore and the Maryland-Delaware beach front, the imprint of the megalopolis has already made heavy marks on the coastline.

The growth pressure is now being felt on the once pristine beaches of the Carolinas, where Col. Paul Denison of the Army Corps of Engineers predicted three years ago that the coastline would resemble the more cluttered parts of New Jersey's in 25 years.

Recently Denison, who has retired and become an engineering consultant, revised his prediction to "10 to 15" years, telling a reporter: "If you draw a line anywhere on the coast of North Carolina, I can show you 50 places within a 10 mile radius where you can find examples of improper and imprudent developments, some environmentally destructive."

One does not have to be an expert to sense the imminence of the great strip city. In North Carolina, anyone who flies in an airplane over the Outer Banks will see gaps in the shoreline development.

But the wilderness of sea oats and stunted beach shrubbery is frequently broken by incredibly dense mobile home parks.

People have come for many miles to the shore to live 10 feet apart in metal boxes arranged in configurations that, seen from the air, have the terribly efficient symmetry of a beehive.

Why? Part of the reason is that, even several hundred miles from a major city, beachfront land is expensive. North Carolina beachfront is being snapped up at prices well over $1,000 a foot by speculators.

Some of the speculation seems to be driven by the same dreams of colossal growth that inflated the stock market prior to 1929.

For instance, a Washington resident recently received a "prospectus" in the mail from a company called the Coastland Corp. It said that through the use of "leverage," he could own ocean front land with an initial down payment of only 5 percent.

Referring to the "boom" in ocean-front land in Ocean City, Md., the prospectus said:

"You have seen this boom make its way down to Virginia Beach, Virginia, between 1965 and 1970. Now Virginia Beach is another Ocean City and the ocean property boom is making its way down to North Carolina's Banks . . . and there you will find Ocean Sands—your chance to cash in on the Great Atlantic Ocean Land Rush!"

The coming of the strip city can also be felt in another way. Those who vacationed this summer in the coast's more settled areas, from Bar Harbor and Martha's Vineyard down to Myrtle Beach and Pawleys Island, S.C,. probably learned of a dispute brewing between summer residents and developers who have plans to increase the area's density with high-rise building complexes.

Businessmen and politicians on Martha's Vineyard are fighting a proposal made by Sen. Edward M. Kennedy, D-Mass., to have the federal government buy up land sought by developers.

Although a consulting firm has predicted that holiday crowds coming to the Vineyard will more than double by 1990, giving the island, located just off Cape Cod, a case of "environmental terminal cancer," the firm's report urging land use restrictions was rejected by the local planning commission.

At Pawley's Island, located just south of Myrtle Beach, amidst a long row of aging, often elegant beach front cottages—some of them more than 100 years old—the resort's first condominium stands on the beach.

It was the victor in a bruising fight waged by summer people to prevent its construction by asking the state's pollution control authorities to deny it permission to emit its sewage into a salt marsh behind the beach.

The state denied the permit, but then approved another one that allows the condominium to send treated sewage through a pipe that runs underneath an abandoned fishing pier and spills effluent into the ocean about 1,000 feet off-shore.

These, and other local disputes up and down the coastline, are all part of the same fight, according to George Kennedy, and others who have studied the problem. The fight is usually an emotional, lopsided affair which the developer almost inevitably wins.

He wins because, although the summer people may own most of the property, they can't vote. "For the most part, the control over the density of these areas is in the hands of a relatively few locals whose interest tends to be for development," Kennedy points out.

The pressure of developers cannot easily be resisted by small, rurally-oriented county governments that have immediate jurisdiction over shore growth.

According to Warren Harding Coolidge, the U.S. attorney for eastern North Carolina, who has launched a campaign to crack down on illegal shoreline development, large amounts of outside money coming in tends to seduce the local powers.

"The first thing they (the developers) do is hire a good lawyer, usually it is the state senator who represents the area. They look for a man to sell them the insurance they need. You can usually find one on the county Board of Commissioners. Then they make friends with the local sheriff. After that, who's going to stop them?" Coolidge asked.

If the unregulated growth of the shore is frustrating to lawmen, it is doubly frustrating to scientists who point out that ways to harmonize shoreline development with nature are known and are being well used in some European countries.

Ian L. McHarg, a landscape architect and planner, has written in a recent book, "Design With Nature," that there is little evidence of such planning along the East Coast.

Using the New Jersey coastline for an example, he concluded:

"While all the principles are familiar to botanists and ecologists, this has no effect whatsoever upon the form of development. Houses are built upon dunes, grasses destroyed, dunes breached for beach access and housing; groundwater is withdrawn with little control, areas are paved, bayshore is filled and urbanized. Ignorance is compounded with anarchy and greed to make the raddled face of the Jersey shore."

If it is difficult to view the coming of the great strip city along the entire coastline, Washingtonians can consider the problems of an area where the future seems already to have arrived: Ocean City, Md.

It is only a strip of land 10 miles long and about three blocks wide, but on a hot summer weekend Ocean City may now contain as many as 250,000 people.

Ocean City has become the boom town of the East Coast resort cities. Since January, the city's fathers have issued permits for a recordbreaking $62 million worth of new construction.

A forecast of over 30 high-rise buildings, some of them to be over 25 stories high, is beginning to grow in the north end of the city. According to the city's planning director, they will contain about 5,000 new units, most of them family-sized condominiums.

There are only about 2,000 registered voters in Ocean City. The great majority of them have prospered, one way or another, with the new money coming into town.

Nevertheless, within the last year or so, there has developed among some of them, the nagging feeling that they may have opened the door to growth a little too wide.

Last year, the City Council hired Tom Smith, a 25-year-old University of Virginia School of Architecture graduate, to be Ocean City's first director of planning.

One of the first things Smith discovered was that the city's master plan, done by a private consulting firm, was out of date because it was based on 1967 population figures.

"If this city developed like a normal city, it would still be OK, but this is a boom town and boom towns learn by making mistakes," Smith said, in a recent interview.

There were little, telltale signs last year that indicated that Ocean City might be growing too fast. During July and August, people complained of low water pressure.

While the city's electrical system never faltered, Smith found that its entire load was distributed by one power line. "It's ridiculous, it's so overloaded."

Throughout the summer, traffic seemed to move in slow, glutinous masses up Baltimore and Philadelphia Avenues, and what had been a weekend parking problem turned into a 7-day-a-week crisis.

Among Smith, some members of the city's Planning and Zoning Commission and the City Council, there evolved a plan that would,

for the first time, place a curb on the city's growth.

It would amend the city's zoning ordinance by requiring a lower density for condominium units and more parking places for each unit.

The plan drew immediate cries of outrage from developers. The city's major weekly paper, the Maryland Coast Press said the issue was "the most controversial legislative topic since enforcement of slot machine laws."

This summer, the battle lines were drawn. A hearing date was scheduled on the matter for Aug. 16. The Coast Press predicted the meeting would be "a real showdown, with much of the future character of Ocean City lying in the balance."

As the first crowds of resort people arrived for the summer, there were more little signs of growth problems that would be raised at that meeting.

Although it was pumping 25 percent more water, the city water department discovered there were difficulties at the other end of the line. Over 4,500 new water meters were required in one year and there were not enough men to install them.

The city carefully watched its sewage system, which emits treated effluent from a pipe, 3,800 feet out in the Atlantic. No pollution was reported, however a backlog of sewage hookups developed stranding several building projects.

Traffic grew worse than ever and the city began to suffer from an unprecedented plague of petty thefts and shopliftings.

Nevertheless, the climate was deemed favorable for more, rapid growth. For the first time, construction crews were allowed to continue building during the summer months.

The Coast Press headlined triumph over a heavy Memorial Day crowd ("The Green In Ocean City Was From Money") but issued a warning that some of the new owners of condominiums might not share the city's dreams of growth.

They "are well to do people from the more liberal areas of Baltimore and Washington. They seem to view the current ruling elite with a curious eye and are quick to find fault with what they see around them in this seaside paradise," the paper noted.

The city has never been able to accurately measure how big it becomes on a hot summer weekend, but on the last weekend in July when a severe temperature inversion settled over the East Coast, the Coast Press estimated the largest crowd in history, as many as 250,000 people.

The crowds discovered a small army of real estate salesmen arranged in offices and trailers along the Ocean Highway in the section above 94th Street that has come to be known as "High-Rise Row."

At the north end of the strip, developer Max Berg was planning his third condominium, a 21-story addition to the Carousel Hotel, once owned by Bobby Baker.

Asked about the fight over the growth issue, Berg replied:

"A lot of people come here and then get selfish about it and they say, 'We don't want any more people." Well, I say that God gave this land to everybody."

"Ocean City," he predicted, "will be Miami North in five years."

At the south end of High-Rise Row, John Williams, a real estate salesman, was using the growth fight as a sales tool to warm up a customer for a $56,000, two-bedroom unit in a condominium called "9400 Ocean Highway."

"It looks like they're getting ready to crack down so these will have to appreciate." He estimated the unit would gain $10,000 in value in one year.

"You wonder where it will all end," mused the customer.

"Everyone is saying where will it all end. We were wondering that four years ago," said Williams.

The fateful day, Aug. 16, arrived. While somewhere between 100,000 and 200,000 summer people jammed the city's streets, motels and beachfront, the forces involved in what was billed as one of the great political fights in the city's history assembled at City Hall.

The building is a converted school house; its major hearing room was the gymnasium. The five members of the Planning and Zoning Commission took their seats behind a school lunch table set up under the basketball net on the room's west wall.

Before them were approximately 130 people, ready to do battle on the issue.

About a dozen witnesses, most of them elderly, or middle-age homeowners, spoke for the zoning amendments. Another dozen, mostly lawyers, real estate dealers and builders, spoke against it.

The debate ran mainly on emotional lines. The howeowners cited traffic, water and parking problems. The lawyers and builders predicted the zoning would cause financial chaos.

Few statistics were cited by either side. "I don't know what the density ought to be, but what you are suggesting here is a very substantial change," complained another witness.

Then a Silver Spring architect, Lowell E. Nelson, took the podium to approach the problem scientifically. Referring to the city's growth, Nelson said, "I asked myself where did all this come from."

He said he had measured Ocean City's "only asset" (the beach) and discovered there approximately 6,420,000 square feet of sand.

He calculated that even with a crowd of 300,000, there would be 100 square feet of beach for each bather because less than half of the city's residents could be expected to be on the beach at any one time.

Coney Island, he added, has only 12 square feet of sand per bather. Nelson, who explained afterwards that he owns several building projects in the city, concluded that 100 square feet was a "nice generous figure." "I think there's quite a bit of room left."

A murmur of approval ran through the room as Nelson emphasized the 100 square feet figure. One man grumbled that "100 square feet was the size of a tiny bedroom." Across the aisle, another resident exclaimed, "Did you hear that? That's 10 times Coney Island!"

The vote left little room for wonder where the audience stood on the problem. Thirty-four voted in favor of the zoning amendment that would lower the density of condominium units. One hundred voted against it.

The "showdown" was over in two hours. Afterwards Ocean City's mayor Harry Kelly, 54, a lifelong resident stood outside on the corner of 3rd and Baltimore, as the evening's traffic crept by in a slowly moving line.

"You know," he said "that's something we got to do something about," pointing to the traffic.

Asked about the results of the meeting, Kelly hedged, noting that the hearing's decision was important but not binding on the City Council, which must make the final decision.

He said he was "impressed" at the size of the crowd. "That's about the biggest you'll ever see at this time of year on any issue. This is the time when everybody's working." The issue, he added, would require "a momentous decision."

With obvious pride, Mayor Kelly went over some of the statistics of his town. (The water system can pump 5 million gallons a day from its wells and the sewage effluent is 97 percent treated.)

He grew even more enthusiastic talking about permits for new construction. "We're running something like $12 million worth a month. I was down at Myrtle Beach and they're running at only around $1 million a month."

"There's no question about it, she's hot," he added.

After the mayor left, only one man remained to talk about Ocean City's "momentous decision."

He was J. William Conner, a motel owner and newcomer to Ocean City who came up to inquire if the meeting had ended.

"So soon? I thought it would go on all evening," he said, shaking his head when he heard the results of the voting.

"That amendment was for the good of the town in the long run. We want to become a beautiful town, not a sea of cars," he added, pointing at the stream of cars, still moving bumper-to-bumper up Baltimore Avenue.

"You know what they've done," he added bitterly. "The original families that lived here are selling it off. God gave them the beach and the ocean. They're looting it and leaving."

After Conner had gone, no one was left on Baltimore Avenue on Aug. 16 except a long line of cars, bound for somewhere on the "island paradise."

THE RUSH TO THE SHORE

(By John Fialka)

Sometime in the past decade, the people who live in the great megalopolis of the East Coast began a lemming-like rush to the seashore.

It was not just a product of population growth, but the result of a fantastic leap in affluence and leisure time. Perhaps, it also was partly due to the need to escape from the pressure and increasing danger of city life.

But they are bringing the city with them. The massive change that the rush has triggered along the shoreline has thrust some counties from rural quiescence into the maze of urban problems in less than a decade.

There are few national statistics to measure the size of the rush. Federal agencies even differ on the length and ownership of the shoreline of the East Coast. "The trouble is," explained a spokesman for one agency, "there doesn't seem to be any focus in government on this."

Some clues to what is happening: According to the Bureau of Outdoor Recreation, which keeps track of such things, the nation's number 1 pastime changed in recent years from "driving for pleasure" to swimming.

A survey of shoreline ownership just completed by the U.S. Corps of Engineers indicates that of the total of 17,864 miles of the coastal shoreline (counting the myriad bays and estuaries) about 8 percent has been reserved for public recreation.

Thus, the rush to the seashore has been largely absorbed by private development. The unprecedented influx of people and money has not only marked the shore, it has also left marks on some of the people who live along the shore.

Some of them express a kind of "future shock," a feeling of disorientation and a fear of what else the future may bring them.

Others despair over the wave of greed that they feel has raped the land. Still others welcome the new prosperity. Aided by the scarcity of law on the subject, they feel that the land's best use is what bring the most money.

First, an indication of how severe the change has been.

In 1934, in the heady, early days of the New Deal, government planners may have sensed the rush. They obtained "emergency funds" from the Interior Department to map out a system of national seashore recreation areas along the East Coast.

FIRST REPORT

Their report, sent to Interior Secretary Harold L. Ickes, stated that the seashore of New England was "intensely developed" and that dense development also was the main feature of much of the New Jersey coast.

The best, most virginal place to accommodate the population of the Mid-Atlantic states, they concluded, would be an area running from Rehoboth Beach, Del., to the tip of Assateague. The area would also include all of the inland shore touching Rehoboth, Indian River, Assawoman and Chincoteague Bays.

They justified this proposed acquisition of land by pointing out that 29 million people lived within a 300 mile radius of this shoreland.

The area would be split into two parks, the "Rehoboth and Assawoman Seashore Recreational Area," on the north, and the "Chincoteague Bay Seashore Recreational Area," to the south.

In their memo to Ickes, which still survives in the Interior Department's files, the planners worried about the cost of some of the farmland along the shore in Maryland's Worcester County, which was running around $25 an acre.

LAND COST

However the ocean beach land was cheap, at $4 an acre, and the planners reasoned that both sides of the bay should be acquired to protect "the scenic beauty (which) lies in the combination of vast areas of water and large areas of low land."

The land needed for the northern park—which would have included 21 miles of ocean front from Rehoboth Beach south to about 3rd Street in Ocean City and all of the inland bays' shoreline—would cost about $1,530,000, the planners concluded.

Government dallied. The war intervened. Now the population in the area within a 300 mile radius of the once proposed park is somewhere around 60 million, roughly double what the planners felt would justify it.

But the forces of development that are working on the shoreland have more than doubled, they have exploded. Ocean City has expanded about 150 blocks northward in a blitz of construction that is also ballooning Rehoboth and Bethany Beach.

Now, on a hot summer weekend, as many as 400,000 people may visit the area, which Ickes' planners described as being largely in "its natural condition."

With the exception of about 8 miles of state parkland in Delaware, the beachfront crowds are there at the sufferance of the property owners, some of whom are suing to claim land down to the mean high tide line. Others are still claiming land that has been under the ocean since the great storm of 1962.

DEVELOPER'S DELIGHT

Last year, Max Berg, a Silver Spring developer who pioneered the construction of condominiums at Ocean City, bought up the last vacant block of ocean front land in the city.

He keeps a large, framed color picture of it in an album he has by his desk. It is an aerial shot of sand with a black square drawn around it with a marking pencil.

He, and other Ocean City real estate experts, estimate that the lot is now worth about $5,000 a beach front foot, or about $1,250,000.

"Here it is," he said, proudly showing a visitor the page in his album. "It's the last one and I've got it."

Mr. and Mrs. James Coyne own a piece also. They live in a small, grey Cape Cod house at 8204 Coastal Highway, in Ocean City. When they moved in, eleven years ago, there was nothing north of them, clear to the Delaware line, but sand.

Today the Coastal Highway resembles a freeway and within two years the Coynes will be living in a forest of high rise condominiums and hotels. Over 30 buildings are planned or under construction where there was once just sand.

The Coyne house, with the flag flying from a pole out in front, has come to look like an anachronism. And Coyne, like thousands of small property owners up and down the East Coast, has found himself drawn into an uneven contest with developers and businessmen who are harvesting the profits from the beach building boom.

Coyne, a retired chemical engineer from Baltimore, is by no means an activist. He and his wife are in their sixties and do not get excited at the prospect of ringing doorbells.

Nevertheless, they became involved last year when a 125-foot high rise, proposed between their lot and the ocean, threatened to cast a permanent shadow across their land.

There are few laws as sacred in Ocean City as the "shadow law," which prohibits any structure from casting a shadow on other private or public land from 10 a.m. to 4 p.m.

Usually, shadow graphs are prepared by engineers to show that a proposed structure cannot cast the proscribed shadow. Coyne worked out his own diagram to show that it would.

SMALL FIGHT

He helped persuade the city's Planning and Zoning Commission to ask the developer to lower the building. Now there will be two buildings instead behind the Coyne's home, one will be 95 feet tall and the other will be about 80 feet.

During the battle, because of the mushrooming land values in Ocean City, the Coynes' property tax base doubled.

Like a man who has won a battle, but sees graphically, every day how badly he is losing the war, Coyne sometimes sits in his living room and grumbles as the traffic swishes by on Coastal Highway.

"I mean," he told a recent visitor, "when we came here, we thought this is the end of the road. Now we are the only year around homeowners who are left.

"In our ignorance, I guess you'd call it, we thought it would always be this way. Now what can I do? It's gotten so I shudder to think what will happen next."

"Believe me," he added, half turning toward his wife. "If I were younger, I'd fight this thing."

"Look at it this way," replied his wife, LeClaire, "maybe it's good that we are older. That means we won't have to be around much longer to see what happens."

The Coynes, a few of their friends and neighbors, went to a hearing on August 16th before the Planning and Zoning Commission to support an amendment that would lower the density permitted for a condominum on a given piece of land.

"You're going to see a fight," he told a reporter as he entered the hearing room in City Hall. There were over a hundred people in the room, sitting on metal folding chairs. However, when the board chairman asked how many were going to speak for the amendment, only about ten put up their hands.

"This thing will be controlled by the developer and real estate crowd," a neighbor, Lawrence Schwartz, said, pointing to a group of men wearing suits and ties on the other side of the aisle. None of them had raised his hand.

"It's like everything else here. Nobody gives a damn about public affairs," he added.

HE TRIED

Coyne took the podium to complain about the traffic. Another homeowner, Morris Gurevich complained about low water pressure.

"I'm fearful of what this runaway condominium and high rise thing will do to our sewer system, which flows into the ocean," he added.

After about six other homeowners made brief statements suggesting that the amendment would be a good way to control growth, the room grew silent as the chairman asked if there was anyone else who wanted to speak for the amendment.

Coyne turned to his wife. "Go on. Get up there," he said, motioning her toward the podium.

"I think this haphazard building of condominiums is going to be disastrous. I don't think anybody has thought about what would happen if there's an emergency (hurricane), we only have one bridge," she began.

"Is our fire department prepared to take care of all these condominiums? The water tastes terrible now and the water pressure is low.

"I think this haphazard . . ." she paused, unable to find the right word, "very, very bad."

When she had finished, a total of 30 people in the room voted for the amendment. The rest, including about a dozen lawyers, builders and realtors who spoke against the measure, were waiting to vote against it. There were 104 of them.

"You see what I mean?" asked Schwartz, when the sea of hands came up to vote down the amendment.

ANOTHER WAR

Over the years, Nat Steelman, 63, a Chincoteague, Va., waterman, has been watching another of the shoreline's dreams fade away. The dream was of unlimited abundance of seafood and wildlife.

The greed which undermined it is, according to Steelman, even written into the geography of the coastline. Recently, as he piloted his motor launch over the bottom of the bay, once carpeted with the world's most succulent oysters, he gave his version of how the nearby shore town of Greenbackville, located just below the Maryland line, got its name.

"After the Civil War, Virginia decided that the way to protect its oysters was to make a law sayin' that you had to be a resident to tong 'em. That meant you had to buy property.

"People got around that by buying small lots. They got to the point where lots in the town were going for $100 an acre and somebody said you could carpet the place with greenbacks."

Oystermen marked their beds with stakes that stuck out of the shallow waters of the bay. "This whole bay had oyster stakes. One feller joined the other. This was a great oyster growin' place. It ain't worth three cents no more," said Steelman, showing his passenger with a wave of his hand that there are but a few stakes left.

The over harvesting and disease took the oysters. Then a great building boom transformed the nearby sand barrier island that runs from Ocean City to Rehoboth into a huge summer resort city.

The economic waves from that are now being felt in the wetlands all along the coast, where dozens of developers are now planning to sell small waterfront lots for "second times."

Steelman senses that it is wrong. He knows that salt marshland is the source of most of the area's seafood and wildlife. He also thinks that living on built-up marshland might be dangerous.

Pointing to one of the development sites, he added, "There's one thing I don't understand about people. That land over there is not a safe place when the hurricanes come. They'll spend a lot of money and then after the storm the federal government is going to have to bail them out."

Nevertheless, he is a man who has seen

the hard lesson of Greenbackville. He feels that such destructive booms are like the tides or great waves; once they begin, they are irresistible.

"You wait," he concludes, after a short trip along the bayshore, "they'll find a way to sell every bit of that marshland for recreation."

"What ain't gone is going," he added.

Down the coast, near New Bern, N.C., there is a shoreman who looks and talks like Steelman. But this man is different. He has capitalized on the rush by turning his shore front farm into a mobile home court.

What used to be cornfields are now growing trailers, almost as far as the eye can see.

Where a salt marsh interrupted the symmetry of his trailers, some of them positioned less than 10 feet apart, he had obtained garbage from a nearby city, filled in the marsh, covered the garbage with topsoil and sited some more trailers.

One day recently he saw some strangers standing on the site of his latest dump, a weird conglomeration of bedsprings, garbage and old rubber tires that reached out almost to the center of the marsh.

"Hey, whut you doing?" he shouted to the people, who were trespassing on his land.

"I'm Warren Coolidge, the U.S. Attorney," said one of the men. "We thought you had agreed to move this dump off the marsh."

"I was gonna put a little top dressing on that, you know, make it real nice and even," he explained. "Then we'll plant some grass. Once we get in there with a power mower, it'll look nice, real nice."

Coolidge and an assistant patiently explained to the farmer that although the land was his, the federal government has power to regulate what he did to the salt marsh, because it is regularly flooded by tidal waters.

But the farmer wasn't listening. He was watching the ground, kicking away little pieces of garbage with his foot.

"Well, I just don't know," he replied, after the men had finished talking. "Nowadays there's always somebody coming around poking their nose into somebody else's business."

A LEGAL QUAGMIRE

(By John Fialka)

The great booming wave of development and speculation that is breaking over the length of the Nation's East Coast beaches is also threatening to engulf another of this nation's most precious natural assets: Coastal wetlands.

The wetlands, salt marshes that are regularly flooded by the tides, are rapidly being converted into "waterfront lots" in land developments, into dumps and into industrial sites:

Although some states and some federal agencies have recently sought to protect the marshes, their efforts have largely become mired in a man-made bog of red tape, that reaches all the way to the White House.

The upshot, according to several government sources, is that it may now be more advantageous for a developer to dredge and fill a marshland first, and ask legal questions later.

A survey of portions of the shoreline, amounting to about half of the length of the coast, made by the Interior Department's Bureau of Sport Fisheries and Wildlife in July, turned up 82 cases of illegal dredging and filling on tidal marshland, which is under federal jurisdiction.

About 90 percent of the nation's total harvest of seafood comes from a chain of growth that begins in the marshlands which biologists call the great nurseries of sea life.

Although no one actually works the land, the marshes produce a high rate of income per acre.

Virginia believes its wetlands yield an average of $78 a year per acre, based on income from commercial and sport fishing, trapping and hunting. Wildlife officials place the figure at $200 a year and a North Carolina study indicates a yield of $525 an acre.

The range compares favorably with such high-yield farm crops as corn, which can yield $150 an acre, and peanuts, which can go over $300 an acre.

Furthermore, the salt marshes act as giant shock absorbers during storms, cushioning the force of otherwise damaging waves and protecting bay waters from substantial flows of sediment.

The ongoing theft of the wetlands is part of a historical tradition in the United States. by 1968, as scientists first began to appreciate the true value of a salt marsh, it was a case of "trying to close the barn door after half of the horses were already stolen," as one conservationist put it.

Connecticut discovered that half of its marshes had already been destroyed. In the northeast, much of the destruction had been done by industries, seeking cheap land for dumping.

In the south, the wetlands were also disappearing. Florida found that Boca Ciega Bay, an area of 30 square miles of shallow salt water near St. Petersburg, had nearly been filled up by developers who were manufacturing land by dredging and filling the marshes and selling them as waterfront homesites.

Some states reacted strongly. Massachusetts passed a law that puts a restriction on the marshlands, requiring state approval before any development is attempted.

Other coastal states followed suit, including Maryland and Virginia, which passed weaker versions of the law. Now only Delaware remains without a wetlands law.

In 1970 the U.S. Army Corps of Engineers, casting about for ways to escape the image given to it by conservation groups as the great spoiler of nature, was given authority by the U.S. Fifth Circuit to stop dredge and fill operations in shallow, tidal waters under the River and Harbor Act of 1899, even though there was no hazard to navigation.

The ruling told the Corps that it could consider "ecological factors . . . to deny that which might have been granted routinely 5, 10 or 15 years ago before man's explosive increase made all, including Congress, aware of civilization's potential destruction . . . and the immeasurable loss from a silent-spring-like disturbance of nature's economy."

Despite all this legal armament, the horses are still being stolen from the barn.

Meanwhile, the federal mechanism for cracking down on the merchants of marshland has come to resemble one of Rube Goldberg's machines.

The Corps of Engineers has the basic powers to police the developer. It must issue a permit if tidal lands are involved, even though they may be owned by the developer.

If, as in many cases, the developer has already begun dredging without a permit and the Corps catches him, it can stop him and require that he apply for a permit.

Under a "memorandum of understanding" the Corps has with the Interior Department the Corps' district engineer involved then contacts the Bureau of Sport Fisheries and Wildlife for advice.

The case then goes to biological specialists in the bureau's appropriate field office. If they think the development is bad, they must tell the head of the bureau's regional office. If he concurs, he must tell the Secretary of Interior's field representative, who replies to the Corps. (A pending Virginia case was routed by the Bureau from Raleigh, N.C., through Atlanta, Ga., to Boston, where the field representative wrote a letter to the Corps in Norfolk.)

Once the Corps' district engineer has evidence that the development is bad, he cannot simply tell the closest U.S. Attorney's Office about it. Last March, the Justice Department decided that would be too simple.

According to a recent report by a House Government Operations Subcommittee, Justice asked the Corps to issue a memorandum to all district engineers ordering them to send all cases in which the 1899 law was deemed to have been violated to the Corps' general counsel in Washington.

If he thought it was worth it, he would forward it to the Department of Justice in Washington. If Justice thought it was bad, they would forward it to the appropriate U.S. attorney, who would bring suit.

The subcommittee's chairman, Rep. Henry S. Reuss (D-Wis.) wrote Justice in May, calling it "an absurd, bureaucratic policy."

"A delay of several weeks or even a few days in filing a civil or criminal case can result in the irretrievable loss of these values. No marshland, for example, that has been illegally filled can be restored to its natural condition," he added.

(Sources in both the Corps and the bureau, indicated to The Star-News, however, that because neither agency has established an effective surveillance system, many developers escape the process because they are never noticed in the first place.)

Behind this creaking enforcement machinery, various powers in Interior, the Corps and in the Council on Environmental Equality, were working to clarify the situation.

Both the Corps and the bureau decided to draw up guidelines that would spell out what a developer should do and how the government should deal with him when he is caught.

Officials of the bureau and the council took their thoughts on guidelines to the Office of Management and Budget, where, according to the subcommittee report, they ran into a representative of the Commerce Department's General Counsel's office, who said Commerce "strongly opposes the promulgation of these regulations."

The proponents of the guidelines all hoped they would go into President Nixon's environmental message on Feb. 8.

According to one source, the President was persuaded to reject the guidelines after Secretary of Commerce, Maurice Stans, went to his chief advisor on domestic affairs, John Ehrlichman.

The rejection left those in the federal government who wanted meaningful wetland controls "in some disarray," as one source put it.

At the moment, according to several sources, the federal apparatus is spotty "In some places the Corps is really active. In some places it's the bureau. In some places it's the state people. In places nobody does anything. It depends on the people on the scene," one source explained.

What is happening on the scene? To find out, a Star-News reporter went to four area jurisdictions, Delaware, Maryland, Virginia and North Carolina.

In Delaware the state legislature recently passed a law, widely publicized by conservation groups, that zones heavy industry away from its shoreline.

The state has not, however, drawn up any specific laws to regulate what the non-industrial developer does with the wetlands. Last February officials of the state's Division of Fish and Wildlife began to wonder if there were any harmful dredge and fill projects going on.

They found nine, all working in Sussex County, dredging lagoons and canals for trailer court complexes on Rehoboth and Assawoman Bays. Most of them were on a point of land called Long Neck.

The state told the bureau, which, in turn, told the Corps. The Corps moved in April, issuing nine cease-and-desist orders.

The state Water and Air Resources Com-

mission decided they would approve permits for the nine and then impose a two-year "moratorium" on all wetlands projects. (The commission has authority to regulate dredging because it often cuts into state-owned bottom lands.)

The Division of Fish and Wildlife objected to all nine. Currently the Governor, Russell W. Peterson, is attempting to resolve the matter with the help of a specially-appointed 31-member committee. All nine have also applied for permits from the Corps.

According to Norman G. Wilder, one of the state's leading conservationists and former head of the Division of Fish and Wildlife, the absence of any clear law in the subject contributed to the problem, which caused a state-wide political furor.

"There was a feeling on the part of the (land) owners that you'd better get it done before the law gets passed."

The cutting of lagoons and canals is disturbing to Wilder and other state conservationists, because they believe it not only destroys marshland, but creates bodies of water that will soon become stagnant and lifeless.

In Maryland at least two wetland projects are pending. One of them involves a proposed "planned community" of 40,000 people that a company led by Jerry Wolman, a building contractor and formerly owner of the Philadelphia Eagles football team, wants to develop Chincoteague Bay.

The development, to be called Harbour Towne, has been held up by a court suit. A spokesman for the state's Department of Natural Resources, which enforces its new wetlands law, said it has not received a permit application yet.

"We're waiting for him," the spokesman added.

The department was definitely not waiting for the other developer, Raymond D. Coates, however. Last month Coates was discovered to have dredged a canal in marshland just north of the Harbour Towne site.

Although dredging has been going on since 1971, according to Worcester County authorities, apparently nobody had told the state or the federal government about it.

The Corps and the state ordered Coates to stop dredging on the 310 acre property, owned by a corporation which he heads. The land has been rezoned from agricultural to residential.

Asked to comment, Coates told a Star-News reporter: "I'm a lawyer and I know the law on this." before hanging up the phone.

Coates is not only the attorney for the Worcester County Board of Commissioners, he is also the counsel for the county's Planning Commission. The case is still pending.

Again on Chincoteague Bay, just below the Maryland line in Virginia's Accomack County, a second home land development called Captain's Cove began dredging in April 1970.

A powerful hydraulic dredge sucking up soil from the bottom and spewing it out over marshland had cut a substantial network of canals and had filled acres of land before the Corps issued a cease and desist order one year after work began. The case is still pending.

Anyone who still believes in the American Dream knows there must be somebody somewhere who is trying to keep the horses from being stolen out of the barn.

There is. He is Warren Harding Coolidge. He lives in a big office in Raleigh, N.C., that contains 23 statues of elephants in various sizes. The office is decorated with a red carpet, red, white and blue curtains, and blue chairs.

Coolidge often dresses in red, white and blue. Recently he was sporting a belt with the American eagle on it.

Developers have learned Coolidge is not a man to be trifled with. He is U.S. attorney for the eastern district of North Carolina.

Coolidge, a former Republican organizer for North Carolina, considers himself an "administration lawyer." He hates bureaucrats and likes to do things himself. Several months ago the Justice Department sent out a directive suggesting the U.S. attorneys should start bringing environmental cases. Coolidge was off and running.

To date, Coolidge and an energetic assistant U.S. attorney, John R. Hughes, have dealt with over 100 developers and property owners suspected of dumping or dredging marshlands.

Most have agreed to restore the marshland as far as possible. Fifteen have had federal court injunctions brought against them.

In an effort to stop dredging while there was still something to save, Hughes has sometimes had to resort to extreme measures. Once, thwarted by a developer who refused to let him on the property, he landed next to the dredge in a Coast Guard helicopter and demanded to see a permit. There was none, and Hughes stopped the dredging.

Coolidge sent a letter out to every dredge and drag line operator in the state warning them they face criminal prosecution for dredging if the land owner has no permit.

He has also campaigned against the destruction of marshland in the press. Recently he announced he was suing the town of Hertford, N.C., for $2 million for maintaining a dump on marshland.

Asked about the amount, Coolidge replied: "Why the hell should I sue them for only $2,000. That wouldn't get me on the back page of the local newspaper. When you're asking for two million, then you get on the front page."

Although the great boom in shoreland prices hit the Carolinas only two years ago, Coolidge has his hands full. Currently there are at least 45 recreation land developments operating along the coastline.

The market for waterfront lots has soared to the point where one developer has dug a canal system on a canal, the Intercoastal Waterway, and is selling "waterfront lots" for as much as $13,000.

Recently as Coolidge and Hughes flew over a small section of the coastline in a plane, Coolidge explained why he is interested in the wetlands:

"It's one of the few areas where you can actually see the law doing something. We got cranked up about the same time the developers did down here. We could still see what we could save."

While Coolidge was talking, Hughes had spotted two suspicious dredging operations and one illegal dump on marshland.

"I swear," muttered Coolidge. "Every time we come down here . . ."

At Home at Sea

(By Roberta Hornig)

The small plane skims along the Eastern Seaboard on a course roughly following the shoreline.

Not long after take-off from the airport, four miles out in the Atlantic, just south of Long Island, it approaches the South Jersey area.

Below, slightly north of Atlantic City, are the two 17-story floating nuclear power plants.

As the plane moves southward, about eight miles off to the left of Rehoboth Beach, Del., is the huge super-port complex that takes oil and other cargo from giant tankers for later transfer to the mainland.

Then, just a short way down the shore, a few miles out from the skyscraper resort, Ocean City, Md., looms the newest offshore "Seacape East," designed to house 30,000 people. It looks like the pictures of the first U.S. seatown, off Hawaii.

The year is 1992.

By now, people are used to the string of artificial islands in the Atlantic as well as off the other two American coasts. They are there for good reasons.

The ocean is viewed as an extension of the continental U.S. It is looked upon as the answer for limitless human demands, much as the American West was 100 years ago.

It is the new frontier.

The sea was the natural place for expansion. The only place left. Land on the mainland is nearly used up, particularly near the coasts. Then, too, while everyone demands the services they provide, no one wants an airport or a sewage treatment plant in his neighborhood.

So, as well as providing minerals and food, the ocean is seen as the perfect place for airports, nuclear and fossil fuel power plants, and sewage treatment plants. It also provides deepwater ports to service ships too big to enter mainland harbors.

Besides these services, others look to the sea for opposite reasons. It is the perfect place to live. A sea view has placed the suburban garden in popularity and well-planned new towns on the ocean can assure a seascape to each of its residents.

Offshore artificial islands conjur up sci-fi images.

But if the brochures and speeches from private industries, consulting firms, universities and governmental agencies, make the 1992 man-made islands-in-the-sea more than a dream.

The "now" world includes:

The New Jersey Public Service Electric and Gas Co. has already signed a contract ordering two offshore nuclear power plants from Westinghouse-Tenneco. The site it has picked is 11 miles northeast of Atlantic City, 2.8 miles out in the ocean.

A federal inter-agency study, initiated by the White House, is looking into the feasibility of constructing a superport for supertankers off both the Atlantic and Gulf coasts. A consultant's report to the U.S. Maritime Administration recommends a North Atlantic Deep-water Oil Terminal (NADOT), offshore from Delaware. The favored site appears to lie eight miles out from Cape Henlopen. The Cape is four miles north of Washington's "summer playground."

An offshore airport office has been established in the Federal Aviation Agency, which initiated and contributed $425,000 towards a current study of such a venture for New York, just south of Long Island. In view of increasing talk of "wetports" and "aquaports," FAA has also called the first international conference on the subject to be held in Reston, Va., next May. FAA believes the first U.S. man-made island airport will likely go into Lake Erie, off Cleveland.

Aided by an $85,000 federal grant, the University of Hawaii has a "Floating City" project—a 150-ton, one-twentieth scale model afloat in Kaneoht Bay. There's a move afoot, with state government backing, to get a full-scale floating marine exposition built, perhaps as a joint U.S.-Japanese venture.

The technology for man-made offshore islands is here and has been for at least a decade. What apparently has been standing in the way to far is money, because offshore facilities are expensive.

Westinghouse-Tenneco is so certain of its "Out on the Water Is the Near Future" slogan that it has formed a joint company called Offshore Power Systems, now under construction in Jacksonville, Fla.

Offshore's plan is to mass produce nuclear power plants—each of them 140,000 tons and covering 4½ acres, ready to be planted inside a breakwater at the plant site and deliver them by floating them to buyers. It believes the first Platform Mounted Nuclear Power Plant (PMNP) can be launched in 1979.

The New Jersey Public Service Electric and Gas Co. hopes to be Offshore's first customer, the world's first, and to sign a final contract

this autumn to seal the sale. It is not put off by the $1 billion price tag.

"Look, sites for nuclear plants are becoming scarcer and the heated water coming out of the plants will be quickly dispersed and cooled in the ocean," a power company spokesman said.

In his comment, he focused on two major problems confronting companies trying to supply nuclear power to their customers: Where to put plants and the threat, real or feared, of thermal pollution.

The ocean, the power company believes, solves these dilemmas because "it represents such a vast amount of water."

For its $1 billion, the New Jersey firm will get two generators. The price-tag also includes construction costs of the semi-circular breakwater it will build in a 45-foot ocean depth to shield the 17-story complexes from storms, heavy seas, and, it claims, collision by the largest supertanker.

In spite of the furor generated by conservationists over the project, New Jersey Electric and Gas thinks it is environmentally sound on all scores. The company also believes it can sell the public.

Transmission lines, always a sore point, will be buried on the sea floor for the 2.8-mile ocean route, then go underground once they reach shore.

SHIP ROUTE

As for the way the huge offshore plants look from the coast, it is being touted as resembling "a ship on the horizon."

If environmentalists are watching the progress of the world's first PMNP, so are other power companies. Virginia Electric & Power Co. and New York's Consolidated Edison are among those keeping a close eye on the New Jersey project, according to Offshore Power Systems.

The Atomic Energy Commission, which licenses nuclear plants, has not yet received the New Jersey company's application but expects it later this year.

Not much farther down the Atlantic shoreline, but farther out at sea, plans are gearing up for another offshore island—this one a superport.

The specter of deepwater ports rose when President Nixon in June announced a federal subsidy for the first six U.S. supertankers, three of them 225,000, three of them 265,000 tons.

The logical question: Where would they unload their cargoes, particularly oil? The only natural, or practicably dredgeable, deep harbors in the U.S. are on the West Coast. What about the East and Gulf Coasts?

The logical answer forwarded by some: Offshore superports.

There are already about 50 such ports worldwide, many of them built by U.S. companies. Japan, for example, has 19. The Persian Gulf 14. But so far, there are none off American shores.

PRESIDENT'S NEW REPORT

The announcement was followed a short time later by a consultant's report to the U.S. Maritime Administration—a report that had been in the works a long time—on the feasibility of a North Atlantic Deep-water Oil Terminal (NADOT).

Not only did the consultants' report determine that a NADOT is feasible. It obviously favored a particular site for the offshore facility.

The site is "offshore Delaware," which the U.S. Army Corps of Engineers translate as being approximately eight miles off Cape Henlopen, Del., out from two popular resort towns, Cape May, N.J., and Rehoboth Beach, Del.

Spurred by presidential interest, the White House currently has a special inter-agency task force on the proposed project going. The stated reason is to determine "whether" such a superport should be built.

But the task force also has been charged with drafting legislation, both to get Congressional backing and, presumably, to set up a regulatory procedure so private companies can apply to the federal government for use of the seas.

The study for Maritime calls for a 500-acre man-made island, surrounded by a 7,500 foot horseshoe-shaped breakwater for protective purposes. The cost: an estimated $787 million.

If it goes forward, the project undoubtedly will trigger sharp debate from environmentalists worrying about oil spills. Supertankers are as much as four times bigger than the Torrey Canyon, whose spill off the English coast in 1967 was the subject of worldwide debate.

Meanwhile, both Louisiana and Texas are in mid-studies and are drumming up support for such facilities.

Because the sea is fairly shallow near the Gulf coast, any super-port would probably have to go into water considerably beyond the recognized 12-mile U.S. territorial boundary, raising international law of the sea questions.

The Gulf states, however, are fairly adamant about needing a superport. "We need one if our economy is to compete in the world market in the future," one Texan reported.

Not getting quite the same immediate support as either offshore nuclear power plants at the moment or superports—but not to be ignored—are offshore airports.

The concept has been talked about for years, worldwide, enough to let them earn their own jargon. Some call them "wetports"; others, "aquaports". The reason for the persistence of the talk, however, is the same.

More people are traveling, and more airports, or bigger ones, are needed. Major air terminals are located in metropolitan areas where land is scarce and "gateway", or international, terminals are mostly located in coastal areas, where land is even scarcer.

In addition, there is the problem of noise. Nobody likes thundering aircraft pounding their eardrums.

The only apparent reason for no airport islands in the sea yet is money.

Nonetheless, the Federal Aviation Agency believes they are coming. "Our feeling is that in perhaps 10 years or so. There may have to be ways of evaluating costs other than straight dollars," says James E. Luckman, the branch chief.

So far, offshore airports have been considered in the U.S. cities of Los Angeles, San Diego, Chicago, Cleveland, Boston, and New Orleans.

Technically, construction of the country's first offshore facility is scheduled to begin late this month, off Honolulu.

The Hawaii airport, designed by the Los Angeles-New York engineer construction firm, Ralph M. Parsons Co., will be a fully operational runway, 12,000 feet long and 200 feet wide, surrounded by a jetty for wave protection.

It will run parallel to Honolulu International Airport's existing main runway, but will be 6,700 feet seaward of it.

A landmark construction venture, it will involve dropping 960 acres of dry land—dredged from the ocean floor and mixed with coral imported from other islands—atop an existing, underwater reef that will be its anchor-base. The pricetag: $65 million.

The biggest offshore airport study going involves a replacement for New York's Kennedy International. This project, initiated by the FAA is partially funded with a $425,000 federal grant.

Study results so far are positive. "The New York offshore airport is technically feasible. The means are presently at hand to construct such a monumental structural system," it concludes.

But the study also came up with costs the FAA at the moment considers prohibitive: an estimated $8.1 or $13.9 billion, depending on construction techniques.

MONEY, MONEY

As a result, the government agency has sent the project back for restudy—to see if costs can come down.

No conceptual changes are expected, however. The multi-level airport would go three to five miles out in the Atlantic, just south of Long Island, and would be approximately two by eight miles in size. Access from shore would be through some form of mass transit, with rapid rail currently favored.

One of the ways FAA hopes to bring the cost down is to combine an offshore airport with some other service, perhaps a sewage treatment plant. The argument is that the more kinds of services combined on a single man-made offshore island, the cheaper it will be for each of the components.

This is the philosophy behind the airport being pushed in Cleveland. The Lake Erie International Jetport Project, which is getting $4 million worth of study and is being touted by Cleveland's Chamber of Commerce, has a good chance of being the country's first offshore airport structure, FAA believes.

The airport is planned as the nucleus of a project aimed at rejuvenating the downtown central city.

The $1 billion plan proposed construction of a man-made island in Lake Erie about five miles offshore and three miles east of downtown Cleveland. It would total about 26 square miles, making it the largest island in the lake and a third the size of the city itself.

Besides the airport, the island would include an industrial and research park, a national import-export center and a free port.

If it is built, the Cleveland jetport well could trigger other such ventures that have been proposed around the country.

Of all the offshore structures talked about, floating new towns have the most esoteric, science-fiction ring, and are likely the fartherest away." Up to now they have been a dream-scheme of architects and planners as Buckminster Fuller, the father of the geodesic dome.

The Japanese, for example, have in recent years shown consistent interest in the offshore concept.

The Japanese have a design for a floating city for housing 30 million people on the South China Sea.

In addition, the Japanese government has set what its Ministry of Construction calls a "significant budget" for the coming fiscal year for research and experimentation on offshore building structures.

Very practically, Japan is planning an Okinawa Marine Exposition in celebration of the formal return of the island which the U.S. has ruled since World War II.

In the U.S., the greatest emphasis on floating towns in coming out of Hawaii, particularly out of the University of Hawaii where the concept is getting great impetus from Dr. John Craven, dean of ocean engineering. Craven formally was a top naval scientist, responsible in great part for such endeavors as the Polaris and Poseidon submarine missile systems.

Under Craven's prodding, the Hawaiian legislature earlier this year, with the enthusiastic support of Gov. John Burns, resolved to hold an international marine exposition in the state in 1978, its bicentennial celebrating the discovery of the islands by Capt. Cook.

Hawaiian and Japanese scientists are now exchanging information in the hopes that projects like the world's first floating city can be mutually developed and exhibited first in Okinawa, then Hawaii.

A 1-to-20 scale model of a new town is

already afloat in Kaneohe Bay on Oahu's north shore. It is a University of Hawaii project, partially paid for by the National Oceanographic and Atmospheric Administration.

The one thing all the offshore island proposals have in common are assurances from their proponents that they will cause no harm to the environment.

Given the number of proposals for offshore man-made islands, and the real need for some of the services some can provide, it appears they are inevitable.

So, it really is easy to imagine a string of them lined up along the Atlantic coast.

Missing from any consideration so far, though, are such questions as how many should be allowed, and where. Each of the proposals is being planned independently. There is no overview. No one is considering a policy of offshore use.

Perhaps this is not so surprising, for America is a country that has not even reached agreement on a growth policy for its land.

MINDING THE SHORE

(By Roberta Hornig)

Three years ago, homeowners living along a five-block stretch of ocean beach just south of Bethany, Del., put up a gatehouse and hired a guard to keep outsiders away.

"We would like to have the beach for our own use. We want to keep it as quiet as possible," explains one of the property owners, a Washington dentist.

Within the last six months, two such communities along the Atlantic coast were sued for trying a different approach to discourage "outsiders"—charging higher fees to nonresidents for use of the beaches.

Avon-by-the-Sea, N.J., taken to court by its neighboring town, Neptune, was told in July by the State Supreme Court, in effect, that beaches belong to everyone.

Long Beach, on Long Island, N.Y. was told the same thing last March, but it is appealing the decision.

"We feel our beach is owned by the residents and the taxpayers of the city and they should determine who should use the beach," says attorney David J. Weinblatt.

Because New Jersey beaches are so crowded, many communities charge a fee for their use.

As more and more people are rushing to the sea to sun, swim, boat or fish, communities along the East Coast seem to be tightening up, by whatever device they can figure out, to keep funseekers away.

And the patchwork of existing laws governing ownership and use of beachland has done nothng to resolve the conflict between landowners' rights and concern over public access to beaches.

The public, whether for recreational, land or industrial development purposes, got to the nation's shores before the lawmakers.

There is, as yet, no federal law that begins to answer the question: Who gets to use the beaches and for what uses.

The only general rule governing ownership of beaches is that states own the part of oceanfront property below the "mean high water mark"—the point reached by the average wave.

From there inland, the controlling rules, where there are any, vary from state to state.

"The laws are scattershot. There is no consistent policy from one state to another. Some allow fenced off beaches, letting waterfront property owners treat the beach like their own private countryclub. At the other extreme, a few have declared an 'open beach' policy," explains William Van Ness, a staff aide to Sen. Harry M. Jackson, D-Wash.

TEXAS LAW

In 1959, Texas became the first state in the country to establish, through law, the public's right to use all the beaches. The law declares that the government never had given landowners exclusive rights to the beach.

Ten years later, the Oregon Supreme Court unanimously ruled that citizens in that state had the same right of access to all of the oceanfront.

For several years, open beach legislation—first introduced by Rep. Robert Eckhardt, D-Tex.—has been pending in the House.

Jackson, chairman of the Senate Interior Committee, introduced a similar measure last year. And, his aides say, he plans to make it a top priority item in the session beginning January. Observers say this may help its chances of passage, although the fight may be tough.

The bill would establish, as a matter of national policy, the public's right of access to beaches. But it would leave states the responsibility for acquiring the actual rights.

With the help of generous federal grants, states would be encouraged to buy easements from private landholders—or when necessary resort to condemnation.

The bill would protect the interests of shoreline property owners, allowing them to retain all property rights except access.

Two other federal bills affecting shorelines are pending in Congress.

One, the Coastal Zone Management Act of 1972 stands a chance of approval in some form after it emerges from a conference this fall.

Seemingly more oriented towards coastal resources, more towards shellfish and fishing than to beach and land development problems, it does nonetheless declare a national policy to preserve, protect, develop and, where possible, restore coastal areas. It calls for in-depth studies of natural resources and planning for the shoreline, with federal help to state management programs.

LAND USE

The other is legislation to encourage states to improve their land use planning.

There are around 200 land use bills pending in 13 Congressional committees. Most of them are broad, obviously oriented towards planning across the country.

But the major ones also require states to identify areas of critical environmental concern or call for inventories of recreational needs or both. Considering the overcrowding of beaches, presumably more of them opening up to the public would be high on the lists.

Out of nearly 6,000 miles of East Coast oceanfront, less than 15 percent, or 416 miles has been specifically earmarked for public recreation.

There is even less—under four percent—open to everyone along the 11,937 miles of bays and estuaries. That translates into 511 miles.

The remaining shoreline has been mostly locked into private, industrial or military use, according to the U.S. Army Corps of Engineers which has conducted one of the few surveys of the U.S. coastline.

Consider these statistics:

Most of the land along the Atlantic is taken up by "private recreation," a term the Corps translates as the "beach and country club" type developments the more affluent can afford. The vast majority of these lands—2,245 miles out of the total 2,503—are in the South, in the lower South Carolina and Georgia areas.

The single largest shoreline use involves "non-recreation" lands along East Coast bays and estuaries. Some 1,927 miles are above the tip of Southern Virginia, the remaining 1,368 below. Add to this 605 miles on the oceanside.

These are lands gone to industrial and commercial development and military installations, the corps says—together, these amount to huge hunks of waterfront off limits to people. And while presumably the "private recreation" category could eventually be more flexible, the "non-recreation" lands are gone forever.

There are only 1,898 miles of undeveloped lands along the Atlantic. On the bayside, there are 7,504. In Corps terminology, though, "undeveloped" means only that there is nothing on the land now or that it is currently inaccessible. It does not necessarily mean that they are unowned.

Of all the states Delaware has gone the farthest to protect what's left of its shoreline from industrialization—a problem in some U.S. areas as great as shoreline urbanization.

MAJOR MOVES

Delaware's Coastal Zone Act, signed a year ago by Gov. Russell W. Peterson prohibits heavy industries from locating along the state's 120-mile coastline, along a strip that varies from a mile to nine miles wide.

Specifically, the landmark law excludes a supertanker port within the mouth of Delaware Bay, oil refineries, paper mills, steel mills and basic chemical processing plants. All of them are potential air and water polluters.

It was a brave move for a state that long has been a favorite haven for giant industrial complexes.

Besides offending big industrialists, Peterson's signing the bill also offended a former top Nixon Administration official, James Moore, a gubernatorial aide, reports.

Then Commerce Secretary Maurice Stans "went so far as to hint to the Governor that he was being unpatriotic," Moore says.

The disparity of approach among coastal states to this reflects the lack of direction in the overall issue of what is to become the nation's shoreline.

At the moment, for all the scope of the federal government, no one part of it—no one department, no one agency—is responsible for what is happening or planning for the future.

No one is minding the shore.

By Mr. HARTKE:

S. 2625. A bill to amend title II of the Social Security Act to provide for the entitlement of disabled wives and husbands to unreduced wife's and husband's insurance benefits without regard to age. Referred to the Committee on Finance.

Mr. HARTKE. Mr. President, today I submit an amendment to the Social Security Act to provide full benefits to disabled wives of social security beneficiaries, regardless of their age.

Social security benefits are payable to the wife of a retired or disabled worker beneficiary if she has reached age 62. In addition, they are payable to a wife under age 62 if she has in her care a child under age 18 or disabled who is entitled to social security child's benefits on her husband's earnings.

The reason no such benefits have been provided for a wife who is under 62—unless she has a disabled child under her care—is that such a person should normally be able to work and support herself. This is obviously not so with a wife who is disabled over an extended period of time.

The proposal I introduced today would provide benefits to such wives, regardless of age, at an amount equal to a wife who becomes entitled at age 65, or a wife who gets benefits because she has a child in her care.

Totally disabled wives of beneficiaries face problems similar to those of aged wives and wives with children in their care. There is a sharp decline of family income due to the spouse's retirement or

disability, and no real opportunity to supplement the family's income through their own work. A totally disabled wife is even less likely to be able to support herself than a nondisabled wife who receives benefits because she has reached age 62 or has a child in her care. In many cases, the husband's benefit may be the couple's only regular income.

The cost of this proposal for calendar year 1974 is expected to be $195 million. Benefits would be increased immediately for 190,000 present-law beneficaries and 150,000 individuals who would be newly eligible.

This is one of the glaring inequities of the current social security law—one about which I have received countless letters. It deserves to be corrected without delay.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD at this point.

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

S. 2625

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) (1) section 202(b)(1)(B) of the Social Security Act is amended to read as follows:

"(B)(i) has attained age 62, or (ii) in the case of a wife (I) has in her care (individually or jointly with such individual) at the time of filing such application a child entitled to a child's insurance benefit on the basis of the wages and self-employment income of such individual, or (II) has not attained age 65 and is under a disability (as defined in section 223(d)),".

(2)(A) So much of section 202(b)(1) of such Act as succeeds clause (D) but appears before clause (E) is amended to read as follows: "shall (subject to subsection (s)) be entitled to a wife's insurance benefit for each month, beginning with—

"(E) if she satisfies subparagraph (B) by reason of clause (ii)(II) thereof—

"(i) the first month after her waiting period (as defined in paragraph (4)) in which she becomes so entitled to such insurance benefits, or

"(ii) the first month during all of which she is under a disability and which she becomes so entitled to such insurance benefits, but only if she was previously entitled to insurance benefits under this subsection on the basis of being under a disability and such first month occurs after the month in which a previous entitlement to such benefits on such basis terminated, or

"(F) if she satisfies subparagraph (B) without regard to clause (ii) (II) thereof, the first month in which she becomes so entitled to such insurance benefits,

and ending with the month preceding the first month in which any of the following occurs:".

(B) Section 202(b)(1) of such Act is further amended by redesignating subparagraphs (E), (F), (G), (H), (I), (J), and (K) as subparagraph (G), (H), (I), (J), (K), (L), and (M), respectively.

(C) Section 202(b)(1) of such Act is further amended—

(i) by striking out "or" at the end of the paragraph thereof redesignated by subparagraph (B) of this paragraph as subparagraph (L),

(ii) by striking out the period at the end of the paragraph thereof redesignated by subparagraph (B) of this paragraph as subparagraph (M) and inserting in lieu of such period ", or", and

(iii) by adding after the pargaraph so redesignated as subparagraph (M) the following new subparagraph:

"(N) if she is entitled to such benefits by reason of the provisions of subparagraph (B)(ii)(II), the third month following the month in which her disability ceases (unless she attains age 62 on or before the last day of such third month)."

(3) Section 202(b) of such Act is further amended by adding at the end thereof the following new paragraph:

"(4) The waiting period referred to in paragraph (1)(E)(i), in the case of any wife, is the earliest period of five consecutive calendar months—

"(A) throughout which she has been under a disability, and

"(B) which begins not earlier than the first day of the seventeenth month before the month in which her application is filed.".

(b) (1) Section 202(c)(1)(B) of such Act is amended to read as follows:

"(B) (i) has attained age 62, or (ii) has not attained age 65 and is under a disability (as defined in section 223 (d)),".

(2) So much of section 202(c)(1) of such Act as succeeds paragraph (D) thereof is amended to read as follows: "shall be entitled to a husband's insurance benefit for each month, beginning with—

"(E) if he satisfies subparagraph (B) by reason of clause (ii) thereof—

"(i) the first month after his waiting period (as defined in paragraph (4)), in which he becomes so entitled to such insurance benefits, or

"(ii) the first month during all of which he is under a disability and which he becomes so entitled to such insurance benefits, but only if he was previously entitled to insurance benefits under this subsection on the basis of being under a disability and such first month occurs after the month in which a previous entitlement to such benefits on such basis terminated, or

"(F) if he satisfies subparagraph (B) by reason of clause (i) thereof, the first month in which he becomes so entitled to such insurance benefits, and ending with the month preceding the month in which any of the following occurs: he dies, his wife dies, they are divorced, or he becomes entitled to an old-age or disability insurance benefit, which is equal to or exceeds one-half of the primary insurance amount of his wife, or his wife is not entitled to disability insurance benefits and is not entitled to old-age insurance benefits, or if he is entitled to husband's insurance benefits by reason of the provisions of subparagraph (B)(ii), the third month following the month in which his disability ceases (unless he attains age 62 on or before the last day of such third month).".

(3) Section 202(c) of such Act as amended is further amended by adding at the end thereof the following new paragraph:

"(4) The waiting period referred to in paragraph (1) (E) (i), in the case of any husband, is the earliest period of five consecutive calendar months—

"(A) throughout which he has been under a disability, and

"(B) which begins not earlier than the first day of the seventeenth month before the month in which his application is filed."

(c) (1) The third sentence of section 203 (c) of such Act is amended by inserting immediately before the period at the end thereof the following: "; nor shall any deduction be made under this subsection from any wife's or husband's insurance benefit for any month in which the wife or husband has not attained age 65 and is entitled to such benefit on the basis of being under a disability".

(2) The third sentence of section 203(f)(1) of such Act is amended—

(A) by striking out "or" at the end of clause (D), and

(B) by inserting immediately before the period at the end thereof the fololwing: ", or (F) for which such individual is entitled (on the basis of being under a disability) to wife's or husband's insurance benefits and has not attained age 65".

(3) The first sentence of section 216(i) of such Act is amended by striking out "sections 202(d)," and inserting in lieu thereof "sections 202(b), 202(c), 202(d),".

(4) (A) Section 222(a) of such Act is amended by inserting "husband's insurance benefits, wife's insurance benefits," immediately after "child's insurance benefits,".

(B) Section 222(b)(1) of such Act is amended by inserting "a wife who has not attained age 62, a husband who has not attained age 62," immediately after "entitled to child's insurance benefits,".

(C)(i) Section 222 (d)(1) of such Act is amended—

(I) by striking out "or" at the end of paragraph (C) thereof;

(II) by inserting at the end of paragraph (D) the following: "or"; and

(III) by inserting immediately after paragraph (D) thereof the following new paragraph:

"(E)(i) entitled on the basis of being under a disability to wife's insurance benefits under section 202(b) prior to attaining age 62, or

"(ii) entitled on the basis of being under a disability to husband's insurance benefits under section 202(c) prior to attaining age 62,".

(ii) Section 222(d)(1) of such Act (as so amended) is further amended by inserting "the benefits under section 202(b) for wives who have not attained age 62 and are under a disability, the benefits under section 202(c) for husbands who have not attained age 62 and are under a disability," immediately after "under section 202(d) for children who have attained age 18 and are under a disability,".

(5)(A) Section 223(d)(2)(A) of such Act is amended by inserting ", and except a wife or husband for purposes of section 202(b) or (c)" immediately after "or (f)".

(B) Section 223(d)(2)(B) of such Act is amended—

(i) by striking out "A widow" and inserting in lieu thereof "A wife, husband, widow"; and

(ii) by striking out "202(e)" and inserting in lieu thereof "202 (b), (c), (e),".

(6) Section 225 of such Act is further amended—

(A) by inserting "or that a wife who has not attained age 62 and is entitled (on the basis of being under a disability) to benefits under section 202(b), or that a husband who has not attained age 62 and is entitled to benefits under section 202(c)," immediately after "believes that an individual entitled to benefits under section 223,", and

(B) by inserting "202(b), 202(c)" immediately after "may suspend the payments of benefits under such section".

(d) The amendments made by the preceding provisions of this section shall apply with respect to monthly benefits under title II of the Social Security Act for months after the month which follows the month in which this Act is enacted.

(e) Section 202(q) of the Social Security Act is further amended by adding at the end thereof the following new paragraph:

"(10) Notwithstanding the preceding provisions of this subsection, no reduction shall be made under this subsection in the wife's or husband's insurance benefit of any individual for any month prior to the month in which such individual attains age 65 if such individual is entitled to such benefit on the basis of being under a disability."

(f) The amendment made by subsection (a) shall be effective with respect to monthly insurance benefits under section 202 (b) or (c) for months after the month which

follows the month in which this Act is enacted.

By Mr. BENTSEN:

S. 2626. A bill to amend the Federal Property and Administrative Services Act of 1949 and other pertinent statutes of the United States Code in order to establish Federal policy concerning the selection of firms and individuals to perform accounting services for the Federal Government, and for other purposes. Referred to the Committee on Government Operations.

Mr. BENTSEN. Mr. President, I am introducing today legislation to establish a Federal policy for the selection of accountants to provide accounting services to the Federal Government. At this time, accounting services are acquired by advertising and competitive bidding. This practice has placed a great burden on accountants who want to provide their services to the Federal Government and jeopardizes the ability of the Government to acquire the quality of service it requires.

The present statutes, 41 U.S.C. 252(c)(4) and 10 U.S.C. 2304(a)(4), allow the Federal agencies discretion in how they acquire professional or personal services. It has been the policy, however, of the major Federal agencies, including the Department of Defense, to acquire accounting services by means of competitive bids rather than through negotiations.

I feel that Federal contracts should normally be competitively bid and advertised, but there are several reasons which make this totally unwise in the securing of accounting services.

First, a majority of the State boards of public accountancy and State societies of accountancy have rules of conduct which prohibit accountants from making competitive bids. A conscientious accountant, therefore, is faced with a dilemma—either he violates the ethics of his profession, or he must forgo the opportunity of offering his services to the Federal Government. I do not believe a man should be placed in that position, and I believe such a conflict raises serious questions about how the Government is going about the business of acquiring top-notch professional accounting service where ethics or State law prohibit accountants from bidding on contracts.

In addition, the system of bidding for accounting services defies one of the elementary considerations in determining accounting fees and results in inferior service to the Government. The scope of an accounting audit is largely determined by an examination of the records involved and an estimate of the amount of time which must be devoted to the examination. Less money to the auditor simply means less time for the audit. Price competition, therefore, encourages bids that will produce incomplete audits and misleading financial information about the concern being audited.

Just as a family needing a doctor for a sick child does not run an ad in the paper for the cheapest practitioner in town, neither should the Federal Government expect to acquire high quality professional service by advertising for the lowest priced accounting bid.

The proposal I am making will allow the Government to choose a capable accounting firm and then negotiate a professional fee that will insure quality work at a reasonable price. Should an accounting firm prove unreasonable in its fee demands, the Government has complete authority to terminate negotiations and to secure services from another firm. A nearly identical bill was passed last year to provide for the securing of architect and engineering services. Architects and engineers were often bound by the same State laws and professional considerations that affect accountants, and the Federal Government acted to allow them to negotiate their contracts with the Federal Government. I am asking the same treatment for accountants as we provided for architects and engineers.

And let me make a point here about the need for fair and public negotiations for accounting services under this bill. I would expect the Federal agencies securing these services to develop stringent rules for the conduct of such negotiations. Any negotiation should be open to full public scrutiny and should be conducted under regulations that will insure that political favoritism does not replace competitive bidding as the means for acquiring accounting services.

Mr. President, this legislation will enable the Government to acquire the best service available at a price that is reasonable and fair. The Federal Government should not place professional accountants in the position of choosing between their professional ethics and Federal regulations. I ask the Senate to give this legislation prompt and favorable consideration.

I ask unanimous consent that the text of the bill may appear in the RECORD and that letters from the Texas State Board of Public Accountancy and the Texas Society of Certified Public Accountants may also appear with my remarks.

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

S. 2626

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 302 of the Federal Property and Administrative Services Act of 1949 (Title 41 U.S.C.A. 252) is amended by adding at the end thereof the following new section:

"(g) Selection of Accountants

DEFINITIONS

"As used in this title—

"(1) The term 'firm' means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the profession of accounting.

"(2) The term 'agency head' means the secretary, Administrator, or head of a department, agency, or bureau of the Federal Government.

'(3) The term 'accounting services' includes those professional services generally performed by accountants, as well as incidental services that accountants and those in their employ may logically or justifiably perform.

POLICY

"The Congress hereby declares it to be the policy of the Federal Government to announce publicly all requirements for accounting services and to negotiate contracts for such services on the basis of demonstrated competence and qualification for the type of services required at fair and reasonable prices.

REQUESTS FOR DATA OR ACCOUNTING SERVICES

"In the procurement of accounting services, the agency head shall encourage firms engaged in the lawful practice of this profession to submit annually a statement of qualifications and performance data. The agency head, for each proposed project, shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with no less than three firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services and then shall select therefrom, in order of preference, based upon criteria established and published by him no less than three of the firms deemed to be the most highly qualified to provide the services required.

NEGOTIATION OF CONTRACTS FOR ACCOUNTING SERVICES

"(1) The agency head shall negotiate a contract with the highest qualified firm for accounting services at compensation which the agency head determines is fair and reasonable to the Government. In making such determination, the agency head shall take into account the estimated value of the services to be rendered, the scope, complexity, and professional nature thereof.

"(2) Should the agency be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price he determines to be fair and reasonable to the Government, negotiations with that firm should be formally terminated. The agency head should then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the agency head should terminate negotiations. The agency head should then undertake negotiations with the third most qualified firm.

"(3) Should the agency head be unable to negotiate a satisfactory contract with any of the selected firms, he shall select additional firms in order to their competence and qualification and continue negotiations in accordance with this section until an agreement is reached."

SEC. 2. Section 2304 of Title 10 of the United States Code is amended by adding at the end thereof the following new section:

"(1) Selection of Accountants

DEFINITIONS

"As used in this title—

"(1) The term 'firm' means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the profession of accounting.

"(2) The term 'agency head' means the secretary, Administrator, or head of a department, agency, or bureau of the Federal Government.

"(3) The term 'accounting services' includes those professional services generally performed by accountants, as well as incidental services that accountants and those in their employ may logically or justifiably perform.

POLICY

"The Congress hereby declares it to be the policy of the Federal Government to announce publicly all requirements for accounting services and to negotiate contracts for such services on the basis of demonstrat-

ed competence and qualification for the type of services required at fair and reasonable prices.

REQUESTS FOR DATA OR ACCOUNTING SERVICES

"In the procurement of accounting services, the agency head shall encourage firms engaged in the lawful practice of this profession to submit annually a statement of qualifications and performance data. The agency head, for each proposed project, shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms, regarding the proposed project, and shall conduct discussions with no less than three firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services and then shall select therefor, in order of preference, based upon criteria established and pubished by him no less than three of the firms deemed to be the most highly qualified to provide the services required.

NEGOTIATION OF CONTRACTS FOR ACCOUNTING SERVICES

"(1) The agency head shall negotiate a contract with the highest qualified firm for accounting services at compensation which the agency head determines is fair and reasonable to the Government. In making such determination, the agency head shall take into account the estimated value of the services to be rendered, the scope, complexity, and professional nature thereof.

"(2) Should the agency be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price he determines to be fair and reasonable to the Government, negotiations with that firm should be formally terminated. The agency head should then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the agency head should terminate negotiations. The agency head should then undertake negotiations with the third most qualified firm.

"(3) Should the agency head be unable to negotiate a satisfactory contract with any of the selected firms, he shall select additional firms in order of their competence and qualification and continue negotiations in accordance with this section until an agreement is reached."

TEXAS STATE BOARD OF
PUBLIC ACCOUNTANCY,
Austin, Tex., September 12, 1973.

Hon. LLOYD BENTSEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BENTSEN: As you know, Texas accountants are increasingly concerned over the conflict between the procurement policies of certain agencies of the Federal government (particularly the Department of Defense) and the Rules of Professional Conduct for licensed accountants.

An effort was made last year (with your very thoughtful assistance) to persuade the Defense Department to negotiate for accounting services in connection with audits of its Open Mess facilities rather than require competitive bids. This is permitted by the present law [41 U.S.C. Subsection 252(c)(4) and 10 U.S.C. Subsection 2304(a)(4)]. We were not successful and the problem is a continuing one. In the circumstances, the Texas State Board of Public Accountancy has decided to seek legislative relief and respectfully requests that you sponsor a bill for us aimed at correcting this problem.

There is ample precedent for the legislation we seek. A nearly identical bill was passed by the Congress last year giving relief to architects and engineers.

While competitive bidding is generally an acceptable practice for procuring commodities, it is inappropriate for securing accounting services because of the very nature of an audit. The scope of an audit rests largely on the judgment of the auditor. He must make a sufficiently extensive examination to satisfy himself that the records fairly reflect the financial position of the enterprise. Since the cost of such an effort depends directly upon the amount of time devoted to the examination, price competition encourages the accountant to spend less time on the examination than might be necessary for an adequate audit. The practice of requiring competitive bids for audits invites incomplete, inaccurate and often misleading financial information about the operation being audited.

The Texas State Board of Public Accountancy, like many similar regulatory bodies, adopted many years ago a Rule of Professional Conduct, which prohibits accountants from making competitive bids for accounting services. This rule was approved by favorable vote of a majority of the licensed accountants in Texas. Our Board is obligated by State Law to enforce the terms of this prohibition and to discipline violators by criminal prosecution. The punishment is by fine up to $500.00 and imprisonment up to one year, as well as revocation or suspension of the license to practice public accountancy. The public policy in Texas with respect to competitive bidding for professional services was underscored by the Texas Legislature at a recent session when it passed the Professional Services Procurement Act, prohibiting any state agency or political subdivision of the State from securing the professional services of an accountant, or other professional, by competitive bid. The prohibition against competitive bidding for accounting services is incorporated in the Code of Professional Ethics of the Society of Certified Public Accountants in Texas and in many other States.

The courts have consistently excluded professional services from the competitive bidding requirements of state and local laws. The rationale for these decisions is best stated by a court which upheld a negotiated engineering contract, as follows:

"Such a construction would require the selection of attorneys, physicians, schoolteachers and civil engineers by competitive bids, the only test being the lowest bid for the services of such men. Such a test would probably be the best that could be conceived for obtaining the services of the least competent man, and would be most disastrous to the material interests of a country." *Hunter V. Whiteaker & Washington*, 230 S.W. 1096, 1098 (Tex. Civ. App.—San Antonio, 1921, no writ).

Competitive bids for accounting services invites the accountant to violate state law, endanger his right to practice accounting, and jeopardize his professional standing. The Federal procurement practice contradicts a long-standing public policy favoring negotiated contracts for professional services, and compromises the right of the taxpayer, to have a complete and accurate accounting of the expenditure of public funds.

The Texas State Board of Public Accountancy is satisfied that the Federal government can obtain audits at fair prices without calling for competitive bids, and that the work product of negotiated audits will be more satisfactory. Ample statutory authority exists for Federal Departments and Agencies to negotiate contracts for personal or professional services. They have generally refused to use such authority.

Accordingly, we have prepared a draft bill and justification and enclose herewith copies of the same in hopes that you will introduce and sponsor such a bill and that we may have your continued active support in our effort to resolve the conflict that exists between Federal procurement policies and the laws, rules and regulations which we are required to enforce in Texas.

Yours very truly,

L. LUDWELL JONES,
Chairman.

TEXAS SOCIETY OF CERTIFIED
PUBLIC ACCOUNTANTS,
Houston, Tex., September 17, 1973.

Hon. LLOYD M. BENTSEN, Jr.,
U.S. Senator,
Washington, D.C.

DEAR SENATOR BENTSEN: The conflict existing between the procurement policies of certain Federal agencies and the Rules of Professional Conduct for licensed accountants is a matter of continuing concern to the Certified Public Accountants of Texas. It is our understanding that the Texas State Board of Public Accountancy has decided to ask you to sponsor a bill aimed at resolving this problem. We would like to join in this request. Architects and engineers were given similar relief last year by the Congress.

The State Board has a Rule of Professional Conduct prohibiting accountants from making competitive bids. This prohibition is also incorporated in the Code of Professional Ethics of the Texas Society of Certified Public Accountants.

Competitive bidding encourages the accountant to violate state law, compromise his right to practice accounting, and jeopardize his professional standing. Federal procurement practices contradict a sound public policy favoring negotiated contracts for professional services.

The courts have uniformly excluded professional services from the competitive bidding requirements of state and local laws. The rationale for these decisions is that competitive bids constitute an acceptable practice for purchasing commodities, but an inappropriate system for obtaining accounting services. For example, the scope of an audit depends largely on the judgment of the auditor who must make a sufficiently extensive examination to satisfy himself that the records fairly reflect the financial condition of the enterprise. The cost of such an effort rests directly upon the amount of time devoted to the examination, and price competition might invite the accountant to spend less time on the examination than necessary for an adequate audit. Competitive bids for accounting services invite incomplete, inaccurate and perhaps misleading fiscal information about the activity being audited.

The Texas Society of Certified Public Accountants is convinced that Federal officials can obtain audits at reasonable prices without competitive bids, and that the result of negotiated audits will be more in the public interest. Since ample statutory authority now exists for Federal Departments and Agencies to negotiate contracts for accounting services and they have generally declined to use such authority it seems clear that any relief must come from the Congress.

Accordingly, we hope that the Accountants of Texas may have your continued assistance in seeking to resolve the conflict that exists between Federal procurement practices and the laws, rules and professional ethics which we must abide by in Texas.

Very truly yours,

A. BURKE HAYMES,
President.

By Mr. PACKWOOD:

S. 2627. A bill to further the purposes of the Wilderness Act by incorporating French Pete Creek and adjacent roadless lands in the Three Sisters Wilderness, Oreg., and for other purposes. Referred

to the Committee on Interior and Insular Affairs.

Mr. PACKWOOD. Mr. President, today I am introducing legislation to protect the ecological values of the French Pete Creek and adjacent roadless portions of Rebel, Walker, and Mosquito Creek drainages located within the Blue River Ranger District and lying 60 miles east of Eugene, Oreg. Under my legislation these areas would become a part of the Three Sisters Wilderness in Oregon and would be preserved and protected for the enjoyment of present and future generations. In both the 91st and 92d Congresses, I introduced legislation to establish the French Pete Creek Intermediate Recreation Area. Unfortunately, the legislation died with the adjournment of those Congresses, and it is with an even greater sense of urgency that I once again introduce a measure to preserve this unique spot in the Oregon Cascades.

I stress the urgency of the situation because, as you are all aware, Forest Service Chief John McGuire last week announced his list of new wilderness study areas, those areas which will be added to his earlier list announced in January this year, and which will be studied for possible inclusion in the national wilderness preservation system. After the draft study list had been announced and it became evident to me that the French Pete drainage was not even under consideration, I wrote a letter to Chief McGuire urging that this priceless treasure be given the attention it so deserves and receive full review and study for possible inclusion in the national wilderness preservation system. Certainly the factors were present which would normally qualify an area for wilderness classification—an unroaded valley, the only area in the Central Oregon Cascades where there is a trail in a valley without roads below 3,000 feet, yet low enough in altitude to be accessible the year round to people seeking the solitude of a wilderness area untrammeled by man. My fear that without some degree of reasonable foresight we might well lose this unique area forever prompted my letter to the Chief. The reply I received was a canned response and it is evident that any suggestions or recommendations from my end were virtually ignored.

Mr. President, I ask unanimous consent that at this point in the RECORD my letter to Chief John McGuire and his response to that letter be printed.

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

MAY 11, 1973.

Hon. JOHN R. MCGUIRE,
Chief, U.S. Forest Service,
Washington, D.C.

DEAR JOHN: This is to voice my ongoing concern for the French Pete Valley lying in the foothills of the Three Sisters Wilderness in Oregon and encourage you to, at the very least, study this unique area for its Wilderness potential and to include it on your study list of roadless and undeveloped areas within the National Forests.

As you know, I introduced in the 92nd Congress a bill to create the French Pete Intermediate Recreation Area. French Pete is one of the few remaining low country forested valleys which has not been roaded or cut. It is now the only area in the Central Oregon Cascades where there is a trail in a valley without roads below 3,000 feet. Numerous streams and creeks are prevalent in the area. In addition, it is the only remaining unspoiled valley in the Oregon Cascades low enough in altitude to be accessible the year round to those who wish to gain a wilderness experience. This type of experience, as you know, is becoming increasingly popular as our society becomes more highly automated and technology-oriented, and last year, citizens of Oregon who are concerned with preserving the French Pete area, sponsored at their own expense independent citizen hearings in Eugene, Oregon.

You will recall that French Pete Creek, along with Walker and Rebel Creeks, was part of the Three Sisters Primitive Area from 1938 to 1957. As both Walker and Rebel Creeks are integral parts of the French Pete complex, I feel they should be jointly recommended for study as Wilderness. Although there are areas in Walker and Rebel Creeks which have been cut over, these areas are adjacent to French Pete and might, therefore, very appropriately be held in a wilderness reserve status. They should, in the meantime, be studied with this in mind.

Since I've been in the Senate, John, I've worked toward ensuring that these unique areas will not be logged. I think a great many problems would be solved should you decide to have French Pete, Rebel and Walker Creeks studied for inclusion in a Wilderness Preservation System. Again, I would stress that the Forest Service, at the very least, should permit and invite public comment on the fitness of this magnificent valley for permanent preservation.

I would appreciate your very serious consideration of these points and hope to hear from you soon to the effect that these areas will at the minimum be given the benefit of study.

Cordially,

BOB PACKWOOD.

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, D.C., June 4, 1973.

Hon. BOB PACKWOOD,
U.S. Senate.

DEAR SENATOR PACKWOOD: This is in reply to your May 11 letter asking that we study the French Pete, Walker, and Rebel Creek drainages for inclusion in a Wilderness Preservation System.

You are aware of our ongoing Roadless Area Review program whereby we are evaluating those roadless areas which merit additional study to determine if they should be recommended for Wilderness classification. None of the three drainages you have mentioned have been proposed as New Study Areas. However, the selection process is not complete. We are currently receiving public response to the Draft Environmental Statement on our proposal to designate 235 roadless areas as New Study Areas.

Your recommendation will be given careful consideration as we decide on the final list of New Study Areas.

I am hopeful that the final list of New Study Areas will be announced this summer.

Sincerely,

JOHN R. MCGUIRE, *Chief.*

Mr. PACKWOOD. Be that as it may, I again emphasize the stepped-up urgency of the situation. The areas I seek to protect with my legislation, the French Pete, Walker, Rebel, and Mosquito Creek drainages, all adjoining, are also a part of the Willamette National Forest timber management plan and will be subject to timber harvesting in the not-far-off future.

On October 19 this year, the Willamette National Forest announced that it will be going ahead with timber management directions outlined in accordance with the 1971 decision of the Secretary of Agriculture. The first step is determining how access will be gained in carrying out the management directions for French Pete; those access alternatives range from helicopter logging with no road construction to a network of roads to accommodate conventional logging systems. Clearly, we are on our way to seeing the French Pete and adjacent drainages victimized without so much as a flick of the eyelid from the Forest Service.

I am vividly reminded of the numerous attempts which have been made to draw to the attention of the Forest Service the esthetic and enduring values of the areas I seek to protect. Back in the 91st Congress, I introduced the French Pete legislation to preserve the 19,200-acre French Pete Drainage. When no action was taken legislatively, the people did take action and expressed interest and concern over the disposition of the area through thousands of handwritten, individually-conceived letters and cards. The youth of Oregon became actively involved. Nature's Conspiracy joined with the Save French Pete Committee, and some 500 University of Oregon students rallied to dramatize the importance of the issue involved. National headlines were inspired by this youthful grass roots support for preservation of a relatively small Oregon watershed. Sentiment rapidly grew in favor of preserving the 39-square miles of unlogged, virgin Oregon wilderness which had been named after a shepherd who grazed his sheep in the rich valley, a not uncommon endeavor until about 1914.

Again, in the 92d Congress, the citizens of Oregon, who are concerned with preserving this unique valley, at their own expense sponsored independent citizen hearings in Eugene, Oreg. This group of concerned citizens even hired a court reporter to take down the proceedings and prepare a hearing record.

Therefore, it is today with great pleasure and at the same time with a great disappointment that I reintroduce my legislation on behalf of thousands of Oregonians who have expressed their desire to preserve this marvelous watershed—pleasure because this legislation will more adequately protect Oregon's treasure via a wilderness designation as opposed to the intermediate recreation area designation of the earlier measures, in addition to which, three areas heretofore not included in the earlier legislation will become, along with French Pete, a part of the Three Sisters Wilderness, an integral unit which will better lend itself to the objectives of this act and the Wilderness Act. My disappointment stems from the fact that, even in light of urgings from growing numbers of citizens, the Forest Service did not see fit to do so much as give a perfunctory glance to the suitability or nonsuitability of these lands for a modest study.

As I have already indicated, this new legislation differs from that which I in-

troduced in earlier Congresses in that it seeks to add the roadless portions of French Pete, Walker, Rebel, and Mosquito Creek drainages to the Three Sisters Wilderness. All areas are contiguous and uniquely qualify for a wilderness designation. The area in this new measure has expanded in size from the 19,200-acre area of earlier legislation to approximately 41,700 acres to take into consideration the additional acreage embodied in the Walker, Rebel, and Mosquito Creek drainages. Ideally, this is the way it should be—returned as part of the Three Sisters Wilderness, together with appropriate adjacent wild land in Walker, Rebel, and Mosquito Creeks—all of which were once protected as a part of the old Three Sisters Primitive Area. It was in 1957 that the Forest Service made a major exclusion of some 53,000 acres from the Three Sisters Wilderness. Much of that land is now roaded and logged. We must now take what may well be our last opportunity to work to spare French Pete and the contiguous Walker, Rebel, and Mosquito Creek drainages, to set aside these areas in their natural condition, as wilderness.

Of course, the best means for doing this would be via the orderly process of full and effective public participation, via roadless, de facto wilderness. Ideally this could have been accomplished under the auspices of the Forest Service roadless inventory; what better opportunity than the vehicle of the roadless inventory, the Chief's list of roadless areas to be studied for possible inclusion in the National Wilderness Preservation System. Sadly, that was not and is not the case, and it is now quite evident that the legislative route is the only means left to us by which we may eventually insure adequate protection for these lands.

As many have brought out before, the amount of timber which could be cut in French Pete is miniscule when compared with all the available, harvestable timber in Oregon. The French Pete drainage itself contains only one per cent of the timber in the Willamette National Forest. This is why I find it so difficult to accept the Forest Service decision to harvest the timber. The Forest Service realizes that there is strong public sentiment against doing so, and this sentiment comes not from special interest groups so much as from the rank and file Oregonian. At no other place in the Central Oregon Cascades is there a place where one can view a sweep of unbroken canopy across a forested valley, and I think it would be criminal to deprive the general public easy access to a wonderful type of country, country which will otherwise be lost to the ravages of timber harvest.

This measure should receive full hearings after which it would be my urgent hope that we in Congress might provide the honest, open debate which is so necessary in decisions of this nature. Mr. President, I ask unanimous consent to have the entire text of my bill printed in the RECORD.

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

S. 2627

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in furtherance of the purposes of the Wilderness Act (78 Stat. 890), certain lands in the Willamette National Forest, Oregon, which comprise about 42,000 acres and which are generally depicted on a map entitled "French Pete Creek and Other Proposed Additions, Three Sisters Wilderness, and dated October 1973, are hereby designated as wilderness. The map reference in this section shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

SEC. 2. As soon as practicable after this Act takes effect, a map and a legal description of the Three Sisters Wilderness incorporating the addition thereto designated by this Act shall be filed with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives and such map and 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. (a) The lands designated as wilderness by this Act are hereby incorporated in, and shall be deemed to be a part of, the Three Sisters Wilderness as designated by subsection 3(a) of the Wilderness Act and, except as otherwise provided by this Act, 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.

(b) Notwithstanding the provisions of paragraphs (2) and (3) of subsection 4(d) of the Wilderness Act and subject to valid existing rights, federally owned lands within the Three Sisters Wilderness, including the addition thereto designated by this Act, or hereafter acquired within the boundaries of such area are hereby withdrawn from all forms of appropriation under the mining laws, and from disposition under all laws pertaining to mineral leasing, and all amendments thereto.

(c) Notwithstanding the provisions of section 5 of the Wilderness Act, the Secretary of Agriculture may acquire, by purchase with donated or appropriated funds, by gift, exchange, condemnation, or otherwise, such lands or interests therein within the boundaries of the Three Sisters Wilderness, including the addition thereto designated by this Act, as he determines necessary or desirable for the purpose of this Act and the Wilderness Act.

By Mr. SPARKMAN:

S. 2628. A bill to amend the Investment Company Act of 1940 and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

S. 2629. A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of small business investment companies and shareholders in such companies. Referred to the Committee on Finance.

Mr. SPARKMAN. Mr. President, I introduce, for appropriate reference, two bills affecting small business investment companies. My first bill would except such companies from the definition of an "investment company" under the Investment Company Act of 1940. I ask unanimous consent that following my remarks the text of this bill be printed in the RECORD together with an analysis of the bill which I have prepared.

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

(See exhibit 1.)

Mr. SPARKMAN. My second bill amends the Internal Revenue Code of 1954 to permit publicly owned small business investment companies to continue to elect to be taxed as regulated investment companies even though not registered under the Investment Company Act of 1940. This bill would also modify the diversification requirements for small business investment companies electing to be taxed as regulated investment companies under the Internal Revenue Code of 1954.

I ask unanimous consent that following my remarks, the text of this bill also be printed in the RECORD together with an analysis of the bill.

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

(See exhibit 2.)

Mr. SPARKMAN. Mr. President, I believe that these two bills are both timely and necessary if we are to achieve our goal of encouraging greater private investment in small business investment companies. Such investment is necessary to enable those companies to meet the increasing demands of small business concerns for the equity capital and long-term loan funds provided by small business investment companies.

With respect to my first bill, small business investment companies registered under the Investment Company Act of 1940 have historically encountered difficulties under that act. Specifically, the need for close collaboration with their portfolio companies frequently requires SEC clearance which can be time-consuming and expensive. Spokesmen for the SBIC industry have frequently declared that their ability to assist their portfolio companies is frequently thwarted by various provisions of the Investment Company Act of 1940.

Beginning in 1960 and on a number of occasions since then, spokesmen for the SBIC industry have urged the cognizant committees of the Congress either to exempt small business investment companies outright from the Investment Company Act of 1940 or to give them specific exemptions from particular sections of that act.

In each instance, representatives of the Securities and Exchange Commission have assured the Congress that statutory relief was not necessary, that the Commission had adequate authority under section 6(c) of the act to grant exemptions where appropriate.

In March of 1968, the National Association of Small Business Investment Companies submitted a comprehensive application for exemption from provisions of the 1940 act, and the Small Business Administration joined in the application. After very lengthy proceedings and hearings before the Commission, SBIC's subject to the Investment Company Act of 1940 were granted authority to issue qualified stock options in May 1971, but the application for exemption was otherwise denied by the Securities and Exchange Commission.

I am informed that SBIC's are continuing to encounter serious difficulties in complying with the requirements of the Investment Company Act of 1940. In my view, the industry has exhausted its administrative remedy in seeking relief from the Securities and Exchange Commission, and accordingly I believe the Congress should consider legislation to exempt publicly owned SBIC's from the Investment Company Act of 1940, thus permitting the Small Business Administration to regulate these companies for all purposes.

Assuming enactment of my first bill, we would nevertheless want to preserve for publicly owned SBIC's the right to elect to be taxed as regulated investment companies under the Internal Revenue Code of 1954. The purpose of my second bill is to preserve this right. Experience has demonstrated that SBIC's qualifying as regulated investment companies have been more successful in attracting private investment than have other such companies. We want to encourage continued private investment in these companies, and my second bill is designed to achieve that end.

The second bill would also change the diversification requirements for SBIC's electing to be taxed as regulated investment companies, conforming their diversification requirements to those contained in the Small Business Investment Act of 1958 and SBA regulations governing the organization and operation of SBIC's.

The enactment of these two bills would, in my view, go far toward enabling SBIC's to achieve their great potential in the furnishing of equity capital and long-term loan funds to small business concerns. I trust that both bills will receive early attention and wide support in this Congress.

EXHIBIT 1

S. 2628

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 3 of the Investment Company Act of 1940 is amended by adding to subsection (c) thereof a new paragraph (16) to read as follows: "Any small business investment company which is licensed by the Small Business Administration under the Small Business Investment Act of 1958".

SEC. 2. Section 18 of the Investment Company Act of 1940 is amended by striking subsection (k).

SEC. 3. The amendments made by Sections 1 and 2 shall apply to taxable years ending on or after the date of the enactment of this Act.

ANALYSIS OF BILL

This bill would except small business investment companies from the definition of "investment company" under the Investment Company Act of 1940 and thus would exempt them from regulation under that Act.

Section 1 would add a new paragraph (16) to Section 3(c) of the Investment Company Act of 1940 to add SBICs to the list of the various types of business excepted from the definition of "investment company".

Section 2 would repeal Section 18(k) of the present Act. That section now exempts SBICs from the debt ratio requirements of the Investment Company Act of 1940 but would be moot upon enactment of this bill.

Section 3 would make the foregoing amendments effective for taxable years ending on or after the date of enactment.

EXHIBIT 2

S. 2629

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 851 (relating to definition of regulated investment company) is amended by inserting after subsection (e) the following new subsection:

"(f) SPECIAL RULES FOR SMALL BUSINESS INVESTMENT COMPANIES.—For purposes of this title—

"(1) Notwithstanding the provisions of subsection (a)(1) of this section, the provisions of this section shall apply to a small business investment company which is licensed by the Small Business Administration under the Small Business Investment Act of 1958, as amended, and which has made or is making a public offering of its securities.

"(2) In lieu of meeting the requirements of subsection (b)(4) of this section, a small business investment company licensed under the Small Business Investment Act of 1958, as amended, may elect in the alternative to be considered a regulated investment company under this subtitle provided that at the close of each taxable year—

"(1) at least 50 percent of the value of its total assets is represented by—

"(A) cash and cash items (including receivables), Government securities and securities of other regulated investment companies, and

"(B) other securities for purpose of this calculation limited in respect of any one issuer to an amount not greater in value than 20 percent of the private capital of the small business investment company and not more than 50 percent of the outstanding voting securities of such issuer.

"(2) not more than 25 percent of the value of its total assets is invested in the securities (other than Government securities or the securities of other regulated investment companies) of any one issuer, or of two or more issuers which the taxpayer controls and which are determined, under regulations prescribed by the Secretary or his delegate, to be engaged in the same or similar trades or businesses or related trades or businesses. For the purposes of this subsection, the term 'controls' means the ownership of more than 50 percent of the total combined voting power of all classes of stock entitled to vote."

SEC. 2. The amendments made by Section 1 of this bill shall apply to taxable years ending on or after the date of the enactment of this Act.

ANALYSIS OF BILL

This bill would permit publicly-owned SBICs to elect to be taxed as regulated investment companies under the Internal Revenue Code and would change the diversification requirements for such companies to conform to those specified under the Small Business Investment Act of 1958 and the regulations of the Small Business Administration.

Section 1 would add two special rules to Section 851 of the Code for small business investment companies. The first special rule would permit such companies to elect to be taxed as regulated investment companies even though not registered under the Investment Company Act of 1940.

The second rule would alter the diversification requirements on the investments of SBICs to conform to those specified in the Small Business Investment Act of 1958 and the regulations of the Small Business Administration.

Section 2 of the bill makes these amendments effective for taxable years ending on or after the date of enactment.

By Mr. HUMPHREY:

S. 2630. A bill to establish a temporary Joint Committee on Foreign Trade. Referred to the Committee on Government Operations by unanimous consent.

TEMPORARY JOINT COMMITTEE ON FOREIGN TRADE

Mr. HUMPHREY. Mr. President, we are now on the verge of a new round of multilateral trade negotiations and we must make every effort to insure that these negotiations are brought to a successful conclusion.

The Constitution of the United States mandates the Congress to "regulate commerce with foreign nations." This mandate clearly charges the Congress with the responsibility to take an active hand in regard to trade negotiations with foreign countries.

With the vast responsibilities which confront the Congress it is sometimes easy to forget some of the basic constitutional responsibilities which the Congress must bear.

Surely the volume of work required to conduct the legislative affairs of this great Nation would strain the resources of any parliamentary body.

Over the years we have seen the issues which must be reviewed by the Congress mushroom to the point where it is impossible for one man to have anywhere near a complete grasp of everything which needs to be acted upon.

Knowing this we have come to depend more and more on our committee structure within which responsibilities for in depth review can be divided and through which the substance of all the issues we must face can be distilled to a point where an individual can handle and appreciate the important aspects of any given piece of legislation. With such a workload a division of labor only makes sense.

I make these points to preface my introduction of a bill to establish a temporary Joint Committee on Foreign Trade.

I realize that there has been some reluctance on the part of the Congress to establish new committees. I think such caution and restraint is commendable. However, we must also consider our responsibility to the American people to do the job of policymaking with adequate attention and resources.

Surely foreign trade is becoming a very significant issue before the American public. The call for export controls after we found several basic commodities in short supply this past year, the inflationary impact and general mishandling of the Russian grain sales and the threat to our access of fuel and energy sources abroad are but a few examples of how foreign trade has come to crucially affect our lives. We have seen the expansion of foreign trade over the past few years reach a level where it represents a sizable portion of our gross national product. In light of these developments it would be irresponsible if the Congress did not ac-

cept the initiative to take a more active hand in the negotiations which will shape our trade policies for years to come.

My proposal is a relatively simple one. It calls for the establishment of a temporary joint committee to serve for the duration of time that any negotiating authority is granted to the President to engage in multilateral trade negotiations, or for 5 years whichever is later.

The joint committee would be responsible for following the progress and content of the multilateral trade negotiations and to report to the Congress on issues of importance.

It would also coordinate contributions from and communications between the five committees of the House and the five from the Senate with major jurisdiction for trade matters.

Thus, the committee would coordinate the various overlapping jurisdictions between the standing committees which have responsibilities for different aspects of foreign trade in the Congress.

At a time when the senior leadership of the Congress is particularly burdened with the heavy responsibilities of office, the temporary joint committee would stipulate that at least one third of the membership be neither committee chairmen nor ranking majority nor minority members of other standing committees, thus, allowing for a greater degree of participation from those members without present committee leadership responsibilities.

The key role of the Ways and Means Committee from the House and the Finance Committee from the Senate in trade matters is preserved by providing that the chairmanship of the joint committee be alternated between the chairman of the Ways and Means and the Chairman of Finance.

The temporary joint committee would act as liaison between the trade negotiations and the Congress and would be responsible for communicating the intent of the Congress to the Special Representative for Trade Negotiations on issues before the negotiations.

Furthermore, the committee would oversee the implementation of adjustment assistance programs which might result from trade authority granted to the President.

Finally, the committee and its staff would be a resource to the Congress on matters relating to international trade and would report from time to time on issues of concern to the Congress.

Through such a committee it would be possible for the Congress to obtain a better appreciation of the complex aspects and interrelationships which can only come as a result of participation in the process of negotiation.

With the growing importance of international trade for our entire economy it is prudent for the Congress to take an active hand in the trade negotiation process. We cannot write off our responsibilities to the American public for developing sound trade policy because we do not have the resources or expertise to follow the conduct of foreign economic policy adequately.

The impact of trade negotiations on the viability of the American economy and the welfare of the American consumer is just too important for the Congress to continue to allow a haphazard approach to trade negotiations. We can no longer passively be forced into a position of accepting comprehensive trade agreements simply because we do not have the resources to study the effect of such agreements on the domestic and foreign policy of the United States.

With the criticism of the Congress from so many quarters there should be no doubt that it is time for the Congress to reassert itself and to begin a more active approach to the responsibilities with which we are charged. I believe that my proposal for a temporary Joint Committee for Foreign Trade is a valid and necessary measure for the Congress of the United States. It will assure that the Congress is not a rubberstamp for the trade arrangements entered into by our executive branch. It is time once again to reassert the fact that there are three branches of government, even in the area of trade policy.

Therefore I urge prompt consideration of this proposal so that we may create an effective mechanism to insure that the Congress constructively participates in the conduct of foreign trade policy.

I ask unanimous consent to have this bill referred to the Committee on Government Operations.

The PRESIDING OFFICER. Without objection it is so ordered.

By Mr. BAKER (for himself and Mr. BROCK):

S. 2631. A bill to establish a bipartisan independent special prosecution force and for other purposes. Referred to the Committee on the Judiciary.

Mr. BAKER. Mr. President, I am introducing today a bill to establish an independent special prosecution force, directed by two coequal special prosecutors appointed from each of the major political parties to investigate and prosecute alleged crimes arising out of the Presidential campaign and election of 1972.

The circumstances giving rise to the need for a special prosecutor force are as unbelievable as they are unfortunate. Nevertheless, the appointment of special prosecutors, cloaked in as much independence and protection as Congress constitutionally can provide, has become an essential ingredient for the restoration of public confidence in the integrity of governmental officials and processes. I commend the President for his declaration of last Friday that a new special prosecutor will be appointed under the auspices of the Department of Justice. Recent events and public sentiment indicate, however, that a special prosecutor force must be afforded independence and insulation from partisanship pressure which the President cannot provide. The dictates of the public weal require that the appointment of a new special prosecutor force be subject to the approval of the Congress, in addition to the President, and that the special prosecutor and the members of his staff be vested by law with duties, authorities, and independence as will enable the investigation and prosecution of crimes arising from the Watergate incident, related matters and other allegations of governmental misconduct to proceed fully, fairly, and without limitation.

It is for these reasons that I am introducing this bill to provide for an independent, bipartisan special prosecution force. This legislation both provides for the requisite prosecutorial independence and assures, to the extent possible through law, that the investigations conducted by former Special Prosecutor Archibald Cox will proceed in a comprehensive and nonpartisan fashion. I wish to note that my sponsorship of this bill and my cosponsorship of the bill introduced today by my distinguished colleague from Illinois (Mr. PERCY) should not be construed as indicating opposition to S. 2611, the bill introduced by my distinguished colleague from Indiana (Mr. BAYH) which would authorize the appointment of a special prosecutor by the chief judge of the U.S. District Court for the District of Columbia. That approach, which is supported by a majority of my colleagues, has much to recommend it. As noted on Sunday by former Special Prosecutor Cox, however, the vesting of appointment power in Judge Sirica possesses potential and serious constitutional difficulties, which, in my opinion, should be avoided if acceptable legislation resting on more comfortable constitutional grounds can be effected. I believe that the bill which I am introducing possesses constitutional dimensions of greater certainty.

To serve the needs and heal the wounds of the nation, special prosecutor legislation must provide for careful and bipartisan selection of the special prosecutor force, for the vesting of comprehensive authority and responsibilities in the special prosecutors, and for maximum insurance that the power to dismiss a special prosecutor will be devoid of arbitrariness. This bill meets these requirements without raising the pall of constitutional infirmities which possibly would void any indictments and/or convictions obtained thereunder. Under the bill, the President is directed to appoint two coequal special prosecutors with the advice and consent of the Senate. The coprosecutors shall be appointed from each of the major political parties with the Democratic prosecutor appointed from a list of individuals submitted by the Speaker of the House and the President pro tempore of the Senate after consultation with the majority leaders of the House and the Senate, respectively. Moreover, in this instance, the Senate will not take its confirmation responsibility lightly. This bill also incorporates virtually the same provisions regarding the authority and responsibility of the two special prosecutors as are contained in the Bayh bill and in the Percy bill introduced today. This language is modeled on the original agreement between former Special Prosecutor Archibald Cox and former Attorney General Elliot Richardson and is considered "boiler plate" for this legislation. Finally,

the bill provides that the special prosecutors may be removed only for "cause" which is carefully articulated in precise legal meaning and that the President must provide the Congress with notice of dismissal 30 days before such dismissal becomes effective.

The establishment of special coprosecutors finds precedent in the official investigation of the Teapot Dome scandal. The Teapot Dome scandal was investigated by special counsel authorized by congressional enactment and appointed by the President. The resulting successful prosecution proceeded under the supervision of coprosecutors from the two major political parties so as to insure a nonpartisan investigation. I suggest that this format may be the most viable form of constitutionality establishing an independent special prosecution.

Whatever the precise form of special prosecutor legislation enacted by the Senate, we must proceed in an expeditious fashion. The events of the past 2 weeks, coupled with the Watergate incident, have generated unprecedented national suffering. Public confidence in the general integrity of the Federal Government has been undermined, the Department of Justice has been stripped of respectability in the public eye, the President's ability to command the support of the American people has been impaired, and a cloud has been cast upon the functioning of heretofore sacrosanct governmental processes. The Senate must pass legislation establishing an independent special prosecutor without delay. Congress must enable our Nation to get on with the business at hand of either convicting or absolving high Government officials and other individuals of alleged illegal activities related to the Presidential campaign and election of 1972. The Senate has undertaken that task, and I urge my colleagues to complete it as soon as possible.

By Mr. NELSON:

S. 2633. A bill to amend the Federal Food, Drug, and Cosmetic Act, as amended, to prohibit the use of any name in connection with any prescription drug other than the official name designated for such drug by the Secretary of Health, Education, and Welfare. Referred to the Committee on Labor and Public Welfare.

A BILL TO ELIMINATE PRESCRIPTION DRUG TRADE NAMES

Mr. NELSON. Mr. President, although this country has a good system to protect its people against unsafe and ineffective drugs, it does not have any mechanism to protect them against unconscionable exploitation through excessively high drug prices. This has been demonstrated many times in many different ways and was made especially clear by the contrast with the recent activities of the British Government to protect its people against what it considered monopolistic pricing of the very widely used tranquilizers Valium and Librium.

On April 11 of this year the British Minister for Trade and Consumer Affairs ordered the Swiss company, Hoffman-La Roche, considered the world's largest drug company, to reduce the price of Librium by 60 percent and that of Valium by 75 percent. In addition, the British Government is seeking repayment of what it considers excess profits made in the company's dealing with the Government's National Health Service.

This price reduction order was the result of more than 18 months of investigation by the Monopolies Commission, to which Hoffman-La Roche refused to give such vital information as details on its worldwide sales, worldwide research expenditure, and the amount and value of world sales of Librium and Valium in bulk form. The British report has provided the stimulus for similar inquiries and possible legal actions against Hoffman-La Roche and several other pharmaceutical companies by the German, Australian, and other governments as well as the European Economic Commission in Brussels.

The Monopolies Commission has never before criticized any company so heavily. Neither has it ever recommended such severe remedies. Phrases like "undue exploitation of success" are not used lightly by such a cautious body as the Monopolies Commission. In less than 10 years this firm captured in the United Kingdom 68 percent of the tranquilizer market, which has been rapidly expanding. The commission also found, using conservative figures, that profits on sales in 1970 were 55 percent for Librium and over 60 percent for Valium, and calculated a return on capital employed in the manufacture and supply of these two drugs for that year in excess of 70 percent. The profit rate for the United Kingdom manufacturing industry generally, based on historic cost, was 11.5 percent for 1970—Monopolies Commission report, page 47.

The drug firm offered the British Government a cash rebate for all the drugs paid for by the Government rather than a price reduction in order to protect its prices and products in other countries—op cit., p. 56. The presumption is that if United Kingdom prices were reduced to what could be considered reasonable levels, foreign prices—prices outside the United Kingdom—in comparison would appear so high as to provoke outrage by citizens in foreign countries and perhaps direct action by their governments.

Roche's attempts to justify the more than 70 percent return on capital failed to impress the Monopolies Commission. Roche argued that its drug prices "are determined by market forces in conditions which are, in any event, severely competitive." It claimed that Libraum and Valium were competing with 600 competitive products, that it was not the sole supplier of valium and librium type products in Britain and, besides, United Kingdom prices were below those prevailing in other countries.

The commission dismissed these arguments on the following basis:

First. It considered that Librium and Valium were in a class of their own and not directly competitive with other products;

Second. That although two small manufacturers had been granted patent licenses in accordance with section 41 of the United Kingdom Patents Act, and were producing these products, their total sales amounted to about 1 percent of the market for these products. The reason is that doctors become accustomed to prescribing a drug under the brand name by which it has been introduced to them by the innovator. They are not easily persuaded to prescribe generically or to prescribe under a different brand name: Few of them will do so before the drug is felt to have been well-established for some considerable time, and in practice this may mean not before the patent has expired. In fact, it is the common experience both in the United States and the United Kingdom that drug monopolies extend well beyond the statutory patent period through use of trade names, because doctors tend to continue to prescribe by the same brand name after the patent has expired even though an identical competing drug is in the marketplace at a much lower price.

The British Government believes that in many cases the effect of compulsory licenses and its efforts to make doctors more price conscious are in themselves insufficient to secure reasonable prices and profits over the long term and hence have introduced more direct price regulation arrangements. In fact, experience with other drugs suggests that when a new competitor enters the market, either as a result of a compulsory license or on the expiration of the patent, established branded products tend to retain a high proportion of the market for some time, even though competitive products may be available at a lower price. The high promotional cost of establishing a brand name results in competitors tending to compete only for generic prescriptions.

Now, what relevance does the British case have for us?

First, it must be noted that the prices of Librium and Valium in the United States are almost three times those in the United Kingdom. The price of Valium to the druggist in England is $2.88 for 100 5-milligram tablets; to the druggist in the United States it is $8.10. The price of Librium in England is $2.40 for 100 milligrams capsules; in the United States it is $6.82—Domestic and Foreign Drug Prices by Edmond M. Jacoby, Jr. and Dennis L. Hefner. Table I. United States Prices from 1973 Redbook. The United Kingdom Government found that the British people are overpaying by 75 and 60 percent for these two drugs. The American people are paying 1,100 percent more for Valium and 700 percent more for Librium than the price the British Government considers fair.

Second, Valium is the No. 1 and Librium is the No. 3 drug in the volume of sales in the United States. The 1973 sales for these two drugs are expected to total more than a quarter of a billion dollars. In fact, Valium became the first prescription pharmaceutical product to achieve annual domestic sales of over $100 million.

It is an interesting commentary on drug use in this country to note that the drug with the second highest sales volume is Darvon Compound which the AMA's former Council on Drugs as well as the NAS/NRC found to be irrational

and potentially dangerous. It is also considered a "drug of abuse" by the Drug Enforcement Administration and has been placed under the control of schedule IV of the Controlled Substances Act.

Third, the United States does not have the legal authority to require—or the economic capability to induce—a drug company to sell a drug to the public at a particular price, even though it may know that its people are being fleeced. By contrast, the British Government does have the economic capability through its National Health Service, because it pays for more than 90 percent of the drugs used in the United Kingdom, and as the ultimate paymaster for such drugs, is in a position to bring pressure to bear upon prices. The U.S. Government, on the other hand, finances or purchases directly an amount—although large in absolute terms—which constitutes perhaps a third of the drugs used in this country.

Given these conditions, what can be done to remove the burden of unreasonably high drug costs—as exemplified by Valium and Librium—from the American people?

The most obvious step is for all levels of Government to pay the lowest price possible for the drugs it buys either directly or indirectly through medicare and medicaid programs. Through these two programs the Government spends $1.5 billion per year on drugs. Yet we do not know which drugs are being bought and the prices we are paying for them—Competitive Problems in the Drug Industry, part 22, pages 8740–8743, hearings before the Monopoly Subcommittee, Senate Small Business Committee. So the first thing we ought to do is find out what we are buying and how much we are paying. And if we find that we are paying unreasonable prices, then representatives of the U.S. Government ought to sit down with representatives of the industry and get them to adjust their prices to a reasonable level. No new legislation is required to do this. Furthermore, our governmental representatives should insure that no money is spent on ineffective, unnecessary, or inferior drugs. Hearings before the Senate Small Business Committee's Monopoly Subcommittee have confirmed that many millions of dollars of public funds are being spent on such drugs.

Nevertheless, price adjustments secured by the Government would apply only to Government-financed purchases.

To benefit the citizen who purchases drugs with his own money—and this embraces the vast majority of our people—I am today introducing an amendment to the Food, Drug, and Cosmetic Act to prohibit the labeling, advertising, or promotion of a drug by any name other than its established—generic—name as defined by the Food, Drug, and Cosmetic Act. In other words, each drug will have one name. A very large number of physicians are frequently not aware that a drug is available under its established name or even under another brand name at a lower price. Facts and Comparisons—published by Facts and Comparisons, Inc., 1100 Oran Drive, St. Louis, Mo. 63137—for example, lists 24 different names for the antibiotic tetracycline. There are probably other names not listed. Prices to the pharmacist for this drug range from $1.20 under its generic names to $3.86 for Roerig's Tetracyn to $4.25 for Canfield's Cancycline to $5.25 for Reid-Provident's Retet to $5.35 for Lederle's Achromycin. In this country every batch of antibiotics is tested by the Food and Drug Administration and all these drugs, no matter who markets them, must meet the same Government standards, yet Lederle's expensive Achromycin is one of the 50 most prescribed drugs in this country. In a competitive situation none would be sold, because the same drug could be bought at less than one-fourth the price of Lederle's. It is apparent that many prescribing physicians are unaware that all these names represent only one drug, and the vast difference in price the patient must pay depends on the name they write on the prescription.

In addition to the economic aspect of the use of drug names, there is also the public health aspect. As the distinguished pharmacologist, Dr. Modell, stated before our Monopoly Subcommittee:

> My major interest is to teach the profession about drugs, how to use them effectively, how to use them safely, which ones to have faith in, which to discard. I am for the best practice in drug use, I am for the safest use of drugs. I am everything that leads to effective use of medical drugs.
>
> But I do feel that there are serious threats to proper drug use because of our nomenclature, and I am exercised about this. In teaching about drugs we have to call them by meaningful names. The names which teachers of doctors use are generic names which are also called public or official names. If the student uses these designations for drugs he will not only know about drugs but he will know about them under all their other names—for a rose by any other name smells as sweet—and many drugs have so many different trade names that the only way of communicating about them with confidence is by the use of the official name. One drug—one name.
>
> I think the doctor should know what drug he is giving his patient. He really doesn't, if he uses a name for it that does not communicate any meaning to him, and trade names do not communicate meaning. They are phony names used because they are suggestive or catchy, and today often made up by a computer. Finally, some drugs may have as many as 30 or more of these phony names and this makes all kinds of serious as well as ludicrous mistakes possible. (Hearings, Part I, p. 285)

Dr. John Adriani, former chairman of the AMA's former council on drugs testified that—

> Brand names as far as I am concerned are aliases and deceptive. And being a teacher of pharmacology, and having taught people to use drugs all these years, I find their elimination a very important thing. . . . It would improve medical practice, it would facilitate the dissemination of drug information, and it would facilitate the teaching of pharmacology, and it would increase the safety as far as the public is concerned. (Hearings, Part 12, pp. 5089 and 5101.)

The dangers resulting from proliferation of different names for the same drug can be dramatically illustrated by the tranquilizer thalidomide. This drug, which was not approved for marketing in the United States, but was on the market in many countries under many names was discovered to cause damage to the human fetus resulting in a number of babies being born without arms. Long after this danger became known, however, doctors continued to prescribe this drug under many names. Neither the doctors nor the public were aware that Kevadon, Contergan, Isomin, Valgis, Profamil, Talinette, Distaval, Slip, Sedalis, and many others were different names for the same drug, thalidomide.

Who benefits by the existence of different names for the same drug?

Certainly not the public—for whom these names are confusing and cause higher prices by preventing price comparisons.

Certainly not the physician—who is hampered by the large number of names in making cost comparisons when prescribing drugs. According to FDA estimates, there are about 20,000 prescription drug products on the market although there are only about 700 different drug compounds. In other words, each drug in this country has, on the average, 30 different names. According to testimony by leading medical experts, confusion under such conditions is inevitable.

Certainly not the pharmacist—who must carry a large inventory unnecessarily because he must carry stocks of the same drug under different names. It is estimated that as much as 15 to 20 percent could be saved on the inventory of the pharmacist if each drug had one name.

It is obvious that the only beneficiary of the use of brand names are the drug and advertising companies. It shields the drug companies from price competition, because of the confusion they create in the minds of the buyers and enriches the advertising firms who are kept busy trying to dream up ways of differentiating products which are the same though sold under different name. It is authoritatively estimated that 25 to 30 percent of the cost of drugs reflects efforts to make like drugs appear to be unlike and this is done by the advertising and promotion of brand names. There is no way to demonstrate that the use of brand names is in the interests of the public.

This measure, if adopted, along with compulsory licensing at a reasonable royalty, and other proposals to insure that physicians and the public are better informed about drugs, will enhance competition and help reduce the cost of drugs, and will be a long step in bringing about more rational use of drugs.

So long as the marketplace is left in utter confusion by the use of 20,000 names for only 700 different products, it makes rational prescribing in general difficult, if not impossible, and it makes it possible for drug companies to continue to exploit the public, because of the confusion they themselves have created.

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 2634. A bill to amend the Act of October 27, 1972, establishing the Golden Gate National Recreation Area in San Francisco and Marin Counties, Calif., and for other purposes. Referred to the

Committee on Interior and Insular Affairs.

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to enlarge the Golden Gate National Recreation Area by adding over 700 acres in Marin County and the Haslett Warehouse in San Francisco. I am pleased that my colleague from California, Senator JOHN TUNNEY, is joining me as cosponsor of this bill. The legislation is identical to H.R. 10834 already introduced in the House by Congressman PHIL BURTON.

The additions I am proposing to the Golden Gate National Recreation Area are essential to provide for the future protection and the best administration and development of the park. The existence of the national recreation area naturally makes the Marin County lands adjacent GGNRA more desirable for and susceptive to development. Unless the boundaries of the Golden Gate National Recreation Area are revised to provide a buffer zone, future development along the ridges of Oakwood Valley, Tennessee Valley, and Wolfback Ridge will be highly visible from within the park and impair the wilderness character of GGNRA. By extending the park boundaries to the far ridges of the valleys, the integrity of the park can be protected. Thus I am proposing the acquisition of lands stretching from the 207.56-acre Olds property located at the west end of Tennessee Valley Road south to the 235-acre Wolfback Ridge area which offers outstanding views of San Francisco and the bay. Connecting these properties are four areas which also would be acquired—the Allan Associates property—38.89 acres; the County of Marin and Tamalpais Community Services District lands—22.94 acres; the Ghilotti Brothers property—10.40 acres; and the Oakwood Valley area—177.89 acres.

In addition to preserving the natural beauty of the park, these additions to GGNRA will insure public access to the recreation area via the Tennessee Valley Road and will provide additional access by bringing the recreation area right up to Highway 101 in Sausalito and closer to Tam Valley Junction, a natural transit terminus where park-related commercial development is proposed. A trail already exists on the Olds property which will give hikers and horsemen excellent access to the ridges.

Three of the proposed additions to GGNRA were thought to have been included in the park when it was established by Congress last year. However, the areas were inadvertently left off the original boundary map. Their inclusion now would rectify that error. These parcels are the 10-acre Keller property on the highlands overlooking Stinson Beach, 4 acres at Muir Beach, and the Haslett Warehouse portion of the San Francisco Maritime State Historical Park.

Earlier this year the Interior Department proposed the exclusion of all of the 40-acre area of GGNRA near Stinson Beach, because of the high acquisition costs of some portions which are already developed. I am including the open areas east of the junction of Panoramic Highway and Highway 1, thus permitting the exclusion only of properties with existing residences. A parcel of 8.25 acres in Stinson Beach north of the intersection of the highways also should be included to prevent commercial development and conjestion there.

There is no increase in the authorization for the acquisition of the additional park lands. It is anticipated that the original authorization of $27,620,000 for GGNRA will be sufficient to meet these costs.

Mr. President, I request that the text of the bill be printed at this point in the RECORD.

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

S. 2634

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(a) of the Act of October 27, 1972 (86 Stat. 1299), is hereby amended by deleting "Boundary Map, Golden Gate National Recreation Area, numbered NRA–GG–80,003, sheets 1 through 3, and dated July, 1972." and inserting in lieu therof "Revised Boundary Map, Golden Gate National Recreation Area, numbered NRA–GG–80,005, sheets 1 through 3, and dated October, 1973" which shall include, in addition to the existing properties within the Golden Gate National Recreation Area, the following:

"Marin County:

"Sheet 1

"(1) Allan Associates, Incorporated property, 38.89 acres,

"(2) County of Marin and Tamalpais Community Services District lands, 22.94 acres,

"(3) Ghilotti Brothers property, 10.40 acres,

"(4) Oakwood Valley area, various properties, 177.89 acres.

"(5) Olds property, 207.56 acres,

"(6) Wolfback Ridge area, various properties, 235.00 acres,

"(7) Keller property, Stinson Beach, 10 acres,

"(8) Leonard property, Stinson Beach, 8.25 acres, and

"(9) Muir Beach properties, 4 acres.

"San Francisco County:

"Sheet 3

"Haslett Warehouse; and shall exclude the following:

"Sheet 1

"(1) Leonard (homesite), 10 acres,

"(2) Panoramic Highway area, Stinson Beach, 40 acres: *Provided*, That, with respect to the Panoramic Highway area, Stinson Beach, only those properties which include any residential dwelling, the construction of which was begun before September 26, 1973, shall be excluded.".

By Mr. WILLIAMS:

S. 2635. A bill to amend section 110 title 28, United States Code, to provide a place for the holding of Federal District Court in Hackensack, N.J. Referred to the Committee on the Judiciary.

Mr. WILLIAMS. Mr. President, today I am introducing a bill that would, if enacted, improve the judicial system for residents of New Jersey by providing facilities for the Federal District Court to sit in Hackensack, N.J.

At present, the court sits in Camden, Newark, and Trenton, N.J.

New Jersey, like many other States, has been the scene of rapid population growth. One of the areas of greatest growth has been Hackensack and all of Bergen County, of which Hackensack is a part. Between 1960 and 1970, the population of Bergen County increased 15.1 percent to a total of 898,012 residents—almost a million people. In the same period, the city of Hackensack alone had a population increase of 17.7 percent.

Mr. President, I feel that it is our obligation to provide adequate and convenient judicial facilities. To allow the court to sit in Hackensack, together with the three other cities in New Jersey, will enable the judicial system to better serve the individual who wants to take advantage of the legal remedies afforded in the Federal jurisdiction.

It will also significantly reduce the hardship imposed by those who are involved in litigation including those who are not interested parties but who must participate, such as witnesses and jurors.

Therefore, Mr. President, I am hopeful that the Senate will act favorably on this important measure which is identical to H.R. 9736 introduced by Representative WIDNALL. Favorable action will permit residents of northern New Jersey to more conveniently and less expensively have their "day in court," thereby building upon one of the rights which is at the very foundation of our Nation.

By Mr. McGOVERN:

S. 2636. A bill to authorize supplemental appropriations for National Science Foundation energy research and development. Referred to the Committee on Interior and Insular Affairs.

ABUNDANT CLEAN ENERGY

Mr. McGOVERN. Mr. President, I am introducing today legislation that would start this Nation firmly on the road toward a rational solution of our long-range energy needs. It could heal many of the wounds our present crisis-oriented approach is now inflicting on our environment and also relieve the problems bad planning is inflicting on our people. In essence, I suggest that we begin seriously developing future "clean" energy sources—principally from solar, hydrogen, and geothermal power.

This legislation has three purposes. First, it authorizes $110 million for the current fiscal year to begin the research and development of solar, hydrogen, and geothermal energy on a serious basis. Second, it would extend and increase this spending over the succeeding 4 fiscal years, firmly committing the Nation to such energy development and providing continuity. And third, it would establish a national data bank for solar, hydrogen, and geothermal energy.

It took humanity from the dawn of our history until World War II to use as much energy as we have used since—a period of only 30 years. We will consume this amount again in the next 15 years; and again in only 7 years after that—even without unexpected demands for even greater increases. The common denominator of all this energy—past, present, and future—is the Sun.

Until now we have tapped this source in the form of oil, coal, gas, wood, and waterpower. But these sources are fast running dry. The rate of production of all fossil fuels on a worldwide basis will peak out around the middle of the next century—about 75 years from now. We

have to develop new sources, just to maintain our present civilization, let alone improve it.

Faced with this prospect, then, are we meeting our needs for clean fuels? I think it is appropriate to look to the words of the administration, as voiced by Mr. John Quarles, Jr., Deputy Administrator of the Environmental Protection Agency, in testimony before the Joint Economic Subcommittee on Consumer Economics a short time ago:

The agonizing truth is that today there simply are not enough clean fuels available to meet the energy needs of the country. Even if we factor in such sulfur-removing processes as desulfurization facilities for oil or stack-gas scrubbing technology for oil and coal, we do not now have enough to meet the immediate energy needs of the country.

Nor are we currently asked by the administration to undertake a serious answer to such a need. Neither the President's energy message to the Congress of April 18, nor his updated message of June 29, nor even his recent statements from early September, have mentioned any funding for research and development of solar or hydrogen energy. There is only one small sentence alluding to preliminary geothermal exploration in the June statement.

The President does ask, however, that we spend $10 billion over a 5-year period, beginning in fiscal 1975, for the entire gamut of energy research and development. I think that is an absolute minimum. I urge Congress to enact my legislation as part of the spending the President requests, thereby "amending" his apparent intent by insuring these new, clean energy sources are included.

If there is a need beyond a commitment to realizing clean energy sources, it deals with the one unanimous theme that is sounded by both the public and private industry about the Nation's energy policy. That is that there is no organized approach. Rather, we have a patchwork of short-term remedies to continuous crisis that occur with increasing frequency—and which will reoccur indefinitely until we come to grips with long-term solutions. Earlier this month President Nixon again demonstrated this defect by calling for another "temporary" policy to be implemented, one that calls for pumping $100 million into developing cleaner coal and nuclear energy, while paying the price of removing the barriers to air pollution. None of this was earmarked for solar, hydrogen, or geothermal research and development.

But if we are serious about pouring money into developing clean fuels, why not focus on energy sources that are truly clean? Solar, hydrogen, and geothermal energy can provide significant quantities of clean power within a decade if we will speed up their development. And while we all know that oil, gas, and coal are rapidly becoming scarce, these same energy sources represent the only foreseeable infinite sources of clean energy.

I do not raise strong objections to the President's request for funds on coal and nuclear research in and of itself. But it does seem ridiculous to propose only another stopgap program without at least an equal effort for long-range answers. If we begin with a modest undertaking this year, we can avoid having to spend billions and billons of dollars to initiate these same solar energy sources 10 years from now as still another belated reaction to a worsening energy crisis, in an effort to make up for time lost by not starting earlier.

Today we do have a choice: A modest beginning now, or a chaotic and immensely more expensive program later. A decade from now we may not have that choice. So the essential message behind my proposal is to move us into a concerted national effort that has as its goal a real solution to the energy problem, instead of another stopgap answer offered to soothe the people until the next election.

Our current funding for research into solar energy amounts to three-tenths of 1 percent of our total research and development funds, a dismal effort compared to the efforts of the French, the Israelis, the Japanese, the Australians, the Russians, and many others. What could better illustrate the need for serious funding? A microscopic U.S. budget alongside generous foreign research and development spells possible dependence on help from other nations later, if they are willing, and if we can afford their price.

Despite such disappointing lack of administration foresight, private industry and individuals have carried on their own development whenever possible. One of those admirable private efforts, which is deserving of full public support, is being undertaken by individual farmers, rural electric cooperatives and technicians at South Dakota State University in my State. They have adopted a very basic method of collection of the Sun's rays to dry crops. I ask unanimous consent that an article explaining this experiment from the November 1973 edition of the East River Guardian be included in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. McGOVERN. Private groups have done an admirable job, but it is plain that only a national effort can eliminate duplication of effort, coordinate the data and follow up with any certainty about what the next steps should logically be.

We now have the technical capability to heat and cool homes and large buildings by solar energy. Indeed, the NSF/NASA solar energy panel contends that—

Subsequent economic studies have shown that in a wide variety of U.S. climates, solar heating is less expensive than electric heating and in a few locations, it is nearly competitive with gas or oil heating.

The General Services Administration is already accepting the recommendations developed by private engineering consultants, such as Dubin, Mindell & Bloome Associates of New York, for the use of solar energy systems as the least costly approach when projected over the lifetime of the building. We have the capacity to use solar energy to produce and convert organic materials to liquid, solid, and gaseous fuels; for example, hydrogen—or to energy directly. We also know how to generate electricity directly through solar, hydrogen, and geothermal energy. We know these things can be done; what we need to do is to perfect the techniques and make them competitive and practical for general use.

The same NSF/NASA solar energy panel concludes that a substantial development program can achieve results such that solar energy could economically provide up to:

First, 35 percent of the total building heating and cooling load of the United States;

Second, 30 percent of the Nation's gaseous fuel;

Third, 10 percent of the liquid fuel; and

Fourth, 20 percent of the electric energy requirement.

To help develop the potential for solar energy in the heating and cooling of buildings, I am cosponsoring legislation by Senator CRANSTON. His proposal would fund a demonstration project for this specific purpose, and is clearly in order. Senator CRANSTON's legislation is an important step forward in the vital search for alternative clean energy sources.

Solar energy is clean, cheap, and infinite—awaiting only the development of an economical delivery system to serve us. It meets the test of our requirements for future energy; now it requires us to meet the needs of the future by investing the time and money to realize its potential.

In 1970, only 10 percent of the end use of energy in this country took the form of electricity; while the remaining 90 percent was met by direct combustion. By 1985 statistics are expected to show a division of 20 percent electricity and 80 percent combustion or heat. Many sources project that by the year 2000 the breakdown will be 40 percent electric, and 60 percent direct combustion. While nuclear and solar energy can help provide the "heat" we will demand, it seems necessary to also develop a synthetic fuel from a new nonfossil energy source.

Hydrogen is such a fuel, and also fits such needs as being storable, portable, cheaply transportable, stemming from a virtually unlimited source, and burning with little or no harmful pollutants in the air. Hydrogen could thus help to bridge the gap between future demand and a limited supply for our direct combustion sources. Its manufacture requires only water and heat, fitting in well with a solar energy concept. The "burning" of hydrogen returns only water vapor to the air. It can be stored as either a cryogenic liquid or a compressed gas. In short, it offers all of the advantages of natural gas and adds some of its own besides.

Hydrogen is not a new energy source, and its development cannot in and of itself replace fossil fuels or nuclear energy. But it can provide a means for converting such energy supplies into a more convenient form. It would also allow us to retain much of the present "hardware" we now have for our fossil fuels. Hydrogen has been found to be sufficient to meet all demands now being supplied by fossil fuels, including industrial, commercial,

residential, and vehicular power, as well as the local generation of electricity. Transporting hydrogen would be far less expensive than the transmission of electricity since existing natural gas pipelines could be employed with limited modifications. Hydrogen could also be the answer for the greatest difficulty yet to be overcome by electric energy: A means of storing it.

The direct use of hydrogen as a fuel for such things as heating, cooking, transportation, and industrial processing appears technologically possible. The economics look attractive, especially when compared with the long-range alternatives: A totally electric economy, use of marginal remaining fossil fuels, or production of synthetic fossil fuels from limestone or atmospheric carbon dioxide. Derek P. Gregory, Assistant Director of Engineering Research at the Institute of Gas Technology, says:

It should be possible to produce hydrogen from nuclear or solar heat, and deliver it to its point of use more cheaply than to produce electric energy and deliver that.

Hydrogen has shown that it can be adapted to conventional gasoline engines; as an auto fuel it has no equal for pollution-free burning. But here again what is lacking is research. This fuel source again offers us the possibility of retaining much of our present hardware, this time in the automobile industry, while alleviating the gasoline shortages of the future and eliminating the immense air pollution problem today's engines contribute to so heavily.

The potential use of hydrogen as a fuel and as a storage means hinges critically on the economics of hydrogen production, so this must be the goal of research and development funds. One method seeks to make hydrogen directly from water using the heat of a nuclear or solar reactor to carry out a sequence of chemical reactions. This research, supported by the American Gas Association, shows that such a process would circumvent the need to generate electricity at all. Hydrogen could also be made very easily and cheaply from coal. Mr. Gregory concludes that—

If we could commit ourselves right now to the use of hydrogen as a universal fuel, we could start immediately by using our large remaining coal deposits to make the hydrogen. The energy industry could make a smooth transition from oil, gas, and coal to shale and nuclear, solar, wind, and tide power without any noticeable effect upon the customer.

The Geothermal Steam Act of 1970 established the development of energy from geothermal areas as a national goal. In so doing, the Congress recognized the multiple possibilities of geothermal power: The production of electricity, desalnation of seawater, heating homes, and for refrigeration and air conditioning. The quantities of dissolved minerals present in the hot waters usually associated with this source can be extracted and put to use, thus leaving behind pure distilled water. This legislation will continue our commitment to realize the potential of geothermal power.

Mr. President, I ask each of us to reexamine our own speeches, for I doubt that there is a single Member of this body that has not alluded to the necessity for making decisions now that will make for a better life for the generations that follow. Yet often there is a breakdown between the good intentions and the realization of the act. Let that not be the case with clean energy. For what we are quite literally faced with is a need "to look beyond the end of our nose"—beyond the noxious fumes our current energy system has placed there. Our decision now—in this Congress—can go a long way toward shaping the energy legacy for our children and their children. Will they curse our memory with every breath, or will they remember us for bringing a good intention into reality? This legislation can signal the start toward the realization of the act.

Mr. President, I ask unanimous consent that the text of my bill be included at this point in the RECORD.

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

S. 2636

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Solar, Hydrogen and Geothermal Energy Act of 1973".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress hereby finds and declares—

(1) that fossil fuel reserves are finite and though coal resources are estimated to be adequate for two hundred to three hundred years, an 80 per centum depletion of oil reserves has been forecast by 2025 with gas reserves due to be depleted earlier;

(2) that the United States with 6 per centum of the world population is using 35 per centum of the world's energy and mineral production with energy requirements continuing to increase both here and abroad;

(3) that our dependence on oil imports increases annually while the sources of supply become less dependable;

(4) there are recognized hazards associated with the production of nuclear energy;

(5) that fossil fuels cannot be expended solely for the production of energy in the face of growing needs for the production of real goods by a viable petrochemical industry;

(6) that solar energy can be considered as an infinite energy reserve which offers a solution to our long-range energy requirements.

(7) that the development of hydrogen as a clean, storable, portable, and cheaply transportable fuel would complement the use of solar energy; and

(8) that geothermal energy sources are capable of providing substantial energy during a time of growing concern for our energy reserves.

SEC. 3. (a) There is hereby authorized to be appropriated to the National Science Foundation, research applied to national needs, for the fiscal year ending June 30, 1974, for the following areas of research:

(1) solar energy, including wind, solar thermal conversion, photovoltaics, ocean thermal, and photosynthetic production of organic materials, $80,000,000;

(2) Hydrogen energy, $20,000,000;

(3) geothermal energy, $10,000,000.

(b) There is hereby authorized to be appropriated to the National Science Foundation, research applied to national needs, for each of the four fiscal years beginning July 1, 1974, for the following areas of research:

(1) solar energy, as in section 3(a)(1), $400,000,000;

(2) hydrogen energy, $100,000,000;

(3) geothermal energy, $45,000,000.

SEC. 4. (a) There is hereby authorized to be appropriated to the National Science Foundation, research applied to national needs, for the fiscal year ending June 30, 1974, for a feasibility study regarding the establishment of a National Data Bank for Solar, Hydrogen, and Geothermal Energy, $50,000.

EXHIBIT 1

SOLAR "ELECTRIC" CROP DRYING

(By Gene Hexom)

A unique solar "electric" corn drying demonstration project is underway on the Myron Pedersen farm near Arlington.

The project, which involved building a solar heat collector on an 18 ft., 3,000-bushel round steel bin, may be the first of its kind anywhere in the world.

Bill Peterson, extension agricultural engineer at South Dakota State University, Brookings, says, "We know it will work. We want to find out how well it will work."

According to Peterson much work has been done on solar heat collectors for various types of structures, but, to his knowledge, this is the first attempt to build a collector on a round steel bin.

The project is a joint venture between farmer Myron Pedersen, Kingsbury Electric Cooperative, De Smet; East River Electric Power Cooperative, Madison, and South Dakota State University. Several other electric cooperatives in eastern South Dakota are interested in the project and furnished personnel to build the unit which was ready for operation on October 15.

Prior to this the collector was attached to the bin, a drying floor was installed and a 7½ h.p. single phase drying fan with 20 kilowatts of electric resistance heating elements was hooked up.

The solar collector is about 14 ft. high and 32 ft. long and wraps two-thirds of the way around the bin. Building the collector involved attaching three layers of 1x2s horizontally at 2 ft. spacings from the top to the bottom of the bin.

Next, used aluminum press plates were stapled to the 1x2s. The outside surface was painted flat black (black absorbs the most heat) and serves as the heat collector.

Then another three layers of 1x2s were nailed over the plates and a six mil clear polyethelene sheet was stretched over the entire collector surface. Total cost of materials for the collector amounted to $250.

The solar heated air is drawn horizontally around the bin to an air tunnel leading to the fan which pushes it under the drying floor and into the bin.

Peterson is quick to point out that this is strictly a low temperature, low heat drying process. He says that farmer Pedersen may fill the bin in one day with 24 per cent moisture corn if he desires. If the shelled corn is 26 per cent moisture he can fill the bin about two-thirds full, dry this down to at least 24 per cent moisture and then fill the bin. About 30 days will be needed to get the entire 3,000 bushels of corn dried to 15½ per cent moisture for storage.

The basic operation will be to use the solar heat and fan during the day and turn on the electric resistance units at night to continue the drying process. Some resistance heat may have to be used on cloudy, rainy days. Many farmers recall the cloudy, wet November of 1972, when we thought the sun didn't shine much. But, weather data shows we still got 67 per cent of the sun's energy normally available for that month.

On a sunny day the solar collector will deliver one-half million BTUs of heat to the dryer's air stream. Peterson says this may be enough to reduce the cost of heat for drying by one-half.

Iowa farmers using total electric, low temperature drying have been able to dry for four-six cents per bushel. Use of solar heat

with the electric heat should substantially reduce this cost.

Much interest has been shown in the area and around the United States. Roland Anderson, manager of Kingsbury Electric which serves the Pedersen farm, says that plans are to hold a tour of crop drying installations including the solar unit later this fall.

Larry Green, manager of member services for East River Electric Power Cooperative, Madison, has offered to provide construction details of the solar heat collector to interested persons.

Additional technical information can be obtained in a brochure, "Solar Heat for Drying Shelled Corn," from Bill Peterson, extension agricultural engineer, South Dakota State University, Brookings, S.D. 57006.

By Mr. THURMOND:

S. 2637. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder. Referred to the Committee on Finance.

Mr. THURMOND. Mr. President, I introduce a bill which would remove from title II of the Social Security Act the limitation upon the amount of outside income which an individual may earn while receiving social security benefits.

As the law now stands, social security beneficiaries under the age of 72 have their benefits reduced by $1 for every $2 they earn in excess of $2,100 per year. This is the so-called retirement test or earnings test.

Mr. President, the reasons which motivated the institution of this test in 1935 are not valid today. The policy of discouraging older workers from working past the arbitrary retirement age of 65 originated during the Depression when it was necessary to increase job opportunities for younger workers. Such a restrictive measure is totally unnecessary in today's high-employment economy.

There can be no doubt as to the natural impact of this limitation. Many older persons are pressured into not working for fear of losing their benefits. As a result of this, a vast pool of valuable skills acquired through years and years of hard, honest work are totally lost to our country.

Mr. President, such a limitation flies in the face of a fact widely accepted by the Federal Government, gerontologists, and others concerned with the health of the elderly. That fact is that the hiring and retention of older workers in all aspects of the economy is very "good medicine" for the elderly. It should be encouraged in every way possible, and removing this limitation is one way to do precisely that.

Mr. President, in my opinion, this aspect of the social security program is illogical and inequitable. Income from investments is not counted in determining whether benefits shall be reduced. Thus, a rich man who has thousands of dollars in dividends and interest coming in every year can sit back and collect his full check every month. On the other hand, the poor man who never had the time, much less the money, to enter the world of investments, and who might need to continue working as a matter of economic survival for himself and his family, cannot work without being subject to this penalty. This is simply not right.

The cry often raises that removal of the retirement income limitation will be too costly. It is my opinion that this answer begs the question. The people who would receive this aid are the same citizens who have worked hard all their lives for their salaries. They have not been on the welfare rolls. The people we are talking about today are the backbone of America—they are the men and women who believe in America and have quietly and loyally contributed their fair share to the social security program all their working lives. To deny them the fruits of their labors now when they need it most is not only illogical but unjust.

Mr. President, let us remove any obstacle which stands in the way of a man or woman who wants to work. Work produces income and income produces tax revenue. Work and activity also prolong and contribute to the good health of our citizens. Removing the retirement income limitation is an equitable and reasonable step.

Mr. President, I urge all my colleagues to carefully consider this measure, and to join me in this effort to bring meaningful reform to the social security system.

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 2638. A bill to provide for fire accident data collection, analysis, and dissemination, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and encourage fire prevention and control at all levels of government, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to provide for fire accident data collection, analysis and dissemination, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and encourage fire prevention and control at all levels of government, and ask unanimous consent that the letter of transmittal, and statement of purpose and need be printed in the RECORD with the text of the bill.

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

THE SECRETARY OF COMMERCE,
Washington, D.C., October 5, 1973.

Hon. SPIRO T. AGNEW,
President of the Senate, U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are four copies of a draft bill, entitled "Fire Safety and Education Act of 1973," together with a statement of purpose and need in support thereof.

We have been advised by the Office of Management and Budget that there would be no objection to the submission of our draft bill to the Congress and further that enactment of this legislation would be consistent with the Administration's objectives.

Sincerely,

JOHN K. TABOR,
Acting Secretary of Commerce.

STATEMENT OF PURPOSE AND NEED

America's fire losses each year are indeed formidable. Every day some 170 Americans are killed or left permanently disfigured by fire. Every minute there is a fire in an American home. Most fires can be prevented and our citizens safeguarded from unnecessary death, injury and damage to their property.

Recognizing that fire's tragic toll in America must be reduced, the Fire Research and Safety Act of 1968 was enacted by the Congress. Pursuant to that Act the Secretary of Commerce was authorized to conduct a general fire research and safety program and the National Commission on Fire Prevention and Control was established to recommend a Federal fire program.

After two years of intensive hearings and investigations, the Commission, on May 4, 1973, transmitted its report "America Burning" to the President. They found that 12,000 people are killed and tens of thousands of persons are scarred physically and emotionally by fire each year. Additionally, over eleven billion dollars of our resources are wasted by destructive fires. America's loss of life rates are 2½ times greater than those of the United Kingdom and six times greater than those of Japan. Accordingly the Commission's Report recommended increased efforts by the Federal Government to reduce fire losses. The Commission's Report explained that the Federal role should supplement existing state efforts for the sake of a more coherent effort to reduce the Nation's fire losses. They recommended that an entity be created in the Federal Government which could view the fire problem in its entirety, which would direct attention to aspects of the fire problem that have been neglected, and which would serve as the conduit for the inter-governmental cooperation that is needed to combat the Nation's fire problem.

The Commission's Report identified three key fire safety functions to be undertaken by the Federal Government. These are: (1) a training and education program, including a public awareness effort; (2) a national system of fire data and information; and (3) a research and development program.

The proposed act would establish in the Department of Commerce authority to develop and carry out a comprehensive national fire program which would focus on these three key functions.

The Commission's Report pointed out that the fire services and the public need better training and education. Training for firefighters and officers has not been uniform in quality, with effective participation in some areas, and little support in other areas. Better training would improve the effectiveness of fire departments and reduce firefighter injuries.

The educational and training program envisioned by the bill will suplement existing local programs. Among other things, it would provide for specialized and advanced training courses for instructors and other participants in state and local training programs. There will be courses concerning the special hazards of firefighting, prevention programs, inspection programs, public education, and fire safety information programs.

In addition, Americans must be educated about fire safety. Public awareness is integral to reducing fire losses. A public awareness effort will be undertaken to muster a nationwide campaign to make people knowledgeable about fire safety.

The Commission's Report also emphasized that because of the largely local nature of the Nation's fire safety activities, the important area of research and development was being neglected. An objective long-range approach to research and development is clearly needed where the issue of fire safety arises. The bill would provide for appropriate research and development, to reduce fire losses in our Nation.

Finally, the Commission's Report declared a need for a comprehensive national fire data

system which will help establish priorities for research and action. Such a system must, of course, encompass fire incident reports, however, to be effective it should also include in its data base significant results of research and developemnt, such as toxicity data on smoke and gas and flammability of materials. Medical and insurance data should also be incorporated. The bill would include authority to operate an integrated comprehensive fire data program based on collection, analysis, and dissemination of fire information related to the prevention, occurrence, control and results of fires of all types. It will serve as a data reservoir from which those concerned with fire problems can obtain information regarding such matters as the direct and contributing causes of fire, the potential hazard of various materials or practices, and the ways in which the victims of fire are affected. With better identification of fire problems, better understanding of fire incidents, and better analysis of hazards, such as toxic gas and smoke, more effective programs and priorities could be established and appropriate decisions could be reached to help reduce the ever present danger of fires.

The three functions, a training and education program, including a public awareness effort, a national system of fire data and information, and a research and development program, are interdependent and effective coordination requires a system management approach.

To hasten the achievement of the development of this comprehensive national fire program and to avoid duplication of effort, the Secretary is also directed to coordinate and review existing and future Federal fire programs; identify and make recommendations concerning duplicative, competing and inefficient Federal programs; encourage Federal interagency transfer of the fire technology; and encourage existing and future fire development programs in the State and local government and private sectors.

In developing a national fire plan, the bill would establish a Fire Safety Advisory Council composed of 15 members from government agencies, fire services and fire industries, and the general public. Members representing the general public could be representatives of equipment manufacturers, fire protection engineers, insurance organizations, building designers, and the general public. The main function of the Council would be to assist the Secretary in carrying out his functions and responsibilities.

The bill also makes provision for the establishment of such positions as are necessary to carry out its provisions, with one position at a level not in excess of Level V of the Executive Schedule.

The bill would authorize the appropriation of such sums as may be necessary to carry out its provisions. The appropriations would be available for obligation and expenditure for such periods as specified in the Act making such appropriations.

S. 2638

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fire Safety and Education Act of 1973".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) destructive fires result in an unacceptable number of deaths, injuries, and property losses in the United States;

(2) the state-of-the-art in firefighting and in protecting persons and property from combustion hazards, requires additional research and development in the area of fire safety;

(3) there is a need for professional training and education primarily oriented toward improving the effectiveness of fire departments, developing leadership for fire prevention and reducing firefighter injuries;

(4) there is a need for a national fire data collection, analysis and dissemination system to establish priorities for research and action; and

(5) the Federal Government's role in fire research and development, information collection and dissemination, and education must be further strengthened in order that the effectiveness of the Nation's dedicated firefighting forces may be increased.

(b) The purposes of this Act are—

(1) to protect the public against unreasonable risks of death, injury, and property loss associated with fire accidents;

(2) to provide training and education beyond the basic training received by firefighters, including public awareness efforts;

(3) to establish a centralized program of research and development for fire safety; and

(4) to establish an integrated and comprehensive fire data system.

FUNCTIONS OF THE SECRETARY

SEC. 3. The Secretary of Commerce (hereinafter referred to as the "Secretary") is authorized to undertake the following functions:

(1) to develop and carry out a comprehensive national fire research and development program designed to determine the causes and nature of fires, their frequency of occurrence, and other pertinent factors, and develop more effective measures of protection against the hazards of death, injury and damage to property resulting from fire;

(2) to develop and carry out educational and training programs in fire safety, including public awareness efforts; and

(3) to develop and carry out a comprehensive fire data and information program.

FIRE RESEARCH AND DEVELOPMENT PROGRAM

SEC. 4. The Secretary is authorized to conduct directly or through contracts—

(a) a program of basic and applied fire research for the purpose of arriving at an understanding of the fundamental processes underlying all aspects of fire. Such program shall include scientific investigations of—

(1) the physics and chemistry of combustion processes;

(2) the dynamics of flame ignition, flame spread, and flame extinguishment;

(3) the composition of combustion products developed by various sources and under various environmental conditions;

(4) the early stages of fires of buildings, building subsystems, and building components with the aim of improving early detection capability;

(5) the behavior of fires involving all types of buildings and their contents, including mobile homes and high-rise buildings, construction materials, floor and wall coverings, coatings, furnishings, and other combustible materials;

(6) the unique aspects of fire hazards arising from the transportation and use in industrial and professional practices of combustible gases, fluids, and materials;

(7) development of design concepts for providing increased fire safety in buildings; and

(8) such other aspects of the fire process as are deemed useful for pursuing the objective of the fire research program.

(b) research into the biological, physiological, and psychological factors affecting the human victims of fire and the performance of the individual members of fire protection forces.

(c) studies of the operations and management aspects of fire departments and services using quantitive techniques, including operations research, management economics, cost effectiveness studies, and such other techniques as are found applicable and useful. Such studies shall include, but not be limited to, the allocation of resources, the manner of responding to alarms, the operation of citywide and regional fire dispatch centers, and the effectiveness, frequency, and methods of building inspections.

(d) Operation tests, demonstration projects, and fire investigations are hereby authorized to be performed in the conduct and support of the activities set forth in this section.

FIRE DETECTION PROGRAM

SEC. 5. The Secretary is authorized to—

(a) operate directly or through contracts an integrated comprehensive fire data program based on the collection, analysis, publication, and dissemination of fire information related to the prevention, occurrence, control and results of fires of all types. The program shall be designed to provide an accurate national picture of the fire problem, identify major problem areas and assist in setting priorities, determine possible solutions to problems, and monitor progress of programs to reduce fire losses. To carry out these functions, the program shall include—

(1) information on the frequency, causes, spread, and extinguishment of fires;

(2) information on the number of injuries and deaths resulting from fires including the maximum available information on the specific causes and nature of such injuries and deaths, and information on property losses;

(3) information on the occupational hazards of firemen including the causes of death and injury to firemen arising directly and indirectly from firefighting activities;

(4) information on all types of fire prevention activities including inspection practices;

(5) technical information related to building construction, fire properties of materials, and other similar information; and

(6) such other information and data as is judged useful and applicable.

(b) In the conduct of the comprehensive fire data and information program the Secretary is authorized to develop standardized data reporting methods and to encourage and assist State, local, and other agencies, public and private, in developing and reporting information.

(c) In the conduct of the comprehensive fire data and information program the Secretary is authorized to make full use of existing data gathering and analysis organizations, both public and private.

(d) The Secretary shall insure dissemination of such fire data to the maximum extent.

PROFESSIONAL FIRE TRAINING AND EDUCATION PROGRAM

SEC. 6. (a) The Secretary is authorized to establish and conduct either directly or through contracts or grants as provided by Section 11 a professional fire training and education program to—

(1) advance the professional development of fire service personnel;

(2) assist in conducting or supplementing, at the request of a State or unit of local government, local and regional programs for the training of fire personnel;

(3) develop model fire training and educational programs, curricula, and information materials;

(4) develop new or improved approaches, techniques, systems, equipment, and devices to improve fire prevention and control;

(5) conduct such development, testing, and demonstration projects as are deemed necessary to introduce new technology standards, operating methods, command techniques, and management systems into use in the fire services; and

(6) provide, establish, and support specialized and advanced education and training programs and facilities for fire service personnel.

(b) Any central facility established by the Secretary to conduct the fire training and education program authorized by this section shall be located on a site in or near the District of Columbia.

COORDINATION OF FIRE PROGRAMS

SEC. 7. The Secretary shall, so as to hasten the achievement of the purposes of this Act and to avoid duplication of effort:

(a) coordinate and review existing and future Federal interagency research and development programs, fire data programs, and fire training and education programs;

(b) identify competing, overlapping, duplicative or inefficient programs, and make recommendations to appropriate agency officials and to the Director of the Office of Management and Budget concerning the scope and funding of fire programs;

(c) encourage Federal interagency transfer of fire technology; and

(d) encourage existing and future fire development programs in the State and local government and in the academic and private industry sectors.

PUBLIC AWARENESS EFFORTS

SEC. 8. The Secretary is authorized directly or by contract in cooperation and coordination with interested government agencies, fire services and industries, and appropriate fire service organizations, to carry out a program to educate the public as to fire safety.

FIRE SAFETY ADVISORY COUNCIL

SEC. 9. (a) The Secretary shall establish a Fire Safety Advisory Council which he may consult before taking any action under this Act. The Council shall be appointed by the Secretary and shall be composed of fifteen members. The Council shall be constituted as follows:

(1) five members shall be selected from governmental agencies, other than fire services or fire industries, including Federal, State, and local governments;

(2) five members shall be selected from the fire services and fire industries;

(3) five members shall be selected who shall be broadly representative of the general public.

(b) The Council shall meet at the call of the Secretary, but not less than two times during each calendar year. All proceedings of the Council shall be public, and a record of each proceeding shall be available for public inspection.

(c) Members of the Council who are not officers or employees of the United States shall, while attending meetings or conferences of the Council or while otherwise engaged in the business of the Council, be entitled to receive compensation at a rate fixed by the Secretary, not exceeding the daily equivalent of the annual rate of basic pay in effect for grade GS–18 of the General Schedule, including travel time; and while away from their homes or regular places of business they may be allowed travel expenses, include per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. Payments under this subsection shall not render members of the Council officers or employees of the United States for any purpose.

ADMINISTRATIVE PROVISIONS

SEC. 10. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Appropriations to carry out the provisions of this Act may remain available for obligation and expenditure for such period or periods as may be specified in the Acts making such appropriations.

(b) Within the limits of funds which are appropriated to carry out this Act, the Secretary is authorized to undertake such construction of buildings, grounds, and other facilities occupied or used in performance of the functions and activities authorized by this Act as are necessary for the proper and efficient conduct of those functions and activities: *Provided*, That no improvement shall be made nor shall any building be constructed under this authority at a cost in excess of $100,000 unless specific provision is made therefor in the appropriation concerned.

SEC. 11. The Secretary may perform the functions authorized by the Act either directly or through contracts. Grants may be made by the Secretary only to State and local governments, other non-Federal public agencies, and nonprofit institutions for travel, lodging, and subsistence to perform the functions authorized by section 6. Any grant made in the performance of such functions may be in an amount up to 100 per centum of the total cost of the activities for which such grant is made.

a. Each recipient of moneys under such a grant or contract awarded pursuant to this section shall keep such records and make such reports as the Secretary may prescribe, including information on the total cost of the approved program and the portion of the cost which is supplied by other sources. In the case of moneys received in advance of performance, such records and reports shall identify the unearned balance of advances on hand, the liabilities and obligations outstanding under such grant or contract, and the application of the funds received.

b. The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the recipient that are pertinent to its activities under this Act for the purpose of audit or to determine whether a proposed activity is in the public interest.

SEC. 12. Payments under this Act to foster fire safety may be made in installments, and in advance or by way of reimbursement, as may be determined by the Secretary, and may be used to pay the transportation and subsistence expenses of persons attending conferences or other assemblages notwithstanding the provisions of the Joint Resolution entitled, "Joint Resolution to prohibit expenditure of any moneys for housing, feeding, or transporting conventions or meetings."

SEC. 13. The Secretary is authorized to establish such positions as are necessary to carry out the provisions of this Act and may fix the rate of pay of one position at a level not in excess of Level V of the Executive Schedule.

SEC. 14. Title I of the Fire Research and Safety Act of 1968 (Act of March 1, 1968, 82 Stat. 34; 15 U.S.C. 278f and g), is hereby repealed.

By Mr. JACKSON:

S. 2639. A bill to amend the Maritime Academy Act of 1958 in order to authorize the Secretary of the Navy to appoint students at State maritime academies and colleges as reserve midshipmen in the U.S. Navy, and for other purposes. Referred to the Committee on Armed Services.

Mr. JACKSON. Mr. President, today I am introducing legislation to amend the Maritime Academy Act of 1958 to authorize the Secretary of the Navy to appoint students at State maritime academies and colleges as reserve midshipmen in the U.S. Navy.

This legislation was favorably considered during the last session of Congress by the House of Representatives and was referred to the Senate. However, the bill came to the Senate late in the session and no action was taken by the Senate because of time constraints.

Along with this legislation, I would like to submit a copy of a favorable departmental report on this bill which was submitted to Chairman HÉBERT of the House Armed Services Committee in June of this year by Rear Adm. E. K. Snyder, Chief of Legislative Affairs, U.S. Navy. I would also like to submit copies of the favorable testimony on this legislation given before the House Armed Services Committee during the last session by Rear Adm. J. B. Johnson, Assistant Deputy Chief of Naval Operations for Naval Reserve and by the Honorable Henry F. Sickinger, Office of Maritime Manpower, Maritime Administration.

I would hope that this legislation will be given the serious consideration of the Senate.

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

DEPARTMENT OF THE NAVY,
Washintgon, D.C., June 20, 1973.

Hon. F. EDWARD HÉBERT,
Chairman, Committee on Armed Services, Washington. D.C.

DEAR MR. CHAIRMAN: Your request for comment on H.R. 2776, a bill "To amend the Maritime Academy Act of 1958 in order to authorize the Secretary of the Navy to appoint students at State maritime academies and colleges as Reserve Midshipmen in the United States Navy, and for other purposes," has been assigned to this Department by the Secretary of Defense for preparation of a report expressing the views of the Department of Defense.

S. 2776 would provide authority for the Secretary of the Navy to appoint students appointed to any maritime academy or college which is assisted under the provisions of the Maritime Academy Act of 1958 as Reserve Midshipmen in the United States Navy and authorizes them to be commissioned as Reserve ensigns in the U.S. Navy upon their graduation from the academy or college. This would provide equal treatment for students of the State maritime academies as that now provided by 46 U.S.C. 1126(b)(3) for students at the U.S. Merchant Marine Academy. The Department of the Navy, on behalf of the Department of Defense supports H.R. 2776.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report on H.R. 2776 for the consideration of the Committee.

For the Secretary of the Navy.
Sincerely yours,

E. K. SNYDER,
Rear Admiral USN,
Chief of Legislative Affairs.

STATEMENT OF REAR ADM. J. B. JOHNSON, ASSISTANT DEPUTY CHIEF OF NAVAL OPERATIONS FOR NAVAL RESERVE

Admiral JOHNSON. We do indeed welcome the opportunity to testify on this bill. The purpose of the proposed legislation is to enable the Secretary of the Navy to appoint students appointed to any maritime academy or college which is assisted under the provisions of the Maritime Academy Act of 1958 as Reserve midshipmen in the U.S. Navy and to appoint them as Reserve ensigns in the U.S. Navy upon their graduation from the academy or college.

This would provide equal treatment for students of the State maritime academies as that now provided by 46 U.S.C. 1126 for students at the U.S. Merchant Marine Academy.

Prior to passage of Public Law 92–129 on September 28, 1971, students enrolled at State maritime academies received draft exemption status under the provisions of the

Selective Service Act of 1967. If the State maritime academies were receiving assistance under the Maritime Academy Act of 1958, the students enrolled in the program were required to take naval science courses and agreed to accept a U.S. Naval Reserve commission, if tendered, upon graduation. However, the passage of Public Law 92–129 removed the draft exemption for such students along with other college students.

The proposed legislation would permit State maritime academy or college students to affiliate with the U.S. Naval Reserve as midshipmen and thus receive draft exempt status under section 6(a)(1) of the Military Selective Service Act (50 U.S.C.A. app. 456(a)(1)) thereby permitting them to complete their education. Upon graduation, midshipmen would be commissioned in the Naval Reserve and given the option of serving on active duty with the Navy or sailing on their licenses with the merchant marines.

There are presently six State maritime academies receiving assistance under the Maritime Academy Act of 1958. These schools supply approximately 350 commissioned officers in the Naval Reserve each year. The schools, their location and average enrollment are:

Great Lakes Maritime Academy, Traverse City, Mich., 73 students.

Texas Maritime Academy of the Texas A. & M. University, Galveston, Tex., 90 students.

California Maritime Academy, Vallejo, Calif., 225 students.

Maine Maritime Academy, Castine, Maine, 560 students.

Massachusetts Maritime College, Buzzards Bay, Mass., 425 students.

State University of New York State Maritime College, Fort Schuyler, N.Y., 748 students.

These schools under the Maritime Academy Act of 1958 may receive assistance from the Federal Government for maintenance and support of the schools not to exceed $75,000 that must be matched by State aid. Students enrolled in the schools may receive up to $600 per academic year for uniforms, textbooks, and subsistence.

It is anticipated that approximately 1,000 students from these schools will apply and be processed annually if the legislation is enacted at a minimal annual cost of approximately $25,000. The cost will not result in increased budgetary requirements for the Department of Defense.

At this point I would like to supply for the record a brief history of Navy programs to commission merchant marine academy graduates in the Naval Reserve.

I think this is quite interesting. It is a long and tumultuous sort of history.

You will note that these programs date back to 1928 and have been of great assistance to the U.S. Navy and the merchant marines.

The Department of Defense urges your favorable consideration of this legislation. Its enactment will enable young men enrolled in State maritime academies and colleges to complete their education without interruption and will result in increased numbers of well-qualified officers for the naval and merchant marine services.

However, there are certain technical corrections to the bill that we would recommend. Since the authority to appoint Reserve commissioned officers in the Navy rests with the President alone under section 593(a) of title 10, United States Code, it is recommended that the proposed new section be reworded to avoid the appearance that this bill gives such appointment power to the Secretary of the Navy.

The proposed new section, if revised as suggested, would read as follows:

"SEC. 11. Students appointed to any maritime academy or college which is assisted under any provisions of this Act may be appointed by the Secretary of the Navy as Reserve midshipmen in the U.S. Navy and may be commissioned as Reserve ensigns in the U.S. Navy upon graduation from the academy or college."

Since we are unaware of any benefits that could be derived by making this act retroactive, it is recommended that section 2 of the bill on lines 8 and 9 of page 2 be stricken from the bill. If the committee has no objection, we have prepared a draft of substitute language that could be inserted after the enacting clause:

"That the Maritime Academy Act of 1958 (46 U.S.C. 1381 et seq.) is amended by adding the following new section:"

"'RESERVE STATUS OF STUDENTS

"'SEC. 11. Students appointed to any maritime academy or college which is assisted under any provisions of this Act may be appointed by the Secretary of the Navy as Reserve midshipmen in the United States Navy and may be commissioned as Reserve ensigns in the United States Navy upon graduation from the academy or college.'"

(The following was received for the record:)

"BRIEF HISTORY OF PROGRAMS TO COMMISSION MERCHANT MARINE ACADEMIES' GRADUATES

"During 1928, an intensive program was inaugurated for the building up of the Merchant Marine Reserve which had become depleted in numbers after the close of World War I. Naval Reserve officers with experience in the shipping industry were assigned to active duty in the larger port cities and devoted their entire time to this program.

"As an additional source of Merchant Marine Reserve officer procurement, the appointive grade of Cadet, Merchant Marine Reserve, was established by law during 1938. Appointments were made to this grade from students of State Maritime academies, and from cadet officers, U.S. Maritime Commission. Students were given six months subsequent to graduation in which to obtain appropriate licenses in the U.S. Merchant Service in order to qualify as commissioned officers in the Merchant Marine Reserve; otherwise, they were discharged.

"In June of 1941, the Secretary of the Navy established a classification of Midshipmen, Merchant Marine Reserve in accordance with the Naval Reserve Act of 1938. Accordingly, the Secretary of the Navy authorized the Chief of the Bureau of Naval Personnel to appoint as Midshipman, Merchant Marine Reserve, all cadets, Merchant Marine Reserve, serving in vessels taken over by the Navy and who volunteer for active duty.

"In August of 1942, all Cadets, Merchant Marine Reserve, were appointed Midshipman, Merchant Marine Reserve, and all cadets thereafter in the U.S. Merchant Marine Cadet Corps and State Maritime Academies were appointed as Midshipman, Merchant Marine Reserve instead of Cadets, in order to insure that cadets trained at government expense for service at sea would be required to serve in the Merchant Marine or on active duty in the Navy.

"During the period from 1945 to 1 January 1953, the Merchant Marine Midshipman Program was operated on much the same basis as the latter years of World War II except in the area of active duty requirements.

"Commencing in July 1947 until May of 1950, an annual quota of from 100–300 could apply for one year's active duty.

"On 1 May 1950, the Navy offered one year's active duty to one-half of the 1950 graduating class.

"In 1951, 1952, 1953, and up until 10 May 1954, graduates of the Maritime Academies who were commissioned could apply for active duty and were normally brought on active duty.

"In May 1954, active duty for graduating Merchant Marine Midshipmen was discontinued unless the officer faced imminent induction and he requested active duty.

"As indicated, the appointive power to appoint Merchant Marine Midshipmen resided in the Secretary of the Navy by virtue of the Naval Reserve Act of 1938; however, this Act was repealed in part by the Armed Forces Reserve Act of 1952, which withdraws recognition of Merchant Marine Midshipmen as such. On 20 May 1954, the Judge Advocate General rendered an opinion to the effect that there has been no legal authority for such appointments since 1 January 1953, when the Armed Forces Reserve Act of 1952 became effective. However, all Merchant Marine Midshipmen appointed prior to 1 January 1953 were considered valid because of the saving clause in the Armed Forces Reserve Act of 1952.

"At the urgent request of representatives of the four State schools and the Maritime Administration, the Navy undertook a review of the program at this time to determine whether any assistance could be given to protect the students from selective service by continuing to give them a military status as students. As a stop-gap measure, solely to provide a solution until legislative relief could be sought by the Commerce Department, the Navy agreed to appoint the cadets as Officer Candidates (Merchant Marine). This assured their being able to complete their studies, but it required that the Navy call them to active duty on graduation—a situation not desired by the Navy, which faced a consequent disruption of other sources of active duty officers since only so many billets were available, nor by the Department of Commerce, which properly wanted the graduates in the Merchant Marine. Initially, the OC(MM) program was to have covered only students enrolling in 1954, but when legislative relief was not forthcoming the Navy extended the program to 1955, at the repeated urgent request of the Maritime Administration.

"Legislation (S. 1748) was introduced in 1955 and 1956 designed to permit the Navy to appoint the students as Midshipmen, USNR. The Navy initially supported the legislation. Passage of the Reserve Forces Act of 1955, effective 10 August 1955, however, resulted in a policy determination by the Assistant Secretary of Defense on 17 February 1956 which stated in part: "Consistent with the intent of the . . . Act . . . the Department of Defense is opposed to any student exemption which does not lead directly to active duty with the Armed Forces upon graduation and commissioning." In view of the fact that this DOD policy would make it mandatory for the Navy to call these students to active duty, an eventuality desired neither by the Navy nor Maritime Administration, the Navy withdrew its support.

"In 1956, the Navy and Maritime Commission mutually agreed on the matter of Commission for Academy graduates.

"a. The Navy would continue to support training at the academies by providing instruction in Naval Science.

"b. The Navy would commission graduates in the inactive reserve if they were employed at sea, contingent on their remaining at sea for three years.

"c. The Navy would commission and call to active duty those who could not find employment at sea, if billets were unavailable.

"d. Those who want active duty could request it, the determination of availability of billets in each case to be made by the Navy.

"*1956–62*—The policy established between the Maritime Commission and the Navy had this effect during this period:

"a. The Navy never implemented the three-year requirement.

"b. The policy made it possible for a Merchant Marine graduate to receive an inactive Reserve commission, not sail in the Merchant Marine, return to the beach and be immune from the draft; for a very few that are caught

by the draft, the Navy would order to active duty because at the time we needed his services.

"May 1, 1962—The Naval Reserve Evaluation Board under VADM Felix Johnson made several recommendations to reestablish the Merchant Marine Program on a sound basis.

"Since the Reserve Forces Act of 1955 abolished the Midshipman Merchant Marine USNR status, this program was in a state of limbo until 1964. However, the Navy maintained its relationship with the Academies. By security check and physical examination incident to eventual commission on graduation. In March 1964, discussion between the Under Secretary of the Navy and the Under Secretary of Commerce led to the administrative establishment of a Midshipman USNR program at the U.S. Merchant Marine Academy. This program was implemented by BUPERS letter in August of 1964. The class which entered in 1964 was the first class screened by BUPERS for Midshipman USNR status.

"The program as implemented provided that:

"a. The Navy will screen applicants for appointment to Midshipman USNR status on the basis of physical qualifications, security clearance, and character.

"b. Midshipmen will be deferred under the UMTS in a 1–D classification.

"c. Commissioned USNR officers must agree to and sail on their license for three years or enter on active duty for three years in order to retain their USNR commission.

"Incident to implementation of this program, a conference was held at the Maritime Administrator's office between BUPERS representatives and Mr. Fay and Mr. Brady of the Office of Personnel Management of the U.S. Maritime Administration. Among other items agreed to, it was specifically agreed that cases might arise in which young men, in spite of having clear National Agency checks, have past records which indicate conduct and character not applicable for an Officer Candidate Program of the Navy. These persons would not be appointed Midshipman USNR.

"Prior to 1969, the sailing time required each year was eight months in length. In a letter signed by Mr. Robert Blackwell on 3 July 1969, it was requested that the sailing time requirement each year be reduced to six months. This request was premised on the requirement that steamship company training plans call for potential management employees to divide their time equally between sea and shore training and the union requirement that available employment be shared equally. As a result of this requirement, the Chief of Naval Personnel promulgated information which reduced the sailing time to six months retroactively beginning with the Class of 1967.

"In June 1970, a meeting was held with ASN (M&RA), BUPERS representatives and the Maritime Administration. In light of the apparent reduction of sea-going billets, all graduates from the Maritime academies since 1968 have been given four options in order to fulfill their military obligation. These options are as follows:

"a. Sail on license at sea for no less than six (6) months each year, for three consecutive years immediately following acceptance of commission; or

"b. Sail on license at sea for not less than four (4) months each year, for four consecutive years immediately following acceptance of commission; or

"c. Apply for and serve on active duty for training on board a Navy ship for a minimum period of thirty (30) consecutive days each year, for a period of three consecutive years immediately following acceptance of commission; or

"d. Apply for and serve on full time active duty in the Naval Service for three consecutive years.

"Graduates of the Maritime Academies may utilize any combination of these options to fulfill their Naval Reserve military obligation."

Admiral JOHNSON. This concludes my prepared statement. I appreciate the privilege of presenting it to this committee. If there are any questions, I shall be happy to try to answer them at this time.

We welcome into the Navy these graduates of these fine maritime academies and we welcome the legislation.

STATEMENT OF HON. HENRY F. SICKINGER, OFFICE OF MARITIME MANPOWER, MARITIME ADMINISTRATION

Mr. SICKINGER. Thank you, Mr. Chairman.

I appreciate this opportunity to appear before the committee and testify with respect to H.R. 12801, a bill to amend the Maritime Academy Act of 1958, in order to authorize the Secretary of the Navy to appoint students at State maritime academies and colleges as Reserve midshipmen in the U.S. Navy, and four other identical bills.

The Maritime Academy Act of 1958, authorizes the Secretary of Commerce to furnish certain aid to the States and territories in the operation and maintenance of maritime academies or colleges which meet the requirements of the act, for the training of merchant marine officers. This aid consists of:

(1) Furnishing a training vessel.

(2) Making payments not in excess of $75,000 per year for the maintenance and support of each academy or college.

(3) Making payments not in excess of $600 per student per year to assist in defraying the cost of uniforms, books, and subsistence.

To obtain this assistance, each State academy must provide courses of instruction in navigation and marine engineering, including steam and diesel propulsion, and courses in atomic or nuclear propulsion as soon as practical and possible.

In addition each State academy must agree to conform to such standards in such courses, in training facilities, in entrance requirements, and in instructors as are required by the Secretary of Commerce after consultation with superintendents of maritime academies and colleges in the United States.

At present there are six State maritime academies, all of which receive aid under this act. These academies are those of the States of California, Maine, Massachusetts, Michigan, New York, and Texas.

H.R. 12801 would amend the Maritime Academy Act of 1958, to authorize the Secretary of the Navy to appoint students at any State maritime academy that is assisted under that act, as Reserve midshipmen in the U.S. Navy, and to commission such students as Reserve ensigns upon their graduation.

The Secretary of the Navy now has such authority under section 216(b)(3) of the Merchant Marine Act, 1936, with respect to cadets at the U.S. Merchant Marine Academy. H.R. 12801 would give equal treatment to the State maritime academies in this respect to the treatment now given to the U.S. Merchant Marine Academy, and we therefore recommend its enactment.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 41

At the request of Mr. DOLE, the Senator from Alabama (Mr. ALLEN) was added as a cosponsor of S. 41, a bill to designate November 11 of each year as Veterans Day and to make each day a legal public holiday.

S. 482

At the request of Mr. TAFT, the Senator from Tennessee (Mr. BROCK) was added as a cosponsor of S. 482, a bill to amend the Internal Revenue Code of 1954 to allow an income tax credit for the costs of maintaining the exterior appearance and structural soundness of certain historic buildings and structures.

S. 483

At the request of Mr. TAFT, the Senator from Tennessee (Mr. BROCK) was added as a cosponsor of S. 483, a bill to amend the act of October 15, 1966, relating to the preservation of certain historic properties in the United States.

S. 650

At the request of Mr. PACKWOOD, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 650, a proposal to equalize the tax rates imposed on unmarried individuals.

S. 895

At the request of Mr. THURMOND, the Senator from Kansas (Mr. DOLE) was added as a cosponsor of S. 895, a bill to require a health warning on the labels of bottles containing certain alcoholic beverages.

S. 1388

At the request of Mr. TALMADGE, the Senator from Ohio (Mr. SAXBE) was added as a cosponsor of S. 1388, a bill to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research.

S. 1708

At the request of Mr. CRANSTON, the Senator from Oklahoma (Mr. BARTLETT) was added as a cosponsor of S. 1708, a bill to amend title X of the Public Health Service Act to extend appropriations authorizations for 3 fiscal years and to revise and improve authorities in such title for family planning services programs, planning, training, and public information activities, and population research.

S. 1769

At the request of Mr. MANSFIELD (on behalf of Mr. MAGNUSON) the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor to S. 1769, a bill to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes.

S. 2069

At the request of Mr. EAGLETON, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 2069, the National Reading Improvement Act.

S. 2217

At the request of Mr. BAKER, the Senator from Florida (Mr. GURNEY) and the Senator from Alaska (Mr. GRAVEL) were added as cosponsors of S. 2217, a bill to provide for improvement in the treatment of animals in air transportation.

S. 2279

At the request of Mr. HATFIELD, the Senator from Oregon (Mr. PACKWOOD) was added as a cosponsor of S. 2279, a

bill for the relief of certain Korean orphans.

S. 2445

At the request of Mr. McINTYRE, the Senator from South Dakota (Mr. ABOUREZK) was added as a cosponsor of S. 2445, a bill to amend the provisions of the Social Security Act to consolidate the reporting of wages by employers for income tax withholding and old-age, survivors, and disability insurance purposes, and for other purposes.

S. 2497

At the request of Mr. BAKER, the Senator from Kentucky (Mr. COOK), the Senator from Indiana (Mr. BAYH), the Senator from Virginia (Mr. WILLIAM L. SCOTT), the Senator from Nevada (Mr. BIBLE), the Senator from Iowa (Mr. HUGHES), the Senator from Utah (Mr. Moss), the Senator from Kansas (Mr. DOLE), the Senator from New Jersey (Mr. CASE), the Senator from California (Mr. CRANSTON), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Alaska (Mr. STEVENS), and the Senator from California (Mr. TUNNEY) were added as cosponsors of S. 2497, to require the Librarian of Congress to establish and maintain a library of television and radio programs, and for other purposes.

S. 2501

At the request of Mr. TUNNEY, the Senator from North Dakota (Mr. YOUNG) and the Senator from Ohio (Mr. TAFT) were added as cosponsors of S. 2501, the Motor Vehicle Disposal Assistance Act of 1973.

S. 2506

At the request of Mr. MANSFIELD (on behalf of Mr. MAGNUSON) the Senator from Nevada (Mr. CANNON) was added as a cosponsor of S. 2506, a bill to amend the Natural Gas Act to secure adequate and reliable supplies of natural gas and oil at the lowest reasonable cost to the consumer, and for other purposes.

S. 2513

At the request of Mr. RIBICOFF, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 2513, the Catastrophic Health Insurance and Medical Assistance Reform Act of 1973.

S. 2522

At the request of Mr. BELLMON, the Senator from Utah (Mr. BENNETT), the Senator from Nebraska (Mr. CURTIS), the Senator from Kansas (Mr. DOLE), and the Senator from Wyoming (Mr. HANSEN) were added as cosponsors of S. 2522, a bill relating to the safety of animals being exported.

S. 2527

At the request of Mr. MONTOYA, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2527, a bill to provide for the construction of a Veterans' Administration hospital in the city of Albuquerque, N. Mex.

S. 2528

At the request of Mr. PACKWOOD, the Senator from Colorado (Mr. DOMINICK) was added as a cosponsor of S. 2528, the Social Services Amendments of 1973.

S. 2531

At the request of Mr. CHILES, the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2531, a bill to amend title II of the Water Pollution Control Act Amendments of 1972.

S. 2531

At the request of Mr. GURNEY, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 2531, a bill to amend the Federal Water Pollution Control Act Amendments of 1972, so as to ensure that eligibility for reimbursement funds under that act is extended to those projects which were started after January 1, 1973.

S. 2536

At the request of Mr. INOUYE, the Senator from Tennessee (Mr. BAKER) was added as a cosponsor of S. 2536, the National Tourism Act of 1973.

S. 2581

At the request of Mr. RANDOLPH, the Senator from Utah (Mr. Moss), the Senator from Indiana (Mr. BAYH), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Dakota (Mr. YOUNG), the Senator from Nebraska (Mr. CURTIS), the Senator from Michigan (Mr. GRIFFIN), the Senator from South Dakota (Mr. ABOUREZK), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. MONDALE), the Senator from Indiana (Mr. HARTKE), the Senator from Kansas (Mr. DOLE), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Iowa (Mr. HUGHES) were added as cosponsors of S. 2581, a bill to amend the Randolph-Sheppard Act for the Blind to provide for a strengthening of the program authorized thereunder, and other purposes.

S. 2599

At the request of Mr. HATFIELD, the Senator from Nebraska (Mr. CURTIS), the Senator from Kentucky (Mr. COOK), and the Senator from Oklahoma (Mr. BARTLETT) were added as cosponsors of S. 2599, to repeal the Economic Stabilization Act.

S. 2600

At the request of Mr. CHILES, the Senator from Colorado (Mr. HASKELL) was added as a cosponsor of S. 2600, a bill to provide for the appointment of an independent special prosecutor to prosecute certain investigations into criminal activities.

S. 2603

At the request of Mr. STEVENSON, the Senator from South Dakota (Mr. ABOUREZK), the Senator from New Jersey (Mr. CASE), the Senator from Iowa (Mr. CLARK), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. Moss), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Connecticut (Mr. RIBICOFF) were added as cosponsors of S. 2603, a bill to provide for the continuation of an independent investigation of certain activities by high officials.

S. 2611

At the request of Mr. BAYH, the Senator from Montana (Mr. MANSFIELD) and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of S. 2611, to insure the enforcement of the criminal laws and the due administration of justice; establish an independent special prosecutor.

S.J. RES. 142

At the request of Mr. CURTIS, the Senator from Oklahoma (Mr. BARTLETT) was added as a cosponsor of Senate Joint Resolution 142, proposing an amendment to the Constitution of the United States relative to the balancing of the budget.

REFERRAL OF SENATE RESOLUTION 189, TO URGE THE CONTINUED TRANSFER TO ISRAEL OF PHANTOM AIRCRAFT AND OTHER EQUIPMENT

Mr. HUMPHREY. Mr. President, I ask that a resolution I have lying at the desk, Senate Resolution 189, be appropriately referred.

The PRESIDING OFFICER. The resolution is referred to the Committee on Armed Forces.

The cosponsors and resolution follow:

LIST OF COSPONSORS

Mr. Humphrey for himself and	Mr. Hollings
Mr. Jackson	Mr. Hughes
Mr. Ribicoff	Mr. Inouye
Mr. Javits	Mr. Kennedy
Mr. Dole	Mr. Magnuson
Mr. Church	Mr. McGovern
Mr. Talmadge	Mr. McIntyre
Mr. Brock	Mr. Metcalf
Mr. Gurney	Mr. Packwood
Mr. Mondale	Mr. Pastore
Mr. McGee	Mr. Pell
Mr. Brooke	Mr. Percy
Mr. Nelson	Mr. Proxmire
Mr. Nunn	Mr. Randolph
Mr. Buckley	Mr. Roth
Mr. Baker	Mr. Schweiker
Mr. Bayh	Mr. Hugh Scott (Pa.)
Mr. Bentsen	Mr. Stevens
Mr. Biden	Mr. Stevenson
Mr. Bible	Mr. Symington
Mr. Cannon	Mr. Taft
Mr. Case	Mr. Thurmond
Mr. Chiles	Mr. Tunney
Mr. Clark	Mr. Weicker
Mr. Cotton	Mr. Williams
Mr. Cranston	Mr. Young
Mr. Domenici	Mr. Mathias
Mr. Dominick	Mr. Moss
Mr. Eagleton	Mr. Montoya
Mr. Fong	Mr. Huddleston
Mr. Gravel	Mr. Muskie
Mr. Hart	Mr. Pearson
Mr. Haskell	Mr. Beall
	Mr. Tower

S. RES. 189

Resolution to urge the continued transfer to Israel of Phantom aircraft and other equipment

Whereas the President is supporting a strong and secure Israel as essential to the interests of the United States; and

Whereas the armed forces of Egypt and Syria launched an unprovoked attack against Israel shattering the 1967 cease-fire; and

Whereas Israel refrained from acting preemptively in its own defense; and

Whereas the Soviet Union, having heavily armed the Arab countries with the equipment needed to start this war, is continuing a massive airlift of sophisticated military equipment to Egypt and Syria; and

Whereas Public Law 91-441, as extended, authorizes the President to transfer to Israel by credit sale whatever arms may be needed to enable Israel to defend itself: Now, therefore, be it

Resolved, That it is the sense of the Senate that the announced policy of the United States Government to maintain Israel's deterrent strength be implemented by continuing to transfer to Israel, by whatever means necessary, Phantom aircraft and other equipment in the quantities needed by Israel to repel the aggressors.

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 89

At the request of Mr. BROCK, the Senator from Delaware (Mr. ROTH) was added as a cosponsor of Senate Resolution 89, to create a Select Committee to Study Certain Rules of the Senate.

SENATE RESOLUTION 173

At the request of Mr. MCINTYRE, the Senator from Massachusetts (Mr. BROOKE) was added as a cosponsor of Senate Resolution 173, directing the Securities and Exchange Commission to examine its rules and regulations and make such amendments as may be appropriate in order to reduce any unnecessary reporting burden on broker-dealers and help to assure the continued participation of small broker-dealers in the United States' securities markets.

SENATE RESOLUTION 191

At the request of Mr. STEVENSON, the Senators from Iowa (Mr. CLARK and Mr. HUGHES) were added as cosponsors of Senate Resolution 191, relating to the censure of Robert Bork for removing Archibald Cox as special prosecutor.

AUTOMOTIVE TRANSPORT RESEARCH AND DEVELOPMENT ACT OF 1973—AMENDMENT

AMENDMENT NO. 637

(Ordered to be printed and referred to the Committees on Commerce and Public Works.)

Mr. TUNNEY. Mr. President, on February 28 of this year I introduced S. 1055, the Automotive Transport Research and Development Act of 1973. This legislation mandates an immediate and intensive national research and development program to produce a motor vehicle system that is clean, quiet, energy-efficient, safe, economical, and suited to our existing patterns of life.

After 6 days of hearings on this legislation, and extensive consultation with industry, government, technical experts, and consumer and environmental groups we have made certain revisions in light of the advice we have received. The energy and environmental crisis has only deepened since the original introduction of this legislation and therefore we hope that the Congress will act quickly and affirmatively to enact these provisions into law.

Due to the fact that this legislation is such an important energy conservation measure, Senators MAGNUSON and HART have agreed to join me in submitting it as an amendment to S. 2176, The National Fuels and Energy Conservation Act of 1973. Mr. President, I ask unanimous consent that the text of this proposed amendment be printed in the RECORD at this point.

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

AMENDMENT NO. 637

On page 37, between lines 19 and 20, insert the following new section:

"SEC. 14. The Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.) as amended by section 9 of this Act, is amended by adding at the end thereof the following new title:

"'TITLE VI—RESEARCH AND DEVELOPMENT

"'SHORT TITLE

"'SEC. 601. This title may be cited as the "Automotive Transport Research and Development Act of 1973".

"'FINDINGS AND PURPOSE

"'SEC. 602. (a) FINDINGS.—The Congress finds that—

"'(1) Existing automobiles are inadequate to meet all of the long-term goals of this Nation with respect to protecting the environment and conserving energy.

"'(2) With additional research and development, several alternatives to existing automobile power systems have the potential to be mass produced at a reasonable cost with significantly less environmental degradation and fuel consumption than existing power systems while remaining compatible with other requirements of Federal law including, but not limited to, safety, noise control, and damage resistance.

"'Insufficient resources are being devoted to research and development of alternative automobiles and automobile components both by the Federal Government and the private sector.

"'(4) An expanded research and development effort into alternative automobile systems by the Federal Government would increase such efforts by the private sector and encourage automobile manufacturers to seriously consider alternatives to existing automobiles and automobile components.

"'(5) Because of the urgency of the energy, air pollution, and other environmental crises, such alternative power sources for motor vehicles should be developed, tested, and prepared for manufacture within four years from the date of enactment of this Act.

"'(6) This title shall be interpreted and carried out to preserve, enhance and facilitate competition in research, development, and production in existing and alternative automobile systems and components.

"'(b) PURPOSES.—Therefore, it is declared to be the purpose of the Congress to make grants for and support through loan guarantees research and development leading to production prototypes of an energy-efficient, low-polluting automobile or automobiles within four years from the date of enactment of this Act and to secure the certification after testing of those prototypes which are likely to meet the Nation's long-term goals with respect to fuel economy, environmental protection, and other objectives.

"'DEFINITIONS

"'SEC. 603. As used in this title—

"'(1) "Automobile" means a four-wheeled vehicle which is propelled by fuel and which—

"'(A) is made for use on the public streets, roads, and highways; and

"'(B) is capable of transporting at least two but not more than ten individuals comfortably together with a limited amount of personal property.

"'(2) "Damage resistance" refers to the susceptibility to physical damage of an automobile when involved in an accident.

"'(3) "Developer" means any person engaged in whole or in part in research or other efforts directed toward the development of production prototypes of a low-polluting, energy-efficient automobile or automobiles.

"'(4) "Energy-efficient, low-polluting automobile" means an automobile which—

"'(A) presents the least total amount of energy consumption and environmental degradation practicable with respect to the amount of fuel consumed, the type of fuel consumed, exhaust emissions, the production and disposal of such automobile, noise characteristics, or any other factor affecting environmental value, and represents a substantial improvement over existing automobiles with respect to such factors;

"'(B) can be mass produced at the lowest possible cost consistent with the requirements of this title;

"'(C) operates safely and with sufficient performance with respect to acceleration, cold weather starting, cruising speed, and other performance factors;

"'(D) to the extent practicable, is capable of intermodal adaptability; and

"'(E) at a minimum, can be produced, distributed, operated, and disposed of in compliance with any requirement of Federal law, including, but not limited to, requirements with respect to fuel economy, exhaust emissions, noise control, safety, and damage resistance.

"'(5) "Fuel" means any material or substance capable of propelling an automobile.

"'(6) "Fuel economy" refers to the average number of miles (kilometers) traveled by an automobile per unit of fuel consumed, as determined in accordance with title V of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.).

"'(7) "Intermodal adaptability" refers to any characteristic of an automobile which enables it to be operated or carried, or which facilitates such operation or carriage, by or on an alternate mode or other system of transportation.

"'(8) "Low-Emission Vehicle Certification Board" means the Low-Emission Vehicle Certification Board established pursuant to section 212 of the Clean Air Act (42 U.S.C. 1857f-6e).

"'(9) "Noise control" refers to protection of the public against harm or discomfort resulting from an excessively high average number of decibels of sound emitted by an automobile during normal operation.

"'(10) "Production prototype" means an automobile which is in its final stage of development and is capable of being placed into production for sale at retail in quantities exceeding ten thousand automobiles per year.

"'(11) "Reliability" refers to the ease of diagnosis and repair of an automobile and its systems and parts which fail during use or are damaged in an accident and the average time and distance that proper operation can be expected without repair or replacement.

"'(12) "Safety" refers to the performance of an automobile or automobile equipment in such a manner that the public is protected against unreasonable risk of accident and against unreasonable risk of death or bodily injury in case of accident.

"'(13) "Secretary" means the Secretary of Transportation.

"'(14) "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, the Trust Territory of the Pacific Islands, or any other territory or possession of the United States.

"'DUTIES OF THE SECRETARY

"'SEC. 604. The Secretary is authorized and directed to insure the development of one or more production prototypes of an energy-efficient, low-polluting automobile within four years after the date of enactment of this title. No other Department or Agency shall duplicate the duties of the Secretary under this title. In furtherance of that goal and to promote such development by private interests, the Secretary is further authorized and directed to—

"'(a) make grants for research and development efforts likely to lead or contribute to the development of an energy-efficient, low-polluting automobile or automobiles, in accordance with the provisions of section 606 of this title;

"'(b) make loan guarantees for research and development efforts which show promise of leading or contributing to the development of an energy-efficient, low-polluting automobile or automobiles, in accordance with the provisions of section 607 of this title;

"'(c) conduct and accelerate research and development programs within the Department of Transportation for the purpose of contributing to the research and development of a production prototype of such energy-efficient, low-polluting automobile or automobiles;

"'(d) test or direct the testing of production prototypes and certify as energy-efficient, low-polluting automobiles those which meet the applicable requirements, in accordance with section 608 of this title;

"'(e) collect, analyze, and disseminate to developers information, data, and materials relevant to the development of an energy-efficient, low-polluting automobile or automobiles;

"'(f) prepare and submit studies as required under section 611 of this title; and

"'(g) receive and evaluate any reasonable new technology, a description of which is submitted to him in writing, which could lead to the development of an energy-efficient, low-polluting automobile.

"'POWERS OF THE SECRETARY

"'SEC. 605. In addition to the powers specifically enumerated in any provision of this title, the Secretary is authorized to—

"'(a) appoint such attorneys, employees, agents, consultants, and other personnel as he deems necessary, define the duties of such personnel, determine the amount of compensation and other benefits for the services of such personnel and pay them accordingly;

"'(b) procure temporary and intermittent services to the same extent as is authorized under section 3109 of title 5, United States Code, but at rates not to exceed $250 a day for qualified experts;

"'(c) obtain the assistance of any department, agency, or instrumentality of the executive branch of the Federal Government upon written request, on a reimbursable basis or otherwise, identifying the assistance he deems necessary to carry out his duties under this title, including, but not limited to, transfer of personnel with their consent and without prejudice to their position and rating;

"'(d) enter into, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of his duties under this title, with any government agency or any person; and

"'(e) purchase, lease, or otherwise acquire, improve, use, or deal in and with any property; sell, mortgage, lease, exchange, or otherwise dispose of any property or other assets; accept gifts or donations of any property or services in aid of any purpose of this title.

"'GRANTS

"'SEC. 606. (a) GENERAL.—(1) The Secretary shall provide funds by grant or contract to initiate, continue, supplement, and maintain research and development programs or activities which, in his judgment, appear likely to lead to the development, in production prototype form, of an energy-efficient, low-polluting automobile or automobiles.

"'(2) The Secretary is authorized to make such grants, and contracts with any Federal agency, laboratory, university, nonprofit organization, industrial organization, public or private agency, institution, organization, corporation, partnership, or individual.

"'(b) CONSULTATION.—The Secretary, in the exercise of his duties and responsibilities under this section, shall establish procedures for periodic consultation with representatives of science, industry, and such other groups as may have special expertise in the areas of automobile research, development, and technology. The Secretary may establish an advisory panel or panels to review and make recommendations to him on applications for funding under this section.

"'(c) PROCEDURE.—Each grant under this section shall be made in accordance with such rules and regulations as the Secretary shall prescribe in accordance with the provisions of this section and of section 602 of this title. Each application for funding shall be made in writing in such form and with such content and other submissions as the Secretary shall require.

"'LOAN GUARANTEES

"'SEC. 607. (a) GENERAL.—(1) The Secretary is authorized, in accordance with the provisions of this section and such rules and regulations as he shall prescribe, to guarantee and to make commitments to guarantee the payment of interest on and the principal balance of, an obligation to initiate, continue, supplement, and maintain research and development programs or activities which, in his judgment, appear likely to lead to the development in production prototype form of an energy-efficient, low-polluting automobile or automobiles. Each application for such a loan guarantee shall be made in writing to the Secretary in such form and with such content and other submissions as the Secretary shall prescribe to reasonably protect the interests of the United States. Each guarantee and commitment to guarantee shall be extended in such form, under such terms and conditions, and pursuant to such regulations as the Secretary deems appropriate. Each guarantee and commitment to guarantee shall inure to the benefit of the holder of the obligation to which such guarantee or commitment applies. The Secretary is authorized to approve any modification of any provision of a guarantee or a commitment to guarantee such an obligation, including the rate of interest, time of payment of interest or principal, security, or any other terms or conditions, upon a finding by the Secretary that such modification is equitable, not prejudicial to the interests of the United States, and has been consented to by the holder of such obligation.

"'(2) The Secretary is authorized to so guarantee and to make such commitments to any Federal agency, laboratory, university, nonprofit organization, industrial organization, public or private agency, institution, organization, corporation, partnership, or individual.

"'(b) EXCEPTION.—No obligation shall be guaranteed by the Secretary under subsection (a) of this section unless he finds that no other reasonable means of financing or refinancing is reasonably available to the applicant.

"'(c) CHARGES.—(1) The Secretary shall charge and collect such amounts as he may deem reasonable for the investigation of applications for a guarantee, for the appraisal of properties offered as security for a guarantee, or for the issuance of commitments.

"'(2) The Secretary shall set a premium charge of not more than 1 per centum per annum for a loan or other obligation guaranteed under this section.

"'(d) VALIDITY.—No guarantee or commitment to guarantee an obligation entered into by the Secretary shall be terminated, canceled, or otherwise revoked, except in accordance with reasonable terms and conditions prescribed by the Secretary. Such a guarantee or commitment to guarantee shall be conclusive that the underlying obligation is in compliance with the provisions of this section and that such obligation has been approved and is legal as to principal, interest, and other terms. Such a guarantee or commitment shall be valid and incontestable in the hands of a holder as of the date when the Secretary entered into the contract of guarantee or commitment to guarantee, except as to fraud, duress, mutual mistake of fact, or material misrepresentation by or involving such holder.

"'(e) DEFAULT AND RECOVERY.—(1) If there is a default in any payment by the obligor of interest or principal due under an obligation guaranteed by the Secretary under this section and such default has continued for sixty days, the holder of such obligation or his agents have the right to demand payment by the Secretary of such unpaid amount. Within such period as may be specified in the guarantee or related agreements, but not later than forty-five days from the date of such demand, the Secretary shall promptly pay to the obligee or his agent the unpaid interest on and unpaid principal of the obligation guaranteed by the Secretary as to which the obligor has defaulted, unless the Secretary finds that there was no default by the obligor in the payment of interest or principal or that such default has been remedied.

"'(2) If the Secretary makes a payment under paragraph (1) of this subsection, he shall have all rights specified in the guarantee or related agreements with respect to any security which he held with respect to the guarantee of such obligation, including, but not limited to, the authority to complete, maintain, operate, lease, sell, or otherwise dispose of any property acquired pursuant to such guarantee or related agreements.

"'(3) If there is a default under any guarantee or commitment to guarantee an obligation, the Secretary shall notify the Attorney General who shall take such action against the obligor or any other parties liable thereunder as is, in his discretion, necessary to protect the intrests of the United States. The holder of such obligation shall make available to the United States all records and evidence necessary to prosecute any such suit.

"'(f) AUTHORIZATION FOR APPROPRIATIONS.—There are hereby authorized to be appropriated to the Secretary not to exceed $200,000,000 to pay the interest on, and the principal balance of, any obligation guaranteed by the Secretary as to which the obligor has defaulted.

"'TESTING AND CERTIFICATION

"'SEC. 608. (a) ADMINISTRATOR.—The Administrator of the Environmental Protection Agency shall test, or cause to be tested in a facility subject to his supervision, each production prototype of an automobile developed in whole or in part with Federal financial assistance under this Act, or referred to him for such purpose by the Secretary to determine whether such production prototype complies with any exhaust emission standards or any other requirements promulgated or reasonably expected to be promulgated under any provision of the Clean Air Act, as amended (42 U.S.C. 1857 et seq.), the Noise Control Act of 1972 (42 U.S.C. 4901), or any other provision of Federal law administered by him. The Administrator shall submit all test data and the results of such tests to the Low-Emission Vehicle Certification Board.

"'(b) SECRETARY.—The Secretary shall test, or cause to be tested in an independent facility subject to his supervision, all new production prototypes of automobiles which

he or a developer may submit to the Low-Emission Vehicle Certification Board for certification under subsection (c) of this section. Such tests shall be conducted, according to testing procedures to be developed by the Secretary to determine whether each automobile complies with any standards promulgated as of the date of such testing or reasonably expected to be promulgated prior to sale at retail of such automobile under any provision of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381), the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.) as amended by section 9 of this Act, the Automobile Information Disclosure Act (15 U.S.C. 1232), and any other statute enacted by Congress and applicable to automobiles. The Secretary shall also refer any such automobile to the Administrator of the Environmental Protection Agency for testing pursuant to the provisions of subsection (a) of this section. All new automobiles may be submitted to the Secretary for testing under this subsection, including vehicles developed without any Federal financial assistance under this title. The Secretary shall submit all test data and the results of all tests conducted by him or subject to his supervision to the Low-Emission Vehicle Certification Board together with his conclusions and reasons therefor as to whether the automobile tested merits certification as an energy-efficient, low-pollution automobile. The Secretary, or the Administrator of the Environmental Protection Agency, if appropriate, shall conduct, or cause to be conducted, any additional tests which are requested by the Low-Emission Vehicle Certification Board and shall furnish to such Board any other information which it requests or which he deems necessary or appropriate.

"'(c) BOARD.—The Low-Emission Vehicle Certification Board, shall, upon application by a developer or by the Secretary and the receipt of test data and test results submitted pursuant to subsections (a) and (b) of this section, issue or deny certification as an energy-efficient, low-polluting automobile. Each determination as to certification shall be made in accordance with such rules and regulations as such Board shall prescribe in accordance with this title. Each application for certification shall be made to such Board in writing in such form and with such content and other submissions as the Low-Emission Vehicle Certification Board shall require.

"'PROPRIETARY INFORMATION AND PATENTS

"'SEC. 609. (a) AVAILABILITY.—Whenever, pursuant to this title, the Secretary enters into any agreement contracting for, sponsoring, or cosponsoring any research or development, he shall require as a condition of such Federal participation that all information—whether patented or unpatented, in the form of trade secrets, know-how, proprietary information, or otherwise—processes, or patents resulting in whole or in substantial part from such federally-assisted research or development shall be available to the general public, pursuant to subsection (b) of this section.

"'(b) PROTECTION OF RIGHTS.—(1) Any such agreement must provide that all such information, processes or patents will be made available to any qualified applicant on reasonable and nondiscriminatory license terms approved by the Secretary consistent with the purposes of this title when the research or development project reaches the stage of commercial application as determined by the Secretary: *Provided*, That if such information, processes, or patents results in whole from financial assistance granted under this title, such agreement may require, at the discretion of the Secretary, that such information, processes, or patents become the property of the United States and be dedicated to the general public.

"'(2) Whenever a participant in an energy research or development project holds background patents, trade secrets, know-how, proprietary information, or any other information, hereafter collectively referred to in this section as "background", which will be employed in and are requisite to the proposed research or development project, the agreement shall further provide that all background will be made available to any qualified applicant on reasonable and nondiscriminatory license terms approved by the Secretary, consistent with the purposes of this title.

"'(3) Any such license terms referred to under this subsection shall take into account the extent to which the commercial viability of the total process or system was achieved with assistance under this title (and whether such assistance was in the form of grants or obligation guarantees) and shall appropriately protect the interests of the participants.

"'(c) EFFECTS ON COMPETITION.—The Secretary shall, in approving license terms, duly consider the effects of such terms on competition within the United States.

"'RECORDS, AUDIT, AND EXAMINATION

"'SEC. 610. (a) RECORDS.—Each recipient of financial assistance or guarantees under this title, whether in the form of grants, subgrants, contracts, subcontracts, obligation guarantees, or other arrangements, shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance was given or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"'(b) AUDIT AND EXAMINATION.—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives shall, until the expiration of three years after completion of the project or undertaking referred to in subsection (a) of this section, have access for the purpose of audit and examination to any books, documents, papers, and records of such receipts which in the opinion of the Secretary or the Comptroller General may be related or pertinent to the grants, subgrants, contracts, subcontracts, obligation guarantees, or other arrangements referred to in such subsection.

"'STUDIES AND REPORTS

"'SEC. 611. (a) AUTOMOBILE SYSTEM STUDY.—The Secretary, in cooperation with other appropriate Federal agencies, shall conduct a comprehensive study of automobile characteristics and their effect on and the relationships between fuel economy, safety, reliability, damage resistance, noise control, intermodal adaptability, pollution emission levels, and cost to automobile purchasers for the purpose of aiding Congress in evaluating the interaction of these factors and Federal legislation, regulations, and programs. The study shall include but not be limited to the cost-benefit aspects of the foregoing factors, both to the individual automobile owner and to the Nation and shall identify combinations of such factors which provide for optimum automobile characteristics. Such study shall not duplicate similar studies by any other agency of the Federal Government, including the National Academy of Sciences. The study shall be submitted to the appropriate committees of Congress not more than one year after the date of enactment of this title.

"'(b) TRANSPORTATION SYSTEMS AND THE AUTOMOBILE STUDY.—The Secretary shall conduct a study of automobile usage in the United States in relation to other transportation modes and systems. The study shall include, but not be limited to, travel patterns, utility, and ways to better integrate the automobile into urban and intercity transportation systems including the prospects for dual mode transportation systems, the extent to which Federal, State, and local laws and policies influence the choice of transportation systems, and the extent to which a need exists for public assistance for research and development with respect to transportation modes other than the automobile. The study shall be submitted to Congress not more than one year after the date of enactment of this title, and shall include recommendations, if any, for legislation.

"'(c) ANNUAL REPORT.—On or before August 1 of each year, the Secretary shall submit to Congress an annual report of activities under this title. Such report shall include an account of the state of automobile research and development in the United States, including the number of grants made, and number of loans or other obligations guaranteed, and the progress made in developing production prototypes of energy-efficient, low-polluting automobiles within four years after the date of enactment of this title; and suggestions for improvements in automobile research and development, including recommendations for legislation.

"'GOVERNMENT PROCUREMENT

"'SEC. 612. The Administrator of General Services shall consult with the Low-Emission Vehicle Certification Board periodically to determine the earliest date at which production prototypes will be available of an energy-efficient, low-polluting automobile. When the Low-Emission Vehicle Certification Board determines that an energy-efficient, low-polluting automobile may soon be available, it shall propose a system of guidelines recommending to any Federal agency using and procuring automobiles the procurement of such automobiles. After a production prototype has been certified by such Board as an energy-efficient, low-polluting automobile, the Board is authorized and directed to prescribe such regulations as are necessary requiring all Federal agencies to procure and to use such energy-efficient, low-polluting automobile to the maximum extent feasible.

"'AUTHORIZATION FOR APPROPRIATION

"'SEC. 613. (a) AUTHORIZATION.—There is hereby authorized to be appropriated to carry out the purposes of this title other than section 607 of this title not to exceed $30,000,000 for the fiscal year ending June 30, 1974, not to exceed $50,000,000 for the fiscal year ending June 30, 1975, and not to exceed $60,000,000 for the fiscal year ending June 30, 1976.

"'(b)(1) RATIO NOT REDUCED.—Funds appropriated for each fiscal year for the purposes of this title shall be expended by the Secretary in the same ratio as the funds appropriated for such fiscal year pursuant to this title bear to funds appropriated for such fiscal year for all the energy research, development, and demonstration activities of the Federal Government.

"'(2) For the purposes of this subsection, the term "energy research, development, and demonstration activities of the Federal Government" includes, but is not limited to—

"'(A) the planning, management, and coordination of the energy research, development, and demonstration activities of the Federal Government;

"'(B) research, development, and demonstration of coal as an energy source including coal gasification, coal liquefaction, and improved mining techniques;

"'(C) research, development, and demonstration of oil shale as an energy source;

"'(D) research, development, and demonstration of unconventional energy sources including solar energy, geothermal energy, magneto hydrodynamics, fuel cells, low-lead hydroelectric power, the use of agricultural products for energy, tidal power, ocean cur-

rent and thermal radiant power, wind power, electric energy storage methods, solvent refined coal, utilization of waste products for fuels, and direct conversion methods; and

"'(E) research, development, and demonstration of new methods of converting fossil fuels into electrical energy.

"'RELATIONSHIP TO ANTITRUST LAWS

"'SEC. 614. (a) DISCLAIMER.—Nothing herein shall be deemed to convey to any individual, corporation, or other business organization immunity from civil or criminal liability or to create defenses to actions under the antitrust laws.

"'(b) ANTITRUST LAWS DEFINED.—As used in this section, the term "antitrust laws" includes the Act of July 2, 1890 (ch. 647, 26 Stat. 209), as amended; the Act of October 15, 1914 (ch. 323, 38 Stat. 730) as amended; the Federal Trade Commission Act (38 Stat. 717), as amended; sections 73 and 74 of the Act of August 27, 1894 (28 Stat. 570), as amended; the Act of June 19, 1936 (ch. 592, 49 Stat. 1526), as amended.'."

On page 37, line 21, strike "14" and insert in lieu thereof "15".

AMENDMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT, AS AMENDED—AMENDMENT

AMENDMENT NO. 638

(Ordered to be printed and referred to the Committee on Labor and Public Welfare.)

Mr. NELSON submitted an amendment intended to be proposed by him to S. 966 to amend the Federal Food, Drug, and Cosmetic Act, as amended, to provide for the establishment of a national drug testing and evaluation center; to provide for a Federal Drug Compendium which lists all prescription drugs by their generic names and which provides reliable, complete, and readily accessible prescribing information; to provide for a Formulary of the United States; to provide for a quality control for drugs paid for with Federal funds; to provide for the registration of drugs; to provide for the certification of certain drugs other than insulin and antibiotics; to provide for the regulation of sample drugs; and for other purposes.

AMENDMENT TO SOCIAL SECURITY ACT—AMENDMENT

AMENDMENT NO. 639

(Ordered to be printed and referred to Committee on Finance.)

Mr. TOWER. Mr. President, I am today submitting an amendment to H.R. 3153 to liberalize the retirement test under social security. The amendment will increase the retirement test from $2,400 to $3,000 and reduce the applicability of the test from age 72 to age 70. The bill is identical to S. 1982 which I introduced on June 12.

Within the past few years the Congress has acted in a positive fashion by increasing the amount of outside earnings an individual may earn before social security benefits are withheld. The retirement test or earnings ceiling was increased from $1,680 to $2,100 and then from $2,100 to $2,400. Additionally, H.R. 1, the Social Security Amendments of 1972 provided that only $1 of benefits would be withheld for every $2 earned and, as in the case of cash benefits under social security, further increases in the ceiling would be geared to the cost of living. Specifically, the Senate has gone on record in favor of an immediate increase in the retirement test to $3,000. Unfortunately, the House of Representatives has steadfastly supported more limited increases.

As I have stated on numerous occasions, I believe there are practical and philosophical reasons why this type of amendment should be enacted. A man or woman contributing to the social security trust fund should have a vested right to the benefits commensurate to such contributions. This right becomes vested upon the making of contributions over a minimum eligibility period and the Government should not have the power to withhold those benefits because the individual is still engaged in gainful employment. Such criteria is totally unrelated to the contribution made.

Furthermore, such criteria, even if once thought to be legitimate, cannot withstand the basic public policy of recognizing the value to the citizen and his community of continued participation in the private sector. The Congress has approved specifically drawn categorical grant programs to encourage the employment of the elderly.

The retirement test continues to be a disincentive for our elderly citizens to work. At a time when it is well-recognized that inflation hits hardest at those groups who must rely primarily on a fixed income, it seems hypocritical to continue a policy which discourages their part-time employment. Furthermore, many senior citizens have informed me of the personal satisfaction they get from being gainfully employed. We, as a nation, owe it to them to make sure that such employment is not discouraged by Government action; furthermore, we can ill afford to be without their great experience and the contributions they make to American society.

Reducing the age of applicability from 72 to 70 is not a novel method to liberalize the test since up until 1954 the cutoff age was 75.

I envision this amendment as a reaffirmation of a congressional policy to liberalize the retirement test. While I would prefer total elimination of the retirement test, this amendment is one which can be passed by this Congress and, at the same time, not burden the actuarial position of the trust fund.

I am pleased to have join me in offering this amendment Senators DOMINICK, COOK, EASTLAND, PASTORE, and YOUNG. I urge the Senate to give it careful consideration and at this time ask unanimous consent that the text of the amendment be printed in the RECORD.

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

AMENDMENT NO. 639

At the proper place in the bill, insert the following new section:

INCREASE IN RETIREMENT TEST; REDUCING FROM 72 TO 70 AGE AFTER WHICH SUCH TEST NO LONGER APPLIES TO AN INDIVIDUAL

SEC. —. (a) Paragraphs (1), (3), and (4) (B) of section 203(f), and paragraph (1) (A) of section 203(h), of the Social Security Act are each amended by striking out "$200" and inserting in lieu thereof "$250".

(b)(1) Subsections (c)(1), (d)(1), (f)(1), and (j) of section 203 of the Social Security Act are each amended by striking out "seventy-two" and inserting in lieu thereof "seventy".

(2) Subsection (h)(1)(A) of such section 203 is amended by striking out "the age of 72" and "age 72" and inserting in lieu thereof in each instance "age 70".

(3) The heading of subsection (j) of such section 203 is amended by striking out "Seventy-two" and inserting in lieu thereof "Seventy".

(c) The amendments made by the preceding provisions of this Act shall apply only with respect to taxable years beginning after December 31, 1973.

Amdt. No.

ADDITIONAL COSPONSORS OF AN AMENDMENT

S. 2176

AMENDMENT NO. 634

At the request of Mr. MANSFIELD (on behalf of Mr. MAGNUSON) the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 634, to S. 2176, a bill to provide for a national fuels and energy conservation policy, to establish an Office of Energy Conservation in the Department of the Interior, and for other purposes.

NOTICE OF HEARINGS ON THE NOMINATION OF GERALD R. FORD TO BE VICE PRESIDENT

Mr. CANNON. Mr. President, I wish to announce that at 10 a.m. on Thursday, November 1, 1973, in room 1202, Dirksen Senate Office Building, the Committee on Rules and Administration will commence hearings on the nomination of GERALD R. FORD, of Michigan, to be Vice President of the United States.

Mr. FORD will be the first and only witness on that day.

All individuals or organizations wishing to testify on this nomination should contact William M. Cochrane, staff director, Committee on Rules and Administration, room 305, Russell Senate Office Building, Washington, D.C. 20510 (telephone 202–225–6352). Since Members of the U.S. Senate and House of Representatives have a direct responsibility and an immediate interest in this nomination, they will be accorded priority in scheduling of witnesses.

THE U.S. INFORMATION AGENCY APPROPRIATIONS AUTHORIZATION ACT OF 1973—VETO MESSAGE

The Senate continued with the reconsideration of the bill (S. 1317) authorizing appropriations for the U.S. Information Agency.

POSTPONEMENT OF HEARINGS OF THE SUBCOMMITTEE ON RURAL DEVELOPMENT

Mr. CLARK. Mr. President, recently I announced that the Subcommittee on Rural Development would hold its third oversight hearing on the implementation of the Rural Development Act of 1972 on October 31. At the same time, I an-

nounced that the witnesses would be the Honorable Earl Butz, Secretary of Agriculture and Mr. Russell Train, Administrator of the Environmental Protection Agency.

Secretary Butz has informed the subcommittee through staff that he will be unable to be present for the hearing, and therefore I have decided, at this late date, to postpone the hearing.

This postponement represents a certain amount of inconvenience to the members of the subcommittee, as well as for the members of the House Subcommittee on Family Farms and Rural Development, whom I had invited to join us for this hearing.

However, an appropriation for the act has been signed by the President, and administrative regulations have been written, and I feel that it is important that we meet with Secretary Butz to discuss key policy questions regarding where the act will go from here. Further, I have agreed to a postponement in order to maintain the spirit of cooperation that has prevailed between the Department of Agriculture and the subcommittee throughout the course of our hearings on this act this year.

I have sent a letter to the Secretary asking that he provide alternative dates which might be convenient for him. And it is my hope that we can hold our hearings some time within the first 2 weeks of November, even on short notice.

ADDITIONAL STATEMENTS

OPERATION KOHOUTEK

Mr. MOSS. Mr. President, in a few short weeks, the most spectacular celestial display of this century—in fact, since 1843—will begin to unfold in our evening skies. As the Comet Kohoutek nears the Sun, and the climax of a 10,000-year voyage, those who recall Halley's Comet in 1910 have a bigger show in store.

For those of us to whom Kohoutek will simply be the visual thrill of a lifetime, this Christmas season will take on a great measure of added excitement.

For space scientists, Kohoutek means much more.

Like all science, the study of Kohoutek is a true international event. Discovered just last March by a Czech working in an observatory in Hamburg, this first gigantic comet to pass near Earth in the space age will yield its secrets to scientists throughout the world.

The National Aeronautics and Space Administration is responding to the Kohoutek opportunity in the most meaningful way possible under limiting budgetary circumstances. Fortunately, celestial mechanics for once have cooperated with flight schedules and budget cycles. Skylab planning has been adjusted so that the third crew should be in orbit with the best possible instruments to seize this most rare of chances. Other NASA capabilities have been rapidly focused on this unexpected, but exciting, scientific bonus.

Mr. President, I ask unanimous consent to print in the RECORD a NASA description of its "Operation Kohoutek" plans.

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

NASA PLANS INTENSIVE STUDY OF COMET KOHOUTEK

The most extensive array of electronic eyes ever assembled by NASA for cometary study will be focused on Comet Kohoutek this winter.

Now some 400 million kilometers (250 million miles) from the Sun, the recently discovered comet will materialize like the Star of Bethlehem around Christmas time in the Northern Hemisphere.

It is expected to be more spectacular than the famed Halley's Comet, which last made its appearance in 1910, and as bright as a full Moon.

To take advantage of the unusual opportunity, NASA scientists plan to study the comet in visible, ultraviolet and infrared light; with optical telescopes, radio telescopes and radar. They will watch it from the ground, from high-flying aircraft, with instruments aboard unmanned satellites, and with sounding rockets and telescopes and cameras on Skylab 4.

These extensive observations are expected to yield new clues to old mysteries.

Comets orbit the Sun at varying distances, some taking a few years to make one revolution, others taking thousands of years. But no one knows for certain where they come from, what they are made of, or when and how they were formed.

Dr. Stephen P. Maran, head of NASA's Operation Kohoutek, which is being managed by the Goddard Space Flight Center, Greenbelt, Md., says:

"We would like to know more about cometary origin. Are they remnants of the formation of the solar system, or are they interstellar matter captured by our Sun?"

Probably the most important objective in studying Kohoutek is to find out whether or not there is such a thing as a solid comet nucleus.

Currently, most astronomers accept the "dirty snowball" theory of Dr. Fred L. Whipple, senior scientist at the Smithsonian Astrophysical Observatory. He holds that comets have a solid nucleus composed of ice, methane, ammonia and dust particles. As a comet nears the Sun, its surface heats. The gases vaporize and their molecules are broken up by solar radiation into less complex molecules. These "daughter" molecules and dust particles expand into the comet's head—or coma—and provide material for its tail.

Kohoutek is believed to have a nucleus of 20 to 30 kilometers (12 to 19 miles), while the comet's head may have a diameter of 96,000 kilometers (60,000 miles) or more.

Comet tails can stretch tens of millions of miles. The longest yet measured extended out to more than 297 million kilometers (186 million miles) from the Great Comet of 1843; the tail of Halley's Comet in 1910 reached out 144 million kilometers (90 million miles).

Kohoutek's tail may eventually stretch across one-sixth of the night sky just after sunset around New Year's Day, extending out 80 to 160 million kilometers (50 to 100 million miles.)

Approaching the Sun, the tail will be behind the comet, but leaving our Sun the tail will precede Kohoutek. This effect is caused by the solar wind—the Sun's constant outpouring of particles—and by solar ultraviolet rays, which push matter away from the comet's head, in the direction opposite the Sun.

The comet, whose official designation is 1973f (the sixth comet discovered in 1973), is named for Dr. Lubos Kohoutek, a Czech-born astronomer at West Germany's Hamburg Observatory. In a classic example of serendipity in science Dr. Kohoutek discovered the comet last March while photographing the night sky in search of asteroids.

The unexpected discovery gave scientists an unpredicted 9½ months to prepare. Most comets give scientists only one or two months notice.

Traveling at a speed of 400 million kilometers/hour (250 million miles/hour), comet Kohoutek will reach perihelion (13.2 million miles) its closest point to the Sun, Dec. 28. It will come within 120 million kilometers (75 million miles) of Earth on Jan. 5.

Estimates of its brightness range from minus 6 to minus 12 on the astronomical scale. Sirius, the brightest star in the sky, has a magnitude of minus 1.47, and the full Moon a magnitude of minus 12.

The fiery object may have begun its journey to the solar system 10,000 years ago.

The major elements of Operation Kohoutek are as follows:

The most important viewing capability, according to Dr. Maran, is that provided by Skylab, presently orbiting the Earth above the obscuring effects of the atmosphere. Instruments on board provide a broad capability for comet observations over a wide range of spectral bands, including infrared, ultraviolet, and visible light.

In addition, Naval Research Laboratory scientists Drs. T. L. Page and George Carruthers are preparing a special camera similar to the one sent to the Moon on Apollo 16. Called the S-201 electrographic camera, it will be sent with the astronauts on the Command Module which is scheduled for launch on November 11 from Kennedy Space Center, Fla.

The S-201 will be mounted on the workshop of Skylab to photograph the enormous hydrogen cloud expected to form as the comet approaches the Sun. The cloud produces light only in the far ultraviolet, a wavelength that can't be observed from the ground because it is filtered out by Earth's atmosphere.

Eight solar and astronomical instruments on Skylab will permit the crew to monitor Kohoutek in the UV and visible light ranges, regardless of how narrow the angle becomes between the line to the Sun and the line to the comet. This is critical because Kohoutek's Sun angle will be less than 45 throughout most of the prime viewing period. Of particular importance are three ATM instruments—SO52, SO55 and SO82. They can view the comet when it is brightest, and when ground-based observations will be very limited in scope due to sunlight scattered in the atmosphere.

Mariner 10, scheduled for launch on Nov. 3, will take pictures and obtain data on the comet from an altogether different angle as the spacecraft speeds toward its target planets of Venus and Mercury. Working together, Earth-based cameras and Mariner 10 are expected to produce a stereoscopic image of Kohoutek. This should give astronomers, for the first time, a true picture of the shape of a comet as distinct from its appearance as seen from one angle. The Mariner Kohoutek Project is managed by the Jet Propulsion Laboratory, Pasadena, Calif., under the direction of James Dunne.

Dr. Richard Goldstein and his associates at JPL will attempt to bounce radar signals off Kohoutek. From the returning signals, they may be able to learn something about the makeup of the nucleus.

Copernicus, Goddard's Orbiting Astronomical Observatory (OAO-3), orbiting Earth at a distance of 665 kilometers (415 miles), will look for such things as the deuterium/hydrogen content, the velocity and production rate of atomic hydrogen in the comet head, and the average temperature of the hydrogen atoms. The Princeton Experiment Package designed by Dr. Lyman Spitzer, Jr., Princeton University, will be used.

Orbiting Solar Observatory-7 (OSO-7), another Goddard Spacecraft, which will photograph the comet next to the Sun and look for ionized helium from its Earth orbit of 425 by 298 kilometers (274 by 187 miles). The spectroheliograph of Dr. W. M.

Neupert, GSFC, will map the comet in the extreme ultraviolet spectral range.

Five Aerobee sounding rocket flights are planned from White Sands, New Mexico beginning Jan. 5 through 12 at sunset. The project is under the direction of GSFC with scientific experiments provided by the Naval Research Laboratory, Johns Hopkins University, University of Colorado (2 payloads), and the Goddard Space Flight Center.

The Johns Hopkins launching is designed to detect the presence of hydrogen in molecule form with an ultraviolet spectrometer developed by Professor W. G. Fastie of that university.

One University of Colorado payload, under the direction of Dr. G. M. Lawrence, consists of a highly sensitive extreme ultraviolet spectrograph using a newly developed microchannel plate in lieu of conventional phototubes. The other Colorado payload is similar to the UV spectrometer that went to Mars on Mariner 9. The experiment is provided by Dr. C. F. Lillie.

Goddard Space Flight Center will fly a 12-inch diameter telescope on its Aerobee, to obtain images of the comet through different ultraviolet filters. It will look for a bright emission core, discovered in one previous comet, also by an ultraviolet rocket telescope. The experiment is under the direction of Theodore P. Stecker.

The NRL payload consists of two cameras and a spectrograph. One camera will take pictures of the comet's hydrogen cloud while the other will look at the coma in longer wave lengths. The spectrograph will be used to identify cometary constituents including atomic oxygen, carbon monoxide, molecular hydrogen and atomic carbon. Dr. Chet Opal is the experimenter.

Ames Research Center, Mountain View, Calif., will fly a C-141 carrying a 36-inch telescope at altitudes up to 50,000 feet to look at the infrared spectrums of the comet in order to determine chemical composition of the icy substances of the nucleus. An Ames Lear Jet will carry a smaller infrared telescope for comet studies. Prof. Robert M. Cameron is the ARC experimenter.

The University of Arizona will launch two balloons for NASA—one in November and one in the spring, to study far infrared light with an 8-inch, gold-coated, telescope mirror. The U. of A. investigator, Dr. Frank Low, hopes to observe "cooling down" of the nucleus as the comet recedes from the Sun.

The Joint Observatory for Cometary Research, a special observatory with a twin dome Schmidt telescope facility on top of South Baldy Mountain in New Mexico, is being completed to get rapid sequences of black-and-white and color photographs of Kohoutek from the 10,600-foot elevation. This is a cooperative activity of GSFC and the New Mexico Institute of mining and technology. Observations planned by Dr. J. C. Brandt, and Dr. R. G. Roosen include color photography to separate dust and plasma tails.

The University of Denver will use a NASA-funded 24-inch infrared telescope located at 14,260 feet altitude on Mt. Evans, Colorado, to study chemical substances in the comet head.

Minitrack Optical Tracking System (MOTS) cameras at NASA tracking stations around the world will permit near-continuous monitoring of events in the comet tail as it reacts to solar wind disturbances in space. Dr. B. D. Donn is in charge of the MOTS-Kohoutek project.

Searches for water and ammonia radiation from the comet will be carried out by GSFC and university scientists at the Northeast Radio Observatory Corp. in Massachusetts.

BILL AMSTEIN, A MODERN CATTLEMAN

Mr. DOLE. Mr. President, the old image of the American cattleman as a grizzled cowboy, riding his fences, branding his cows and driving them to the railhead is just about as outdated as any old stereotype could be.

Today's cattleman—particularly a successful one—has become a sophisticated businessman, geneticist, commodities market analyst, politician, and environmental technician all rolled into one. Modern science, technology, and economics have profoundly changed the cattle business and the people who run it. And no more impressive example of this new breed of individual can be found than in Bill Amstein of Clifton, Kans.

One of the State's outstanding young men in any field of endeavor, Bill operates a hereford operation which combines so many different specialties, sciences, and arts that the term "ranch" seems almost deceptively simple.

Now serving as president of the Kansas Livestock Association, Bill was the subject of a feature profile in the October 17 edition of the Salina Journal. This article by Jim Suber of the Journal's staff offers a fascinating glimpse of a modern and growing example of today's agriculture. In addition it provides an accurate look at the type of person required to successfully deal with the complexities and changes found throughout this most important area of our domestic economy. Agriculture is the key to our future way of life—economically and nutritionally—and more Bill Amsteins will be needed to assure that this challenge is met.

I ask unanimous consent that this article be printed in the RECORD.

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

BILL AMSTEIN LOOKS AT FUTURE OF RANCHING, FARMING

(By Jim Suber)

CLIFTON.—Nestled in the fertile Republican River valley south of Clifton is Bill Amstein's Hereford ranch.

The Amstein home and adjacent grounds appear ordinary enough—the house is a modest frame dwelling with ample driveway space; neat outbuildings and clean cow lots are nearby.

But the man and the place are anything but ordinary.

On rainy days, one may find Amstein in his basement office, poring over computer print-outs filled with data from his Hereford bulls and their offspring; or studying the blueprints of his new feedlot; or talking on the telephone to the Kansas Livestock association office at Topeka. Amstein is KLA president.

It is here, in the basement office, where Amstein's philosophy of farming and living—"staying a step or two ahead of the game"—is documented.

Amstein was raised at Manhattan, where his father taught at Kansas State university.

Weekend visits to his grandparent's homestead near Clifton put farming and ranching in his blood. After graduation from KSU, a stint in the service and a period of knocking about as a ranch hand out west, Amstein returned to his roots in the Republican valley. That was 16 years ago.

He started with a few acres and a junker tractor—one he still keeps in running condition.

Today, Amstein's holdings include 7 of the valley's homestead sites.

He raises and sells registered Hereford bulls. This Fall, Amstein plans to sell at least 50 bulls.

Ultimately, Amstein plans to feed calves which are descendants of his registered bulls in his 800-head feedlot.

"Buying known cattle, or calves, from bulls we've sold to our customers will take our operation just one step further," Amstein said. "We may have to pay a small premium, but they will do a better job for us."

Amstein said the bulls he has raised have developed a high gaining ability and a high cutability (more meat per pound of animal).

Amstein has worked years to breed those traits into his stock. He started with Herefords found in the high country of Montana and Wyoming.

The new feedlot would take calves weighing 450 to 500 pounds and feed them out to 750 pounds before shipment to a finishing lot.

Eventually, Amstein wants "a market for everything on this place."

He explained that farmers in the Republican River valley now sell most all their products outside the valley.

"Traditionally," he said, "farmers here are cash-grain farmers, not livestock producers.

"But we'll see a lot more cattle being fed here. We'll harvest and feed high moisture protein feed to the cattle right here," Amstein said.

"Right now, we have the ability to raise high-moisture feed, but no good way to store it."

Amstein said the advantages of high-moisture feed are several:

"Cattle more efficiently handle high-moisture feed for one thing," he said. "And then you can harvest it earlier." He cited last year's milo harvest as a case for high moisture feeds.

"And if we harvest alfalfa in a high moisture-type program, we won't have to buy much supplemental protein."

An added bonus to the system would be the liquid waste from the feedlots. Pumps, in accordance with the latest Farm Animal Pollution Abatement system standards, would push the rich waste back onto the croplands.

Amstein projects his energy beyond the valley. He studies the world food markets, the politics in Washington and Topeka and watches closely the experts' projections of the red meat industry for the next 10 years.

As president of KLA, Amstein has sought to broaden the base of support of livestock industry interests.

NEED INFLUENCE

Amstein said farmers have lagged behind other industries in influencing lawmakers in both the state and national capitols.

"We need men there to prepare legal briefs, to make legislators aware of our problems," he said.

Amstein said farmers lagged behind in their lobby efforts because traditionally, legislators were of the same ilk.

Amstein said Kansas legislators no longer were representative of farming interests.

"Although they are no longer farm-oriented, they're not dumb. In fact, they're quite reasonable when you present a problem in a form they can understand," Amstein said. "But you can't walk in cold.

"One farmer who flies to Washington or Topeka by himself isn't going to get much done.

"Agriculture is going to have to become more strongly organized. But you can't beat anyone over the head."

Organize is what Amstein has helped the KLA do in his 2 years as president.

In the past year, KLA's membership has increased by 900, swelling its roll call to above 6000.

The organization has a full-time, paid staff of 5 men working in Topeka, and it publishes a monthly magazine. The association sponsors the annual Governor's Beef Tour, a popular summer affair conducted in the home area of the year's KLA president.

Increased membership in KLA is in contrast to the declining number of farmers in general.

Amstein said it was unrealistic for people to bemoan the demise of the number of farmers or family-supporting farms.

"The decrease is not all that bad because of the increase in efficiency," he said. "It does make it harder for a man to start, but there will be room only for the sharp, aggressive individual who can master many trades necessary to survive as a productive farmer.

"There's not much room in this business for many mistakes, when you consider the high price of long-term investments."

Amstein said non-producing but farm-related jobs would become available to displaced sons of farmers who wanted to stay in agriculture.

If not optimistic over the future of farming, Amstein at least is hopeful.

"Today, for the first time in memory, we are competing on a world market for world prices with unsubsidized crops.

"Agriculture is one of the few areas in which our country can compete. The consumer will have to pay a little more for his food than he's used to, but in the last 10 years wage increases have risen faster than food increases."

Vitally interested in politics, and considered by some to be a prime candidate for some office in the future, Amstein grinned when asked about his political intentions.

"I'm going to spend some time in Topeka trying to help the agricultural cause during the legislative sessions, but not as a candidate. Not right now, anyway."

THAT JUSTICE MAY BE DONE—LET THE RULE OF LAW PREVAIL

Mr. McINTYRE. Mr. President, with equal measures of regret and determination I support the bill introduced by the distinguished Senator from Indiana, the Honorable BIRCH BAYH, providing for the naming of a special prosecutor by U.S. District Judge John Sirica.

Regret because I had hoped this would not become necessary.

Determination because it has become necessary.

Like countless other Americans, I accepted the administration's word that former Special Prosecutor Archibald Cox would be able to carry out his investigation without interference by the executive branch and would not be removed from his duties except for "extraordinary improprieties on his part."

And, like countless other Americans, I was stunned by Mr. Nixon's breach of this compact.

In no way, Mr. President, could I find "extraordinary impropriety" in Mr. Cox's refusal to accept summaries of the White House tapes, summaries that would not be admissible evidence in court, nor in his refusal to discontinue his efforts to subpena additional tapes or other Presidential papers bearing on the issues under investigation.

Indeed, I would have found it "extraordinarily improper" for Mr. Cox to have compromised that position in any way.

The question, Mr. President, is not whether Mr. Nixon had the right to fire Mr. Cox; the question is whether we can ever expect an independent, impartial, and thorough investigation by any special prosecutor under the control, direction, or influence of that branch of Government under investigation.

Regrettably, the entire history of inquiry into the affair known as Watergate has been a shameful one.

Two investigations launched from within the White House, one by John Dean and the other by John Ehrlichman, were at best superficial, at worst criminal, if we accept Mr. Dean's plea of guilty to obstruction of justice as evidence of the latter.

Then we had Assistant Attorney General Henry Petersen's admission that he yielded to White House pressures to contain the Justice Department's investigation before Mr. Cox was appointed special prosecutor.

And now we have the abrupt dismissal of Mr. Cox for refusing to contain his investigation.

Mr. President, there is no reason to believe that the next special prosecutor appointed by the executive branch will fare any better in either obtaining all pertinent evidence or in preserving his independence.

For though the President now has belatedly offered the nine White House tapes to Judge Sirica, he has, indeed, made it very clear he will not give up other tapes, documents, or memorandums that the next special prosectuor may conclude are crucial to the case.

In my judgment, Mr. President, the Congress must now enact legislation empowering District Judge Sirica to appoint the next special prosecutor.

I realize that the question of constitutionality has been raised, but I am encouraged by the endorsement of the proposed legislation by the board of governors of the American Bar Association, by the deans of 16 law schools, and by the former special prosecutor himself.

Beyond that, Mr. President, I believe the issue has become so pressing that the remote risk of unconstitutionality cannot and should not deter passage of this measure.

The appointment of a special prosecutor by the court would be one way of insuring a thorough and independent investigation; one way of assuring the American people that the guilty will be brought to trial, that the innocent will be cleared, that justice will be done, and that the rule of law still prevails.

To be sure, there is another way to accomplish this, Mr. President, one which most of us had hoped with all our hearts could have been avoided, but one which I have now concluded also would be in the best interests of all concerned, and not the least the President of the United States.

I would hope that while this body enacts legislation authorizing the District Judge to appoint a special prosecutor, the House of Representatives will carry out an inquiry to determine whether Mr. Nixon should be impeached.

Either the legislation proposed by our colleague from Indiana or an impeachment inquiry by the House Judiciary Committee would offer an orderly procedure for Mr. Nixon to clear away the avalanche of suspicion, cynicism, allegations, and circumstantial evidence of wrongdoing that has crashed down upon the White House.

As to the proposal for an impeachment inquiry, Mr. President, I was impressed by a paragraph in Crosby Noyes' column of October 25 in the Washington Star. Mr. Noyes, who in the past has been one of Mr. Nixon's staunchest journalistic supporters, argues in this column for proceeding with the impeachment investigation, and he makes this point, quote:

> The impeachment machinery that has been set in motion shows no sign of grinding to a sudden halt. And, indeed, it should not. Because of all the various investigations into the Watergate affair and the President's role in it, it could well be that the House Judiciary Committee, in examining the possible grounds for impeachment, has a stronger constitutional claim on the evidence held by the executive branch than any other group, including the Senate select committee and the courts.

Mr. Noyes then rightly points out that the central issue is the President's fitness to continue in office, and in my opinion, this can only be determined by one or both of the procedures under consideration.

As long as the clouds of Watergate, San Clemente, income tax questions, the milk deal, the wheat deal, the Vesco affair, ITT, Howard Hughes money, and all the rest hang over the White House, and as long as the President refuses to cooperate with the inquiries that could clear him, then a public whose capacity for outrage is still dramatically evident will never again accord him blind trust.

Neither flat denials of wrongdoings or knowledge of wrongdoing, nor flat condemnations of press and the networks for alleged distortion of fact will restore that trust, for denial alone will not exonerate, and the "distortion" of fact has turned out to be fact too many times in the last 12 months.

In short, Mr. President, there is no higher priority than restoring the public trust, and there is no other way of accomplishing this than the President's wholehearted cooperation with an independent investigation by a court-appointed special prosecutor, by the House Judiciary Committee, or by both.

In the absence of such cooperation, Mr. President, we are left, as columnist Joseph Kraft put it on October 25, with no other conclusion than that the President "either has something to hide or he likes confrontation and crisis for its own sake."

I find the latter as disturbing, indeed as unthinkable, as the former. For if the people's tolerance of venality in high office has been strained to the breaking point, so, too, has their capacity for absorbing crisis.

BUFORD PUSSER

Mr. BROCK. Mr. President, it is not too often that one gets the opportunity to honor a "living legend," but we have the opportunity before us. The man is Buford Pusser. He is the former sheriff of McNairy County in Tennessee. During his terms in office, this man gained the reputation as one of the most effective crime fighters in the United States. He attacked organized crime in his county

with a passion seldom seen in modern time.

The results were startling. On numerous occasions, Buford Pusser was the target of attempts on his life. Twice, he was left for dead, in critical condition. During one of those attacks, his wife, Pauline, was killed. But even such a tragic occurrence as this did not deter him from his job, and he continued to use every legal course available to him to pursue his goal of eliminating crime in McNairy County.

His dedication to duty and to his fellow man have made him almost larger than life, and it is only fitting that Tennessee honored him on October 21, 1973. The State of Tennessee declared that day as "Buford Pusser Day in Tennessee," and he was honored at his hometown of Adamsville. Here we also should take note of this man's dedication to upholding the laws of this Nation for the example it sets.

CONSUMER REPORTS ON THE AIR

Mr. MOSS. Mr. President, one of the pressing needs of our time is to find ways effectively to bring reliable information on consumer products and services to the American public. I am pleased to note that television and radio stations, along with newspapers and magazines, are giving more time and space to presenting consumer news. But until now no one has developed a way to present to the public on a national basis, week in and week out, authoritative consumer information as a regular part of news programs on television.

For this reason I am excited to learn that Consumers Union, the well-known nonprofit consumer product testing organization and publisher of Consumer Reports magazine, has started a television consumer news service. The first effort of that service will be to produce a weekly Consumer Reports for airing primarily in local commercial television news programs throughout the country. I am told that Consumers Union is approaching stations through a syndicator and hopes to be on the air in early 1974.

The scope of the series is slated to be as wide as that of the magazine—bringing the American consumer valuable information and comparative ratings on products and services so that each individual can make the wisest possible choice under our free enterprise system.

The series is scheduling reports on a wide range of products such as foods, appliances, leisure goods, clothing, automobiles, and other consumer advice reports on insurance, health care and homeowning. In addition, the new series will report on significant advances in the work of the consumer regulatory agencies and other vital issues of consumer interest going forth in Congress.

The news service comes at a time when national interest in consumer affairs is growing at an unprecedented rate, spurred by rising costs in nearly every area of consumer expenditure. There is no doubt that the public is clamoring for more information on the way products perform, as well as their safety and value in the marketplace.

I, for one, believe that a consumer news service for television is long overdue and am very hopeful that it will receive wide exposure through television news program.

LUDWIG VON MISES

Mr. BROCK. Mr. President, as you know, Ludwig Von Mises died on October 10. More than any economist of our time, Dr. Von Mises reminded us that economics must ultimately be concerned with the aspirations of humankind. To Von Mises, the marketplace is not only a device for facilitating commerce, it is the great social invention through which free people express their diverse natures harmoniously.

Mr. President, I ask unanimous consent to have printed in the RECORD the tribute paid to Dr. Von Mises by the Wall Street Journal.

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

LUDWIG VON MISES: IN MEMORIAM

(By William H. Peterson)

"Laissez faire does not mean: let soulless mechanical forces operate. It means: let individuals choose how they want to cooperate in the social division of labor and let them determine what the entrepreneurs should produce. Planning means: let the government alone choose and enforce its rulings by the apparatus of coercion and compulsion."

Ludwig von Mises—"Planning for Freedom." 1952.

A generation of students at New York University's graduate business school who took the economics courses of Ludwig von Mises remember a gentle, diminutive, soft-spoken, white-haired European scholar—with a mind like steel.

Professor von Mises, who died Wednesday at the age of 92, was an uncompromising rationalist and one of the world's great thinkers. He built his philosophical edifice on reason and individualism, on freedom and free enterprise. He started with the premise that man is a whole being with his thought and action tightly integrated into cause and effect—that hence the concept of "economic man," controlled by impersonal force, is in error.

All this was subsumed under the title of his 900-page magnum opus, 'Human Action,' first published in 1949. Mr. von Mises, a total anti-totalitarian and Distinguished Fellow of the American Economic Association, was professor of political economy at New York University for a quarter-century, retiring in 1969. Before that he had a professorship at the Graduate Institute of International Studies in Geneva. And before Geneva he had long been a professor at the University of Vienna—a professorship which the oncoming Nazi "Anschluss" take-over of Austria, understandably, terminated.

Among his students in Vienna were Gottfried Haberler, Friedrich Hayek, Fritz Machlup, Oskar Morgenstern and Karl Popper who were to become scholars of world renown in their own right.

Starting right after World War II, Mr. von Mises gave three courses at NYU: Socialism and the Profit System, Government Control and the Profit System, and Seminar in Economic Theory. In each course he carefully established the primacy of freedom in the marketplace. He stated that the unhampered pricing mechanism, ever pulling supply and demand toward equilibrium but never quite reaching it, is the key to resource optimization and, indirectly, to a free and creative society.

Mr. von Mises believed in choice. He believed that choosing among options determines all human decisions and hence the entire sphere of human action—a sphere he designated as "praxeology." He held that the types of national economies prevailing across the world and throughout history were simply the various means intellectually, if not always appropriately, chosen to achieve certain ends.

His litmus test was the extent of the market; accordingly, he distinguished broadly among three types of economies: capitalism, socialism, and the so-called middle way—interventionism, or government intervention in the marketplace.

A BELIEF IN CHOICE

Mr. von Mises believed in government but in limited, non-interventionistic government. He wrote: "In stark reality, peaceful social cooperation is impossible if no provision is made for violent prevention and suppression of antisocial action on the part of refractory individuals and groups of individuals." He believed that while the vast majority of men generally concurs on ends, men very frequently differ on governmental means—sometimes with cataclysmic results, as in the various applications of extreme socialism in fascism and communism or of extreme interventionism in the "mixed economies."

He reasoned that regardless of the type of economy the tough universal economic problem for the individual in both his personal and political capacities is ever to reconcile ends and choose among means, rationally and effectively. Free—i.e., noncoerced—individual choice is the key to personal and societal development if not survival, he argued, and intellectual freedom and development are keys to effective choices. He declared: "Man has only one tool to fight error—reason."

Mr. von Mises thus saw something of an either/or human destiny. While man could destroy himself and civilization, he could also ascend—in a free society, i.e., a free economy—to undreamed-of cultural, intellectual and technological heights. In any event, thought would be decisive. Mr. von Mises believed in the free market of not only goods and services but of ideas as well—in the potential of human intellect.

The failure of socialism, according to Mr. von Mises, lay in its inherent inability to attain sound "economic calculation," in its denial of sovereignty to the consumer. He argued in his 1922 work, "Socialism," published five years after the Bolshevik Revolution that shook the world, that Marxist economics lacked an effective means for "economic calculation"—i.e., an adequate substitute for the critical resource-allocation function of the market pricing mechanism. Thus is socialism inherently self-condemned to inefficiency if not disorder, unable to effectively register supply and demand forces and consumer preferences in the marketplace.

Socialism must fail at calculation because an effective economy involves the simultaneous decisions of many individual human actors—which creates far too large a task for any central planning board, argued Mr. von Mises.

The problem, as Mr. Hayek later pointed out, is of the use of knowledge in society. A central planning board cannot obtain the knowledge of the decentralized market. To do so ultimately would be to require the central planning board to know as much as each human actor. Thus this knowledge is far beyond the reach of any centralized agency, even with the aid of computers.

Some years afterwards, Oskar Lange, then of the University of California and later chief economic planner of Poland's Politburo, recognized the challenge of the von Mises critique on Socialist economic calculation. So he in turn challenged the Socialists

to somehow devise a resource allocative system to duplicate the efficiency of market allocation. He even proposed a statue in honor of Mr. von Mises to acknowledge the invaluable service the leader of the Austrian School had presumably rendered to the cause of socialism in directing attention to this as yet unsolved question in Socialist theory. The statue has yet to be erected in Warsaw's main square.

But probably to Mr. von Mises the more immediate economic threat to the West was not so much external communism as internal interventionism—government ever undermining if not outrightly supplanting the marketplace. Interventionism from public power production to farm price supports, from pushing minimum wages up to forcing interest rates down, from vigorously expanding credit to contracting, however inadvertently, capital formation.

As in socialism, interventionism also incurs the problem of economic calculation, of denial of consumer sovereignty. In his "Bureaucracy," he held that government agencies have essentially no criterion of value to apply to their operations, while "economic calculation makes it possible for business to adjust production to the demands of the consumers."

On the other hand, he maintained, "if a public enterprise is to be operated without regard to profits, the behavior of the public no longer provides a criterion of its usefulness." He concluded, therefore, "the problem of bureaucratic management is precisely the absence of such a method of calculation." Indeed, interventionism, he maintained, usually achieves results precisely opposite to those intended: subsidies to industries make them sick, minimum wage laws boomerang on labor, welfare hurts the poor, industrial regulation reduces competition and efficiency, foreign aid undermines developing countries.

So, citing German interventionist experience of the 1920s climaxing in the Hitlerian regime and British interventionism of the post-World War II era culminating in devaluations and secular economic decline, he held so-called middle-of-the-road policies sooner or later lead to some form of collectivism, whether of the Socialist, Fascist or Communist mold.

INTERVENTION BREEDS INTERVENTION

He maintained economic interventionism necessarily produces friction whether at home or, as in the cases of foreign aid and international commodity agreements, abroad. What otherwise would be simply the voluntary action of private citizens in the marketplace becomes coercive and politicized intervention when transferred to the public sector. Such intervention breeds more intervention. Animosity and strain if not outright violence become inevitable. Property and contract are weakened. Militancy and revolution are strengthened.

In time, inevitable internal conflicts could be "externalized" into warfare. Mr. von Mises wrote: "In the long run, war and the preservation of the market economy are incompatible. Capitalism is essentially a scheme for peaceful nations. . . . To defeat the aggressors is not enough to make peace durable. The main thing is to discard the ideology that generates war."

Mr. von Mises had no stomach for the idea that a nation could simply deficit-spend its way to prosperity, as advocated by many of Keynes' followers. He held such economic thinking is fallaciously based on governmental "contracyclical policy." This policy calls for budget surpluses in good times and budget deficits in bad times so as to maintain "effective demand" and hence "full employment."

He maintained the formula ignored the political propensity to spend, good times or bad. And it ignored market-sensitive cost-price relationships and especially the proclivity of trade unions and minimum wage laws to price labor out of markets—i.e., into unemployment.

Thus, he held Keynesian theory in practice proceeds through fits of fiscal and monetary expansion and leads to inflation, controls and ultimately stagnation. Further, it results in the swelling of the public sector and shrinking of private sector—a trend that spells trouble for human liberty.

To be sure, many economists and businessmen have long felt that Mr. von Mises was entirely too adamant, too impolitic, too "pure," too uncompromising with the real world on its terms and assumptions. If that is a fault, Mr. von Mises was certainly guilty.

But Ludwig von Mises, the antithesis of sycophancy and expediency, the intellectual descendant of the Renaissance, believed in anything but moving with what he regarded as the errors of our times. He sought the eternal verities. He believed in the dignity of the individual, the sanctity of contract, the sovereignty of the consumer, the limitation of the state, the efficacy and democracy of the market.

He opposed the planned society, whatever its manifestations. He held that a free society and a free market are inseparable. He gloried in the potential of reason and man. In sum, he stood for principle in the finest tradition of Western civilization. And from that rock of principle, during a long and fruitful life, this titan of our age never budged.

FEDERAL REDTAPE AND THE PAPERWORK BURDEN

Mr. McINTYRE. Mr. President, I would like to make another of my periodic reports to the Senate on the Federal redtape and paperwork burden as it affects the 8½ million small businesses in this country.

For the past 2 years, the Senate Select Small Business Subcommittee on Government Regulation, of which I am chairman, has been conducting extensive public hearings into the reporting and statistical burden the Federal Government imposes on the businessmen and citizens of our Nation. In August of this year the Senate Small Business Committee issued a report which detailed the serious problems being experienced by businessmen who must pay between $18 to $50 billion a year to fill out the 6,000 or so forms required by the Federal Government. This report said:

One major finding is that the Federal Reports Act of 1942, the Government's primary "paperwork controls law," is largely ineffective. We believe this is due to lack of effective enforcement and application by the White House Office of Management and Budget. This Office has complete responsibility for administering this law, but it refuses to carry out all of the provisions of the act. The agency has never held hearings or implemented the collection and consolidation of information-gathering procedures as it is "directed" to do under section 3(b) of the act. OMB officials state that they rely solely on the review procedures outlined in section 5 of the law to fulfill statutory demands. The agency, however, for many reasons, has not successfully met the requirements of section 5.

One reason cited by the report is that top officials at the White House Office of Management and Budget have consistently refused to adequately staff the Statistical Policy Division which reviews forms for clearance. Other congressional committees over the years have repeatedly urged an upgrading of the forms clearance procedure at OMB, but no productive action has been forthcoming. Our committee report thus concludes that it is questionable whether OMB will ever administer the Federal Reports Act so as to effectively control the proliferation of Federal paperwork.

During this session of Congress I have introduced five pieces of legislation to deal with different aspects of this problem. One of these bills, S. 1812, would enable Congress to oversee more adequately reporting by the private sector to the Federal Government. S. 1812 would accomplish this end by transferring authority for the administration of the Federal Reports Act of 1942 from the Director of the Office of Management and Budget to the Comptroller General of the United States, and by including the Internal Revenue Service under the provisions of this act.

I should like to report that the transfer-of-authority provision contained in this bill may now in fact not be necessary. I had the opportunity recently of personally meeting with Mr. Roy L. Ash, Director of the Office of Management and Budget, to discuss this matter. I am pleased to report that Mr. Ash has very affirmatively agreed to join with the Subcommittee on Government Regulation and the Government Operations Committee to upgrade OMB's responsibilities required by the Federal Reports Act of 1942.

In a letter which I received from Mr. Ash on October 9, he candidly admitted that OMB has not done all that it could to implement this act. I was particularly interested in his statement that he had complained for years about the Federal paperwork burden when he was in business and now that he is working for the Government is determined to do something about it.

In our discussion, Mr. Ash agreed to the following major steps which he intends to take as Director of OMB to control Federal paperwork:

First. OMB would immediately toughen screening of all requests for forms under section 5 of the 1942 Federal Reports Act. A virtual temporary moratorium would be placed on all new forms requests from the agencies.

Second. Frank Zarb, Assistant Director, OMB, has been directed to work with the staff of the Senate Small Business Committee in an effort to begin a program under section 3 of the act. Efforts will be made to begin a process of elimination of many of the existing 6,000 Federal forms.

I am convinced that Mr. Ash is serious and that he will pursue very actively efforts to control Federal paperwork which businessmen refer to as "strangulation in triplicate."

I ask unanimous consent that the letter I have received from Mr. Ash under date of October 9, 1973, be printed at the conclusion of my remarks.

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

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., October 9, 1973.

Hon. THOMAS J. McINTYRE,
Chairman, Subcommittee on Government Regulation, Select Committee on Small Business, U.S. Senate, Washington, D.C.

DEAR SENATOR McINTYRE: I have received your letter of September 21, signed jointly by Senator Nunn, in which you note a num-

ber of Government reports which you believe to be either excessive or duplicative and on which you request a report. We are undertaking an examination of these reports and will have a response to you by October 19.

But beyond the specific reports, let me record my strong agreement with your effort to unburden businessmen from excessive and duplicative reports. I complained about this burden for years when I was a businessman, and I am determined to do something about it now that I am working for the Government.

I have asked Frank Zarb, Assistant Director of OMB, to begin a major study of how we can relieve the reporting burden on business, starting with smaller businesses, where the problem is more acute. We hope to sweep through all such Federal forms to determine which of these can be eliminated, reduced, or combined.

I am aware of your concern that OMB has not done all that it could to enforce the Federal Reports Act of 1942, and I share this concern, which unfortunately seems to have progressed to the point where other organizational locations are being considered for the clearance function. I would like to have the opportunity to prove to you my commitment to enforce this Act before any such action is considered—and I hope to meet with you to describe our plans in more detail.

Sincerely,

ROY L. ASH, *Director.*

TRANSPORTATION FOR THE HANDICAPPED

Mr. DOLE. Mr. President, as my colleagues know, I believe that handicapped Americans have been too long neglected and relegated to the status of second-class citizens. I am in favor of and have actively worked for passage of Federal legislation to alleviate the diverse difficulties faced by the handicapped in this country.

One of the most serious problems facing handicapped Americans is their lack of access to independent living because of the proliferation of architectural and transportation barriers. Early in this Congress, Senator CHARLES H. PERCY and I introduced S. 1105, to encourage the removal of such barriers. To further combat transportational barriers, Senator PERCY appeared before the Federal Aviation Agency on October 18 to testify on air travel for the handicapped. The Senator's testimony is evidence of his personal dedication to solving the problems of our handicapped and all mobility limited citizens.

In light of increasing congressional concern about the plight of the handicapped in this country, I recommmend for my colleagues' attention Senator PERCY's testimony before the FAA. I ask unanimous consent that the statement be printed in the RECORD.

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

TESTIMONY OF SENATOR CHARLES H. PERCY

Mr. Crawford, I am very pleased to have this opportunity to participate in the Federal Aviation Administration's (FAA) rule-making procedures on air transportation of handicapped individuals. Through the years I have steadily advocated more equitable opportunities for our handicapped citizens. The problems of accessibility that confront the handicapped have been of particular concern to me, for I find it shocking that in this 20th century the handicapped of this country are still a largely hidden population, whose lifestyles are persistently and cruelly restricted and impoverished by man-made architectural and transportation barriers.

Another shocking revelation has prompted my presence here this morning. I find it incomprehensible in this day and age that organizations as reputable and responsible as the Airlines Pilots and Stewardesses Associations would propose to return air travel for the handicapped back to the dark ages. For those who may not be familiar with the Associations' position, let me summarize the recommendations they offered before the FAA Rochester, Minnesota hearing:

1. Handicapped passengers are defined as any passenger whose mobility is limited;

2. The number of handicapped passengers per flight is limited to one handicapped passenger per 50 available seats. (In effect this means that no more than two handicapped individuals are to be accommodated on an average sized airplane);

3. Each handicapped passenger accepted per flight must be accompanied by an able bodied adult attendant who is capable of, and responsible for, caring for the handicapped passenger and his evacuation in the case of an emergency;

4. Handicapped passengers are accepted on a given flight *only* if the destination airport agrees in advance to provide fire and rescue equipment and personnel trained to evacuate handicapped passengers standing at the ready when the plane arrives.

If the airlines pilots and stewardesses have their way, air transportation, the only efficient means of long-distance travel today, would be severely restricted, not only to the physically handicapped but also to every mobility limited individual in this country. According to Department of Transportation estimates, more than 21 percent of the people of this country may be classified as mobility limited: Approximately 6 million Americans suffer physical handicaps which hamper their mobility; more than 20 million of our elderly citizens consistently experience difficulties with mobility; at least another 4.6 million individuals, including you and I, may become temporarily non-ambulatory due to short-term illness or injury; still others may be mobility limited because of stroke, heart condition, arthritis or pregnancy. When all these groups are combined, they total 44 million Americans.

I recognize that the airlines pilots and stewardesses may have offered their recommendations in the interest of assuring the health and safety of their passengers. There are safety problems unique to air travel. In an emergency crash, a handicapped passenger may have difficulty following the procedures established for the expeditious evacuation of the aircraft, thus placing his own life in danger and, perhaps, imperiling the lives of other passengers as well.

However, it must also be recognized that handicapped Americans have begun to travel as never before, as the travel industry seems to have discovered an enthusiastic new client. At least five travel agencies around the country have developed special tours tailored for the blind, the deaf and the non-ambulatory, ranging from African safaris to round-the-world trips. After an experimental program last year Pan American World Airways this year became the first airline to offer regular international tours to the handicapped.

More important, one airline has already led the way and, through experience, has proven that air travel for the handicapped is possible without ill effects. As early as the 30's, United Airlines initiated the policy that allowed the blind to travel in their air carriers accompanied by seeing-eye dogs. In 1946, United had already developed specific criteria for the transportation of paraplegic veterans. In 1962, United set a record carrying 52 wheelchair passengers both ways to a paraplegic convention in Hawaii. With ingenuity and an open mind, United has operated practically without the able-bodied accompaniment rule, using forklifts, selective wheelchair seating, or whatever was required, to help the handicapped overcome seemingly insurmountable physical barriers to air travel. If United can do it, why not the entire airline industry? What is needed is greater awareness, understanding and effort by all concerned.

Thanks to medical technology, rehabilitation techniques, changing public attitudes and legislation, handicapped individuals are enjoying more and more self-sufficient, independent lives. If any of you have ever seen the Paralympiad, or the International Wheel Chair Games, or the Pan American Wheel Chair Games, or the Special Olympics for the Mentally Retarded, you'll know what I mean. It is my genuine hope that these FAA hearings will develop uniform standards and a consistent national policy that will regulate air travel for the handicapped in a manner that realistically reflects the true abilities of the handicapped to travel on their own when unnecessary barriers are not placed in their paths. As for specific guidelines and recommendations, I suggest that FAA pay particular attention to the sensible and appropriate statements offered by the Paralyzed Veterans of America and the Chicago Rehabilitation Institute, organizations with a great deal of expertise and experience on the subject.

I would now like to end my testimony by quoting FAA Administrator Alexander P. Butterfield, "The physically handicapped are one of our most neglected minorities. As the victims of a great deal of indifference, as well as a certain amount of prejudice, their special needs have been ignored far too long by society as a whole. I think all of us have a responsibility to do everything in our power to correct this situation." My presence here this morning is my small contribution to the correction of the situation referred to by Mr. Butterfield. It is also my way of telling the handicapped in this country that there are a lot of us in the Congress, to name but a few—Senators Jennings Randolph, Norris Cotton, Harrison Williams, Robert Stafford, Jacob Javits, Robert Dole, Alan Cranston, and Hubert Humphrey—who are willing to listen to their needs, to learn their problems, and to speak for them where they cannot effectively speak for themselves.

ADDRESS BY SENATOR HUBERT H. HUMPHREY TO THE CONVENTION OF THE AFL–CIO

Mr. HUMPHREY. Mr. President, it was my privilege to address the American Federation of Labor-Congress of Industrial Organization—AFI–CIO at its 10th constitutional convention, Americana Hotel, Bal Harbour, Fla., on Tuesday, October 23.

My appearance before this great convention came at a time following the resignation of the Attorney General, Mr. Elliot Richardson, and the Deputy Attorney General, Mr. William Ruckelshaus, and the President's dismissal of the special prosecutor, Mr. Archibald Cox. This rapid succession of dramatic events caused deep concern and anxiety throughout the Nation and was reflected in the deliberations and actions of the AFL–CIO convention. That convention on Monday, October 22, prior to my appearance the following day, had already adopted a resolution calling upon the

President to resign and urging the beginning of hearings on the charges relating to impeachment. It was within this intense atmosphere that I was called upon to address this convention.

In my address I attempted to lay out what has been transpiring in our country in the so-called Watergate affair. I also outlined the events that were contributing to the confrontation between the executive and legislative departments of Government. I called upon the assembled delegates at the convention to proceed carefully and prudently and not to recommend any shortcuts or hasty actions that would violate constitutional procedure or law either in spirit or substance. I also outlined in my remarks my recommendations as of that time designed to deal with the governmental crisis that we faced at that time.

Finally, I called upon the convention to direct its political activities in the forthcoming weeks and months to assure a veto-proof Congress in the election of 1974.

I ask unanimous consent that the full text of my address to the AFL–CIO 10th constitutional convention be printed in the RECORD.

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

REMARKS BY SENATOR HUBERT H. HUMPHREY

I come to you today at a troubled moment in the history of our nation. These are times that test the strength of our political system and the fabric of our society.

I come to counsel with you, to speak of the law, of the Constitution, of our political traditions, of our country—now and in the future. It is from this perspective that I address you.

Every school child is taught that we have a Constitutional democracy; that the Constitution is the supreme law of the land; that there are three separate and co-equal branches of government.

Every school child is taught that each officer of government solemnly takes an oath to uphold and defend the Constitution and that the President himself, above all others, is required by the Constitution to execute faithfully the law of the land.

Every school child is taught that every branch of government has its powers carefully defined in the Constitution.

We have been taught that our Constitutional heritage of limited powers was borne from bitter experience with kings who believed that they were above the law.

All of this has been capsuled in our Constitution which outlines the structure of our government, defines its powers and duties, and defines the purpose of government. Listen to the Preamble:

"We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

There is not one word in the Constitution to protect the government from the people. Every word in the Constitution is intended to protect the people from the abuses of government.

Throughout the years you and I, and many others in the Democratic progressive tradition, have called for a strong Presidency. As Adlai Stevenson once said, "It is the only office that represents all of the people."

We need a strong President, one who will stand up for the weak, fight for the oppressed and care for the needy and the elderly.

We need a strong President—one who can and will stand up against the powers of corporate wealth and unite the people in the pursuit of common goals. We need strong and inspiring leadership from our President.

We need a strong President in the compassionate and progressive traditions of Franklin Roosevelt, Harry Truman, John Kennedy, and Lyndon Johnson.

But a strong President does not mean an arrogant President. It does not mean a President who violates the Constitution instead of breathing life into it. It does not mean a President who ignores the will of the elected representatives. It does not mean a President who will tolerate those who corrupt the election process.

But strong Presidents are only truly strong when they have the respect and support of the people.

That respect and support have been seriously undermined by what is known as Watergate and the events of the past week. Yet it is the faith and confidence of the people in their government that gives meaning to popular government. Without that faith and confidence, the government cannot govern.

President Nixon's actions have brought us to the brink of Constitutional and governmental crisis.

This is not merely an issue for Constitutional lawyers and academics. It affects every American. Our existence as a democracy and our Constitutional traditions of balanced and limited power are in danger.

Our present dilemma has been precipitated by the effort of the Executive Branch of government to relegate to itself powers belonging to others. While the President makes much of the separation of powers in defense of his position of Executive privilege, he has in fact by his actions made a mockery of separation of powers. He takes power unto himself.

These past months we have witnessed the spectacle of corruption, wrongdoing, criminal acts and irresponsibility in high places of government unfold before us like a nightmare. When the principle of limited power is ignored, and the concept of laws, not of men, is cast aside, then government by the consent of the governed is endangered.

The President's recent actions have shown us what happens when power is exercised without restraint and a President places his personal political welfare above his Constitutional mandate and the requirements of the nation.

James Madison once warned America about the risk of unchecked power, when he said, "The accumulation of all powers . . . in the same hands, legislative, executive and judicial . . . may justly be pronounced the very definition of tyranny."

These words written almost 200 years ago take on special meaning as we consider the events of this past weekend.

At midnight Friday the President chose not to appeal the Court of Appeals' decision ordering him to turn over tapes and documents to Judge Sirica. At that moment the Court's order became law. It is this law that the President has refused to obey.

Instead, the President tried in vain to get the Special Prosecutor to agree to a plan differing from the Court's order. The Special Prosecutor could not accept the plan, citing its legal inadequacies and its conflict with the mandate given him by the Congress, the Attorney General, and the President himself.

The Special Prosecutor insisted that he would appear before Judge Sirica in opposition to the Nixon plan.

Then the President took the step that authoritarian executives have traditionally resorted to—namely, he liquidated the office of Special Prosecutor and he ordered Mr. Cox to be fired.

He asked the Attorney General to carry out his directive; refusing to do so, the Attorney General resigned.

The order was again issued to the Deputy Attorney General. He, too, refused the President's order and he was fired.

A new Acting Attorney General then removed the Special Prosecutor.

A President who assured the nation that the Executive office would give "total cooperation to the Special Prosecutor" and a President who told us that "Watergate belongs in the courts" this past weekend decreed by Presidential order that the courts would not be permitted to decide between him and the Prosecutor. He, the President, would do the deciding.

So, I ask: Who will be the people's representative before Judge Sirica today or tomorrow when the White House lawyers argue that the Court should modify its order to accept the Nixon plan?

The nation is left with a President facing the possibility of a contempt of court order, a Justice Department shattered, and an impartial investigation of his Administration halted.

All of these measures reflect the actions not of a Constitutional President, but of a man "obsessed" with power.

The pattern of exercising unrestrained power is dangerous; it is dictatorial; and it is unacceptable for a free people.

We have seen it in Watergate. We have seen it as he illegally impounds funds. We have seen it as his spokesmen falsify and misrepresent actions taken by his Administration.

We have seen it in the secretive and illegal acts performed in the name of national security.

It is inconceivable that a President of all the people would choose to rule by edict rather than by consent, that he would make himself both judge and jury, and that he would so callously replace moral leadership with a political maneuver designed to assure his survival. But this is exactly what the President has done.

The Congress and the judiciary have the responsibility to curb these improper uses of power. The American people must be reassured that justice cannot be dismantled by an elected official who views himself as above the law. What America needs is a white paper of truth, not a whitewash of an Administration.

Throughout the Watergate crisis, the Congress, the courts, the Special Prosecutor have sought to avoid the Constitutional confrontation we face today. We have repeatedly asked the President to accept and abide by the decision of the Court. He can and should do this. He can spare the nation this Constitutional crisis, if he will respect the decision of the Court or at least follow the judicial process. But, so far, he has failed to do this.

So, now, failing Presidential compliance, it is up to the Congress and the judiciary to act responsibly to resolve this crisis.

First, it is essential that a new Special Prosecutor be named and his work continued. This could be done immediately either by Judge Sirica or by special act of Congress. There is precedent for both.

The new Special Prosecutor should have full access to all of the evidence that has been accumulated in this case, and all the powers and resources of a truly independent prosecutor.

Until these investigations are completed, a cloud of suspicion will hang over the President, his entire Administration, and the Presidency itself. It is essential that this

new inquiry be beyond the political reach of the President.

Second, instead of my rendering judgment on impeachment itself, I urge the appropriate committees of Congress to act promptly and judiciously in considering the best possible procedures for looking into these tragic facts and events—to hold full and complete hearings on the impeachment motions filed by members of the House.

The Constitution places the responsibility for impeachment proceedings upon the House of Representatives. The Senate sits as judge and jury. As Senator, I believe it is my duty not to prejudge this case. But as a public official, it is my duty to see that Congress and the public has the facts.

Third, I would strongly urge Senator Stennis to reconsider accepting the Presidential request to hear the tapes until the Select Committee has decided to accept the President's proposal and until the Federal District Court has ruled on its acceptability. My position in no way reflects on the integrity and competence of Senator Stennis, a man held in high esteem by the entire Congress. But his participation implies that the President's proposal is, indeed, an "acceptable compromise" and that the Senate has acquiesced. As yet, neither the full Committee nor the Senate has agreed.

I would hope that the District Court would promptly rule on the acceptability of the so-called compromise and whether or not the President is in contempt of a court order.

I believe what I have outlined is a reasoned course of action. Despite the gravity of these recent events, we must not let passion and prejudice interfere with the Constitutional remedy at hand. "Due process of law"—procedures and procedural safeguards are basic to a fair and just and free society. Procedure often determines substance.

I caution every American not to fall prey to the abuse of rhetoric, just as the President has fallen prey to the abuse of power. We must act responsibly, with full adherence to legal procedures.

Despite our outrage and anxiety, we must pursue a course consistent with the law, the courts, and the Constitution. We cannot and must not resort to a "political lynching party" or just be out to "get the President." That is wrong and indefensible.

The safeguards of our system are all there if we do not ignore them or abuse them.

Democrats, Republicans, citizens from all walks of life have an equal stake in the resolution of this sordid and tragic affair.

Our problems at home and abroad demand decisive action so that the business of government can be pursued. There is work to be done—great and necessary things to do.

Our economy is in trouble. We have an inflation that eats into the income of every working family, denying them the full benefit of their hard earned dollars. The economic policies of the Administration have rewarded the powerful corporations and financial institutions. The elderly and the poor have been victimized by cruel inflation.

Yes, there is an unfinished agenda including health care legislation, tax reform, budget reform, campaign finance reform, voter registration, education for our young, care for our elderly, employment for our jobless.

These problems confront us no matter who is President, who is Vice President, who is Attorney General, or who is Special Prosecutor.

To accomplish these objectives I call upon this assembly of American workers to help us build a veto-proof Congress. Today we have government by minority—one third plus one—government by one man—government by edict. We must put an end to minority rule. We must put an end to one man rule. We must put an end to government by edict. And we can—we must.

Only 54 weeks from today the American people will once again go to the ballot box to decide the course our country is to follow. A new Congress is to be elected, along with governors, legislators, and local officials. We must not permit cynicism, bitterness, frustration, and division to weaken our resolve.

We have learned what it means to lose elections. We have paid a heavy price for defeat. When we lose an election, someone else makes economic policy; someone else makes up the Federal budget. And those who already have too much, get more. And those struggling to have enough, get left out.

When we lose elections, someone else appoints the judges; and courts make law too.

Yes, losing elections is a painful and costly experience. Defeat has meant hardship for the American working family, distorted budget priorities, inequitable economic policies, continual Presidential vetoes of essential programs, illegal impoundments of public funds, and corrupt leadership and election scandals.

But the American people have the right to expect more than criticism and complaints from their political leaders and parties.

They have a right to know what we are for.

They have a right to know in what direction we would have our nation go.

Elections should be fought over the issue of national priorities—not only how much shall be spent but on what it should be spent.

We must present strong policy leadership—policy goals—to put America's house back in order.

Here are some of the things we must have:

A national food policy for the remainder of the decade to assure our consumers an adequate supply of food at reasonable prices with maximum production of food and fiber for export. We need a system of food reserves to protect the American consumers from wild price inflation and provide the poor at home and abroad with a margin of safety for their survival.

A national energy policy to end our dependence on foreign supplies to meet our energy needs. We must never allow ourselves to be in a position where we can be threatened or blackmailed. A nation that could split the atom and put a man on the moon can also develop the capability to produce the fuel needed to assure our prosperity. Whatever is required must be done.

A national trade policy that encourages American exports but will not permit American workers to be the victims of unfair foreign competition. We need to export goods, not jobs.

A national health policy to provide the preventive and curative health care for all Americans. Yes, a program of national health insurance and the expansion of health facilities and medical personnel.

A national urban policy designed to make our cities liveable, safe, and modern. We must not ignore the needs of our cities, this neglect which has become "the new racism."

A national transportation policy which includes a much greater effort to improve the farm to market road system of rural America, to expand urban mass transit, and to complete our great interstate highway system.

A national policy of equal rights and opportunities for all Americans and a firm commitment to make it work.

A national education policy that guarantees every girl and boy the opportunity for quality education from pre-school through graduate school.

A national security policy that keeps America strong but bases that strength not only on a modern and effective military force—but strength from an economy that expands, strength from jobs for all, strength from the health and education of our people. National security is not to be found in White House Plumbers, in wiretaps on loyal Americans, in secrecy and abuse of Executive Privilege. True national security lies in the faith and confidence of the people in their government.

We must work and work and work for a united party and a united America. We cannot afford to pay the price of more election defeats.

We must bury the axe of party disunity and return majority government to our land.

We must have a "veto-safe" Congress in 1974 and a President for all the people in 1976.

PRODUCTIVITY IN INDUSTRY IN AMERICA

Mr. BROCK. Mr. President, there is a crisis of major proportions in the making in America. It is one that has created and, indeed, fostered much of what we could call our working lifestyles in recent years. I am simply talking about productivity in industry in America. It has become a matter of grave importance. One that the Congress, the business world, and the worker must quickly address. We need an immediate emphasis on productivity in industry, seeking ways to stimulate better cooperation between labor and business leaders to address such problems as job enrichment, worker morale, absenteeism, the use of drugs, alcoholism, and other elements which have caused us to lose some of our competitive edge compared to other free nations of the world. Recently, several unions and contractors have recognized what is happening, and they have joined together to take some affirmative action, E. E. Halmos, Jr., in an article in Constructor magazine, points out several areas in which work is being done. I ask unanimous consent that this article be printed in the RECORD, to bring attention to what can, and should be done in recognizing and solving this growing problem.

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

UNIONS JOIN CONTRACTORS IN PRODUCTIVITY PUSH

(By E. E. Halmos, Jr.)

Following dozens of different channels that begin at as many sources, the construction industry is moving slowly toward a major objective: An increase in productivity on the job.

The reason is a very real fear that the industry will price itself into a slump, if it can't hold down costs and produce more and better work per dollar spent.

The slogan voiced by several labor union leaders—"work smarter, not faster"—seems to be the right answer. Only by convincing workmen themselves of the need for better production can any real progress be obtained.

Organizations involved in the overall effort range downward from the federal government through national contractor and owner organizations, labor groups, and professional societies. And the effort itself can't be called a snowball. There's a long way to go. Labor is still suspicious of anything that smacks of time-and-motion studies of whipcracking. There is the often justifiable complaint that poor management, poor scheduling and coordination, unrealistic design and specifications are much more to blame for poor production than is labor malingering.

As a matter of fact, much of the drive isn't even easily identifiable under the name of "productivity." Some begin simply as efforts to improve labor-management relations,

or upgrade training for both apprentices and journeymen in newly-developed aspects of their trade, or even to insure compliance with new safety laws.

The efforts have often developed into public-relations campaigns aimed at workmen and the general public or training programs of varying lengths and intensities, even the inclusion of workers' "obligations" in contract documents.

Nevertheless, the end result is a discernible drive for better productivity.

The list of those involved is increasingly impassive. They include, for example:

The President's National Commission on Productivity, just renamed the National Commission on Productivity.

The newly reactivated "Plan for Settlement of Jurisdictional Disputes in the Construction Industry."

The three-year-old Council of Construction Employers.

The Associated General Contractors' joint safety training programs with the Laborers' union.

The National Training Fund of the Sheet Metal and Air Conditioning Industry.

The Business Roundtable, of New York City.

The New York City chapter of the National Electrical Contractors, working with IBEW Local 3.

The Plumbing and Heating Industry Fund, in Detroit.

The National Roofing Contractors Association.

The "National Conference of the Building Team", sponsored by the Producers Council.

Many local and state-wide contractor and labor organizations.

Approaches vary considerably, and often seem to have no direct connection with the immediate problem.

For example, the "National Commission" was set up to provide basic facts for the current and future economic controls program. It has already studied such things as food prices and production, and the "health services" industries, and conducted a day-long conference on productivity in the construction industry. Only result of that latter conference, so far anyway, is the hoped-for printing of conference proceedings some time this year.

"PLAN" OFFERS HOPE

On an industry-wide basis, and somewhat on an indirect approach, best hope for better productivity may be the newly constituted "Plan for Settlement of Jurisdictional Disputes", replacing the moribund "Joint Board" for such settlements. If it can reduce jurisdictional squabbles among labor organizations, it could contribute strongly to better and probably lower-cost production of projects.

The hope for success lies in the new structure's "impartial" boards and appeals bodies, rather than the old tri-partite arrangement, insertion of provisions for penalties against unions which fail to comply with decisions, a "Technological Change" committee to study jurisdictional problems that may be created by introduction of new technology or materials, and requirement that compliance with Board decisions must be effected before an appeal can be taken.

Still another approach is through the new safety requirements governing construction work. Such an approach is the jointly sponsored AGG/Laborers program to train supervisory personnel and others in the proper use of safety devices in trenching and excavation through one-day "schools" at points throughout the U.S.

The Sheet Metal Workers, on a national basis, and Electrical Workers (Local 3) in New York started with the premise that they needed better employer-employee relations. Then they moved into training and safety by sponsoring training programs that are separate from regular apprenticeship courses. Their programs are designed primarily to upgrade skills of journeymen and supervisory personnel to handle increasingly complex safety and technical requirements. The Sheet Metal program, supported by a 2-cent an hour employer contribution, started with training some union members to teach classes. It has now expanded into a full program covering the union's 12 regions. The Electrical workers effort started a year ago in metropolitan New York, again, primarily to train union members to teach. It will now blossom into a full 30-session training course that may handle as many as 1,500 students a year.

Following this approach, other building trades unions have recently expanded their apprenticeship programs to help members cope with increasingly complex technology.

On the professional side, many of the major technical societies have devoted numerous special meetings and seminars to discussions of more economical designs to allow for better efficiency in the field.

The most direct approach to productivity itself, however, is being adopted by local and statewide contractor organizations, usually with solid union backing. An example is the "Build America" Plan created through a committee with AGC's Detroit Chapter and three other contractor groups. Their program is an all-out public relations effort to (1) build public awareness of the contributions of construction men to national progress, (2) build up morale and pride among the workers.

The program includes distribution of stickers for hard-hats, windshields and auto bumpers. An increasingly sophisticated series of posters are being placed on and around construction sites stressing the costs of late starts, early quits, extended coffee breaks, and shoddy or careless work. Included also are coffee cups imprinted with figures as to the cost of each minute of a coffee break, and other gimmicks and gadgets designed to remind employees of their obligations.

"OBLIGATIONS" IN CONTRACTS

An even more direct approach has been taken by AGC's Hawaiian chapter, which last year succeeded in writing in workers' "obligations" to their employers as part of all but two major wage contracts. The remaining two contracts both come up for renegotiation this year, and the contractors intend to include such provisions in them. The idea, say Hawaiians, is that if the obligation to report to work on time and put in a full day's work without undue breaks becomes a contractual matter, it can be enforced.

Close observers of these efforts say that productivity has increased as a result, though there are no statistics yet to prove it.

Everyone concerned with the problem seems to be in agreement on several points:

1. There is probably no way to arrive at "norms" to measure actual production per man-hour or per workman in the construction industry. The industry is too varied, too specialized, and depends on such a vast assortment of interrelations between trades, suppliers, contractors, designers, owners that job-to-job measurement simply is not a valid basis for setting standards.

2. Economic or other "fear" approaches to workmen, with one exception, have little value. The construction industry has been booming for so long that craftsmen and even laborers have no fear of layoff or discharge. It is too easy for them to go to another site and not even miss a paycheck. Besides, with generally high annual pay, the workers have become more concerned with their own housing, recreational activities, and family relationships than with the problem of day-to-day living that formerly operated as the greatest spur to working.

Only one threat—and even that must be subtly played—seems to have had any real effect: The threat of loss of whole projects to "open shop" contractors, in areas where the building trades are strong.

3. Management is far from blameless in the matter. Some construction men think this is in part due to the fact that many now in top jobs in construction companies began their careers in the era of World War II, when federally funded "crash" programs got so large that planning and management got sloppy. The continuing boom in the industry's business has made it possible for some people with this sort of background to survive and prosper. In any case, with a squeeze down now becoming apparent, this will not continue. Management must look to its own methods to see what it is doing in terms of poor scheduling, purchasing practices, overdesign, poor supervision and the rest.

4. Finally, everyone is agreed that the only workable approach is through appeals to pride—pride of craft, pride of person, pride of accomplishment.

LUMBERING AHEAD

Mr. McGEE. Mr. President, earlier today I introduced legislation that would provide for a thorough, interdisciplinary review of the practice of clearcutting on our national forests. This is not exactly a new issue with me; nor a new bill. I have sponsored it and advocated it in prior sessions of the Congress.

Recent developments have persuaded me to renew efforts leading toward such a study, and to seek a moratorium on the practice of clearcutting in the interim. Chief among these recent events was the release of the report of the White House Panel on Timber and the Environment—a report which flies in the face of every other significant study on western forests, at least, made during the last 5 years. Another development of deep concern was the decision, imposed on the Forest Service, I am sure, to cut back on personnel and cut back on reforestation and timber stand improvement programs.

Yesterday, the Washington Star-News took editorial note of these recent developments, concluding that—

Until more caution is visible, and a better evaluation than this report provides, there will be much skepticism about any surge of tree-cutting.

Mr. President, I ask unanimous consent that the Star-News editorial be printed in the RECORD.

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

LUMBERING AHEAD

In the past, President Nixon has been a bit cagey in commenting on the finished work of some presidential study commissions—those dealing with difficult social questions. Quite a different reception, however, awaited the report of the White House Timber Advisory Group, which proposed a sharp increase of lumbering in the national forests. It received Mr. Nixon's instant approval, and what's more, he conducted the study team on a tour of White House grounds and personally took the measurement of an oak tree. We trust that this was merely symbolic, since there is fully enough racket downtown without adding the whine of chain saws.

Seriously, of course, there is a need for expanding lumber production, to meet housing requirements that grow larger by the day. A good many more board feet probably can be extracted from federal forests without appreciable harm, but hard questions arise, per-

taining to extent and method. Certainly the study panel's contention that cutting in virgin forests of the West might be increased by 50 to 100 percent should be subjected to a great deal more expert scrutiny, before anything on that scale is considered.

While indicating that lumber production can be enlarged vastly in national forests, above what the U.S. Forest Service now contemplates, the report hedges on the most controversial subject—clearcutting. This is the lumber industry's equivalent of strip mining, in which trees are cleared away totally, in large swaths, instead of being cut selectively. Done in limited degree, on the right kind of terrain and with adequate provision for reforestation, this can be an acceptable process. But it has left some unsightly messes behind, including erosion and siltation, where proper conservation practices were not carried out. The study group, in its qualified way, seems to sanction increased clearcutting on public lands, which apparently was what the Nixon administration wanted to hear. And needless to say, the timber industry was grateful.

The advisory panel inserted one qualification, though, that may give the administration some trouble: Lumbering should be accelerated only if more federal money and forest-management personnel are provided, to prevent environmental abuses. But the White House, unfortunately, seems inclined the opposite way. It has refused to spend funds authorized for needed reforestation, and advocated cutbacks in Forest Service personnel, while planning larger timber harvests. Until more caution is visible, and a better evaluation than this report provides, there will be much skepticism about any surge of tree-cutting.

BILL STREET

Mr. BROCK. Mr. President, Bill Street was a journalist of considerable talent, immense integrity, and great good humor. As mid-south political editor of the Memphis Commercial-Appeal, he covered the politics of Tennessee, Arkansas, Mississippi, and Alabama, and he did it well.

He understood politics, and the forces that work to solve problems. He also understood people, and he combined these understandings with a mastery of the English language, with the result that his writing was both perceptive and enjoyable.

A native of Ripley, Miss., and a graduate of the University of Mississippi, he joined the Commercial-Appeal in 1950, and advanced swiftly, becoming political editor in 1967. He has served as president of the midsouth chapter of Sigma Delta Chi, and chairman of the Memphis Press Club, which administers scholarships for journalism students.

In all of these activities, he earned the respect and friendship of all who came in contact with him. Combined with the admiration which he had from thousands of readers, it made him one of the most able leaders in Tennessee journalism.

Those of us who knew him, however, will be poorer still for the loss of a fine gentleman and a dear friend. We will miss him greatly.

His wife, Maxine, and his family have our deepest sympathy.

PABLO CASALS

Mr. HUMPHREY. Mr. President, the world has just suffered a great loss in the death of one of our greatest artists and noblest spirits—the beloved maestro, Pablo Casals.

One of the truly enduring rewards of public life is the privilege to know interesting and oftentimes great people. It has been the privilege of Mrs. Humphrey and myself to have known as a dear friend the famed musician, Pablo Casals. It is indeed a rare privilege to share in the friendship of such a remarkable man. He was truly unique not only because of his amazing talents as an artist and a world renown cellist but also because of his sense of decency, honor, compassion, and unselfishness.

If ever one man gave his life to the cause of the enrichment of the lives of people—all people, of all walks of life—it was Pablo Casals. If ever there was one person in our time whose very life was a living testimonial to the meaning of peace and love, it was Pablo Casals. His life spanned almost a century. Never did he become bitter or cynical, nor did he ever turn away from his dedication and devotion to democratic principles and institutions.

We will remember him for so many reasons. He will be remembered for the occasions that he played for our Presidents in the White House. He will be remembered for his appearance at the United Nations concerts. He will be remembered for his many great masterpieces of music and, above all, for the genius that was his and his love of music. But he will be remembered by the workers of Puerto Rico, their families and their children, for his kindness to them and his willingness to bring them the great music of the ages.

This man's life is filled with the history of this century. His spirit and his music will live forever. Truly, he was an immortal man.

I ask unanimous consent that an article that appeared on the date of October 23 in the New York Times by Mr. Alden Whitman be printed in the RECORD, also an article by Mr. Paul Hume of the Washington Post, and finally an article by Mr. Richard Slusser of the Washington Star-News. These three well-written and fully documented articles reveal the wide range of interests that the beloved Pablo Casals pursued. He was the universal man. And those of us that had the privilege of knowing him and sharing in his friendship will remember him to the end of our time. The world is a much better place in which to live because the great maestro Pablo Casals lived here.

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

CASALS, THE MASTER CELLIST, WON WIDE ACCLAIM IN CAREER THAT SPANNED 75 YEARS

(By Alden Whitman)

"I think it goes like this," a cello student struggling with a Johann Sebastian Bach suite once told Pablo Casals.

"Don't think," the master cellist replied. "It is better to feel."

With this emphasis on an inner sensitivity to a Composer's intentions, Casals was able to demonstrate what luminescent and human music could be drawn from the strings of a rather awkward instrument. In concerts and recordings over some 75 years, he provoked awe and applause for the profundity of his insights, the felicity of his playing and, above all, the soaring purity of his interpretations of baroque and classic composers. Each was his specialty, but he was also at home with Boccherini, Mozart, Brahms, Beethoven, Schumann and Dvorak.

At the same time Casals (he pronounced the name (KaaSAALS) won much admiration and acclaim as a man of probity and principle for his humanitarianism, his personal musical "crusade for peace" and his one-man stand against the regime of Francisco Franco in his native Spain. Few musicians achieved in their own time the international renown accumulated by Casals.

Part of this fame, in the United States at least, came very late in life and rested on Casals' talents in conducting, which he fancied as his real metier and which he had practiced, mainly in Europe, since 1920. Conducting gave him a sense of fulfillment, he said, because orchestras, with their human teamwork, are "the greatest of all instruments."

Early in his career, on his first American tour in 1901, a falling rock crushed the fingers of his left hand. His first thought, as Casals recalled it, was, "Thank God, I won't have to play the cello any more." He associated that reaction with his desire to conduct.

After a period of semiactivity in Europe starting in 1945, Casals went to Puerto Rico to live in 1956. He was then 79 years old and seemed spent. The next year, however, he started the Festival Casals, which became an annual springtime program of concerts. He had a heart attack just before the opening of the first festival, but he recovered buoyantly in the following years, using an orchestra brought together by Alexander Schneider, the violinist and an old friend. The concerts drew thousands of mainlanders to the island and introduced the post-World War II generation of music lovers to Casals.

Then in 1961 he joined Rudolf Serkin's Marlboro Music Festival in Vermont, where each July he conducted the orchestra and gave master classes in the cello. And, beginning in 1962, he conducted a choral work in New York every year. His first presentation was his own oratorio, "El Pesebre" ("The Manger"), a lengthy composition dedicated "to those who have struggled and are still struggling for the cause of peace and democracy."

WHITE HOUSE CONCERT

In this period of resurgence, Casals gave a widely publicized cello recital at the United Nations in New York in 1958 to mark that organization's 13th anniversary. Three years later he played to a distinguished gathering at the White House on the invitation of President John F. Kennedy.

The public attention that Casals generated in those years helped also to swell sales of his cello recordings, and this, in turn, created new esteem for his wizardry with the bow. Thousands who never saw him nonetheless came to know him intimately.

Another element of his appeal to the public was his apparent refusal to age or grow stale. "Sometimes I feel like a boy," he told an interviewer in 1964. "Music does that. I can never play the same piece twice in the same way. Each time it is new."

Watching him rehearse an orchestra when he was 89, an astonished student exclaimed: "When the maestro came onto the stage he looked 75. When he stepped on the podium he seemed even 10 years younger. And when he began to conduct he could have been a youngster ready to chase Easter eggs."

INNOVATIONS IN PLAYING

In the musical world, Casals's enduring reputation was associated with two accomplishments: his single-handed restoration to the repertory of Bach's cello music, especially the six magnificent unaccompanied suites; and his innovations in bowing and fingering

that gave the cello a new and striking personality in orchestral and solo works.

He greatly lightened the work of the left hand, for example, by changes of finger positions, thus adding to its mobility. He also showed that it was possible to attain fresh subtleties in tone by freer bowing.

His own style was aristocratic. He made the most difficult passages seem simple yet luscious, all the while shunning pyrotechnics and gimmicks.

Casals came upon the Bach suites by accident when he was 13 years old and browsing with his father in a Barcelona music shop.

"I forgot entirely the reason of my visit to the shop and could only stare at this music which nobody had told me about," he said years afterward. "Sometimes even now, when I look at the covers of that old music, I see again the interior of that old and musty shop with its faint smell of the sea.

"I took the suites home and read and reread them. For 12 years after that I studied and worked every day at them. I was nearly 25 before I had the courage to play one of them in public."

When he did play them, the suites were disclosed as a transcendent musical experience, not the abstract exercises they had previously been believed to be.

"For me, Bach is like Shakespeare. He has known all and felt all," Casals told Bernard Taper in a Profile published in The New Yorker in 1961. "He is everything. Everything except a professor. Professor Bach I do not know. When people ask me how I play Bach, I say, 'I play him as the pianist plays Chopin.' There is such fantasy in Bach—but fantasy with order."

Casals was of medium stature—not much taller than his Groffriller cello—and not heavily built. The top of his head had been bald since his early 20's. In repose, his face and his blue-gray eyes (behind round glasses) tended to be somber, but a smile imparted radiance and geniality to his face.

He was direct in his speech, exceedingly polite, a careful dresser (youthful photographs show him to have been quite a dandy in a romantic sort of way) and quietly dignified. He relaxed by reading, playing tennis, chatting with friends, smoking a pipe (he was rarely without one) and, in his late years, by watching Westerns on television.

To hear Casals was a moving and memorable experience. He sat with his eyes closed, his head turned sidewise and a little lifted, as though he were communing with some secret muse. His fingering and his bowing were so flawless that they seemed automatic, yet it was evident that they resulted from concentration.

He had superb savoir-faire. Once when a loose cuff bothered him, he stopped playing, slowly took off the cuff, put it on the floor and resumed playing where he had left off. When a string broke he would retire from the stage, replace it and, returning to his chair, start the solo from the beginning, such was his drive for perfection.

When Casals played a chamber music program at Perpignan, France, in July, 1951, Howard Taubman, then music critic of The New York Times, wrote:

"As a musician, Casals is all of a piece. Whether he conducts as he did in the second orchestral program of the Bach-Mozart-Beethoven festival . . . or plays the cello, there is a fine-grained consistency running through all his musical labors. . . .

"His work at the cello . . . was remarkable for its modesty and restraint, and if one listened closely one could hear innumerable felicities of technical mastery. As an admiring violinist observed, 'Do you note the four shades of color he got in one bow?' "

Casals was an ardent supporter of the Spanish Republican Government. He never reconciled himself to the Franco regime, which he considered tyrannical. With the Franco victory in 1939 he went into self-imposed exile, living until 1956 in Prades, France, some 40 miles from the Spanish frontier.

Up until 1958 he refused to visit the United States because it recognized Franco. "I have great affection for the United States," he said when he moved to Puerto Rico, "but as a refugee from Franco Spain I cannot condone America's support of a dictator who sided with America's enemies, Hitler and Mussolini. Franco's power would surely collapse without American help."

But Casals bent his attitude sufficiently to play at the United Nations in 1958 because of "the great and perhaps mortal danger [of nuclear war] threatening all humanity."

Then in 1961 he relented further and played at the White House. In subsequent years he came to this country for regular yearly visits.

Pablo Carlos Salvador Defilló de Casals was born in the Catalan town of Vendrell, 40 miles from Barcelona, on Dec. 29, 1876, the second of 11 children of Carles and Pilar Defilló de Casals. His father was the town organist.

"From my earliest days," Casals recalled, "music was for me a natural element, an activity as natural as breathing." He could sing in tune before he could talk clearly, and at the age of 5 he was a soprano in the church choir. His father taught him the piano, violin and organ, and when he was 8 he began substituting for his father as church organist.

Shortly after Pablo's 10th birthday he heard a cello for the first time when José Garcia performed in Vendrell. After some coaxing, the elder Casals bought his son a cello and gave him a few lessons. Pablo was fascinated by the instrument and proved so adept at it that he quickly exhausted his father's pedagogical abilities.

ENROLLED IN MUSIC SCHOOL

With his mother's backing and against the wishes of his father (who wanted the boy to become a carpenter), Pablo—not quite 12—went with his mother to Barcelona, where he enrolled in the Barcelona Municipal School of Music. To earn his living he played evenings for dances with a trio at the Café Tost, and later he persuaded the owner to devote one night a week to classical music.

That night attracted serious musicians to the bistro, including Isaac Albéniz, the composer and pianist. When Casals was graduated from music school at the age of 17 with first prizes for cello, piano and composition, Albéniz gave him a letter of introduction to Count Guillermo de Morphy, a music patron who was an adviser to Queen Mother Maria Christina in Madrid.

The Count, taken with the young cellist, introduced him to Maria Christina, who was also charmed and who granted him a monthly stipend of 250 pesetas (about $50) for his studies.

Casals lived in Madrid from 1894 to 1897, going to school at the Royal Conservatory of Music, playing duets with the Queen Mother (she was a fair pianist), chatting with the child who was to become Alfonso XIII and being guided in his general education by the Count de Morphy.

From Madrid, Casals and his mother went to Brussels, but, miffed by an unfriendly reception at an audition there, he went to Paris, where he played at the Folies-Marigny at a wage barely sufficient to keep him and his mother from starvation. After a short time they returned to Barcelona, where Casals got a job teaching at the music school. For two years he taught cello, played it in the Barcelona Opera orchestra, gave concerts in churches and formed a string quartet, all the while saving money for a return to Paris.

In the fall of 1899, just before his 23d birthday, he arrived in that city again, carrying a letter of introduction to Charles Lamoureux, the eminent conductor, from the Count de Morphy. When Casals presented himself for an audition, the conductor was annoyed by the instrusion. Nonetheless, the cellist sat down and began to play parts of the Lalo Cello Concerto. With the first notes, Lamoureux hoisted himself up from his desk and stood facing Casals until he finished playing, whereupon he embraced the young man and said, "My boy, you are one of the elect!"

SENSATIONAL DEBUT

Lamoureux immediately engaged him to play the Lalo concerto with his orchestra, and Casals made his Paris debut Nov. 12, 1899. He created a sensation there, as he did in London shortly afterward. In Britain he also played for Queen Victoria.

From then on his career was made, and he never lacked for engagements or for an audience. He commanded top fees, but lived economically.

For the next 20 years, until 1919, Casals, using Paris as his base, played in the principal cities of Europe and the Americas. He made his New York debut in 1904, playing the Saint-Saens Cello Concerto with the orchestra of the Metropolitan Opera and winning a chorus of critical bravos. Later that season he was the cello soloist here in Richard Strauss's "Don Quixote," with the composer conducting his own tone poem.

Many of Casals' performances in those years were chamber music, which he played with Jacques Thibaud, the violinist, and Alfred Cortot, the pianist. In the United States he also gave chamber music recitals with Harold Bauer, the pianist, and Fritz Kreisler, the violinist, and with Kreisler and Ignace Paderewski, the pianist.

In that period Casals formed friendships with such musicians as Georges Enesco, Maurice Ravel, Camille Saint-Saens, Sergei Rachmaninoff, Gregor Piatigorsky, Emanuel Feuermann, Artur Schnabel, Eugène Ysaye and Paul Hindemith.

In 1914 Casals married Susan Metcalfe, the American lieder singer. It was his second marriage; the first, to Guilhermina Suggia, a Portuguese cellist, in 1906, had ended in divorce six years later. For several years Casals was the piano accompanist for Miss Metcalfe, a soprano, and at one point he considered dropping his career to further hers. However, the couple parted in 1920.

After World War I and with the breakup of his marriage, the cellist turned his energies to Barcelona, where, in 1920, he founded the Orquestra Pau (Catalan for Pablo) Casals and subsidized it for seven years at a total cost of $320,000 until it became self-supporting. In these years (and afterward) he was its principal conductor.

Early in the nineteen-twenties Casals also founded the Workingmen's Concert Association in Barcelona, which gave its members, in return for nominal dues, an opportunity to attend Sunday morning concerts of his orchestra and to set up their own musical groups.

As busy as Casals was in Barcelona, he also found time to give concerts in the United States and in Europe and to appear in what seems increasingly to be his favorite role, that of a conductor. He led the London Symphony, the New York Symphony and the Vienna Philharmonic.

When the Spanish Republic was proclaimed in 1931, Casals became one of its eager and hard-working supporters, all the more because the Republic restored many of his native Catalonia's ancient rights and granted the area a good deal of autonomy. He was president of Catalonia's music council, the Junta de Musica, and, during the Civil War, he gave hundreds of benefit concerts abroad for the Republic and put a large part of his personal savings at its disposal. The Government, in turn, named streets and squares for him and encouraged his exertions to bring great music to the common people.

Casals was in Barcelona in January, 1939, when the Franco forces burst into the city, but he made good an escape to France, vowing never to return to Spain while Franco was in power. (Apart from a fleeting trip to Spain in 1955 to attend the funeral of his long-time close friend and housekeeper, Mrs. Francesca Videl de Capdevila, he never did.)

After several demoralizing weeks of despondency in Paris, during which he grieved for his country, he went to live in Prades among the thousands of Spanish exiles. There he helped to organize the care of the Catalans held in French camps and solicited funds for them from his friends all over the world. He continued to live in Prades in World War II.

Toward the end of the war he went on tour again. In the autumn of 1945, however, he cut short a concert trip in Britain and retired to Prades.

In explanation, he said he had assumed that an Allied victory would doom not only Hitler and Mussolini but also Franco. The democracies, he went on, had disillusioned him by not acting to topple Franco. He was therefore suspending his concert career until Spain was freed. He had, he pointed out, ceased playing in Germany with the rise of Hitler, had not played in Italy in the thirties nor had he appeared in Russia after the Bolshevik revolution. He said he could not separate his beliefs as a human being from his conduct as an artist.

Casals lived quietly and simply in Prades for close to 12 years. In 1950, however, he was prevailed upon to soften somewhat his vow of musical silence and take part in a Bach bicentenary festival. The event, which attracted hundreds of music lovers from many parts of the world, was held in the big Church of St. Pierre in Prades. The critics found that Casals's bow had lost none of its magic.

In that and subsequent Prades festivals Casals appeared in a triple role—as soloist, as chamber music ensemble player and as conductor. In these concerts he was joined by many internationally famous musicians, including Dame Myra Hess, Rudolf Serkin, Joseph Szigeti and Isaac Stern.

Some indication of a further shift in Casals's thinking came in 1951 in a colloquy with Albert Schweitzer, the humanitarian and philosopher. "It is better to create than to protest," Dr. Schweitzer said in urging the cellist to return to the concert stage. "Why not do both—why not create and protest both?", Casals replied. And he seemed to follow that course in his last years.

After a period of self-examination, Casals went to Mexico in 1956 for his first concert date outside the Prades area. It was there, in 1960, that "El Pesebre" had its premiere. The oratorio became the banner of his peace mission, which he carried to many major cities in the Western world. Discussing this crusade, he said in 1962:

"As a man, my first obligation is toward the welfare of my fellow men. I will endeavor to meet that obligation through music, the means which God has given me, since it transcends language, politics and national boundaries."

In August, 1957, when he was 80, he married Marta Montañez, one of his cello students, who was then 21. They lived in a cheerful modern house on the beach at Santurce, P.R., where Casals liked to take an early morning stroll before beginning his day of playing a Bach work on the piano. "It is like a benediction on the house," he said.

Casals had the unstinted admiration of his fellow artists. And one of them, Mr. Stern, put their feelings this way:

"He has enabled us to realize that a musician can play in a way that is honest, beautiful, masculine, gentle, fierce and tender—all these together, and all with unequivocal respect for the music being played and faith in it."

Appearing in New York last summer for a free Central Park concert with Mr. Stern—it was cut short by rain before the cellist could perform—Casals pronounced what could stand as his epitaph.

"What can I say to you?" he asked the assemblage. "I am perhaps the oldest musician in the world. I am an old man, but in many senses a very young man. And this is what I want you to be, young, young all your life, and to say things to the world that are true."

[From the New York Times]

A Musician Who Looked Beyond the Printed Note

(By Harold C. Schonberg)

Pablo Casals represented a type of musicianship that is virtually extinct today—a musicianship that had its roots in the romantic traditions of the 19th century. As such he was a romantic himself, and young musicians today tended to look fondly upon him as a living anachronism. All, especially string players, had nothing but respect for Casals's powers as an instrumentalist. But as an interpreter his ideas ran counter to many of today's cherished notions. Today's musicians tend to be literalists. The printed note is the ultimate guide. Casals, however, along with other great musicians of his generation, tried to look beyond the printed note. The important thing in music, he kept telling his pupils, is what is not in the notes. The important thing is the re-creation of an emotion, a mood, an experience.

Thus when Casals played or conducted Bach, he was not afraid to indulge in certain expressive devices that a stricter age regards as anathema. This did not disturb Casals, who considered Bach a romantic anyway. He would use an intensified scale of dynamics, avoid strict metrics (even to the point of the tempo rubato), phrase with a grand sweep and emphasize the melodic elements. His basic approach to Bach and the other early composers was substanially no different than it was to Brahms and Schumann.

And who is to say that Casals, with his concentration on the expressive elements of music, had the wrong approach? He was no musicologist, but he was able to do what very few musicians can do—play with complete mastery, in a manner that always impressed and moved with its sheer conviction. His approach was so big that it simply negated criticism.

As a conductor he brought the same kind of approach exemplified by his cello playing. At rehearsals he was constantly exhorting his players to sing out, to phrase with beauty, to use a full bow, to avoid dryness. He had the orchestra constantly thinking about dynamics.

Even toward the end, his enthusiasm was as great as ever, his ear seemingly infallible. After a lifetime of living in an area of music that extended, approximately, from Bach through Brahms (he was a conservative, and contemporary music did not interest him), there were few things he did not know about his chosen literature. In addition, he had total recall. He had met everybody and heard everybody, and he was a living encyclopedia on performance practice of the past.

But Casals was not a blind idolator of the past. He was the first to admit that the new school was technically superior to the old, even if he had many reservations about the drier emotional approach of the new school. It was his ambition to take the brilliantly gifted young cellists of today and try to instill into them something of the tradition and the ideals that motivated his own work.

He did not expect imitation from his pupils (in any case, nobody could imitate Casals), but he could help them with technical problems, and he could stimulate them to look upon music in an intensified manner. He could, and he did. To all musicians, even the most cynical, he was an inspiration. For he had devoted his long life to music without expecting any rewards aside from the joy of exploring a piece of music and constantly renewing himself in it.

[From the Washington Post, Oct. 23, 1973]

Casals: The Greatest of All String Players

(By Paul Hume)

Pablo Casals was one of the world's musical geniuses. There never was a person who played the cello the way Casals did. He was regarded as the greatest string player of them all and a conductor and composer of eminence.

An exile from his beloved Catalonia in Spain since the emergence of Franco, Casals was an ardent opponent of dictatorship, deeply concerned over social problems and concerned with humanity. He was a man of rare compassion and warmth.

The man the world knew as Pablo Casals was christened Pau Carlos Salvador Defillo de Casals. Pau is the Catalan equivalent of Pablo and it was in the Catalan village of Vendrell that Casals was born on Dec. 29, 1876. The town is about 25 miles down the coast from Barcelona and a mile or two inland from the Balearic Sea, that part of the Mediterranean that flows along the northeast coast of Spain. His name came from his mother, Pilar Defillo, whose native Puerto Rico would call out to Casals when he was 75 years old. His father, Carles Casals, was Vendrell's church organist.

The boy needed a name of substance because it was to serve him throughout a long life. As a great musician, he would be called "the monarch of the bow," and, as a world-famous champion of personal liberties, be hailed "as one of those artists who come to the rescue of humanity's honor."

The place where he was born remained at the heart of Casals' life and thought. Over eight decades later, he said, "Catalonia is my native land. During my lifetime I have traveled in many lands, and I have found beauty everywhere. But the beauty of Catalonia nourished me since infancy.

"When I close my eyes, I see the ocean at San Salvador and the seaside village of Sitges with the little fishing boats on the sand, the vineyards and olive groves and pomegranate trees of the province of Tarragona, the River Llobregat and the peaks of Montserrat. Catalonia is the land of my birth, and I love her as a mother."

It was in Barcelona, the capital of the region, that Casals formed the Orquestra Pau Casals and also a workers' music society. It was for the world-famous monastery of Montserrat that Casals wrote nearly all of his sacred music. Even today the Benedictine monks of Montserrat own a number of Casals manuscripts the cellist-composer refused to publish during his lifetime, but which he said might be published after his death.

It was from Barcelona that Casals fled, in 1939, across the border into the neighboring French province of Roussillon to the tiny town of Prades whose name he would, a decade later, make known throughout the world of music.

Catalonia gave Casals his own language, "an ancient Romance language, completely distinct from Castilian Spanish," he pointed out. Its great popular dance, the sardana, inspired him six times to compose music for large orchestra.

And one of the oldest folk songs, "Cant des ocells,"—"The Song of the Birds"—which dates back to the 9th century, became in his hands not merely a song of longing for the land from which he exiled himself in protest against a Spanish Fascist government, but a symbol of protest through which, for more than two decades, he reminded the world of the loss of individual liberties in his beloved Catalonia and all of Spain. "Someone must remember," he wrote to the New Friends of Music in New York in

1946 when they invited him to appear on their series. "Someone."

This extraordinary man and musician showed clearly, at a very early age, that he had unusual musical gifts. He liked to tell people that he began singing in his father's choir at the age of 4, for which he was paid something like 10 cents a service. "So you see," he noted, "I have been earning money through music for 90 years."

At a speed and with a range of talents that recall Mozart, Casals began composing at the age of 6, started studying the violin when he was 8, the organ at 10, immediately taking over some of his father's duties.

It was at the very same age, in the year 1886, that the predestined event happened: Casals "met" a cello. Accounts differ as to just where and how this happened. It may even have been that a clown in a traveling circus was sawing away at one. But what happened is well documented: Casals made himself a kind of cello out of a gourd and some old strings. Perhaps it was the sounds that came from this home-made affair, perhaps it was the boy's intense devotion to it, but within a few months his father bought him a cello—cheap, but a real cello.

This moment was the artistic birth of the man Fritz Kreisler would call "the greatest of all string players," and whose art would be described by Joseph Szigeti as "the witchery of what is probably the greatest art among all string players."

Within a year Casals' mother had taken him to Barcelona where he was praised by Spain's leading musician, Isaac Albeniz. He was given financial and artistic assistance and soon the patronage of the royal family of Spain. A teacher whom Casals said later "could not have been improved upon for me," Jesus de Monasterio, introduced him to vast amounts of the cello repertoire of that day, while Tomas Breton, Spain's foremost composer of operas and zarzuelas, supervised his continuing work in composition. In two years Queen Maria Cristina provided funds for Casals to study at the renowned Brussels Conservatory.

On his very first day there, however, the young Pablo gave a clear indication of the way he would make the major decisions of his life.

Brought in to play for the leading cello teacher and made an object of mockery by the students, Casals offered to play "anything you choose, sir," in reply to the professor's question about what he might know. When the professor, with a slight sneer, suggested "some Spanish dances," Casals answered, "Yes, but some other things besides."

At this, the processor named the principal concertos of the day and the most difficult pieces of the repertoire. When Casals assured him that he played them all, the teacher turned to the class and said, "Now, young gentlemen, we will hear something surprising from this young man who plays everything."

However, by the time Casals had finished—and playing on a poor, unfamiliar instrument—the professor was astounded and the other pupils silenced by the brilliance of the playing. The professor offered Casals the conservatory's First Prize on the spot, but Casals, looking him in the eye, said, "I do not like the atmosphere of your class," and walked out.

In Paris in 1899, an enormously successful debut with the Lamoureux Orchestra opened the door that led to triumph in every major European center from Rome to Moscow to Stockholm, triumphs that were quickly repeated in the United States.

During these years he changed the world's concepts of the cello from what Bernard Shaw had called "a bee buzzing in a box" to the noted conductor Wilhelm Furtwangler's observation: "Those who have not heard Pablo Casals have no idea how a strong instrument can sound. This is a unique synthesis of material and spiritual beauty."

During these same years, Casals enlarged his acquaintance with the world of ideas: politics, social problems, esthetic and philosophical arguments were the subjects of conversations in his Paris home where, in addition to great musicians of the times, such as Harold Bauer, Eugene Ysaye, Georges Enesco, and Atrur Nikisch, there regularly gathered the philosopher Henri Bergson, painters such as Degas, and political leaders of the stature of Briand and Clemenceau. And Casals read Karl Marx, for even in the years when the Spanish royal family had been his friends and supporters, Casals had been keenly aware of the struggles of the poor and what he saw as the inequalities under the monarchy.

When World War I broke out, he moved from Paris back to Barcelona where he began to work out the details of a long-held dream: to establish a symphony orchestra in a city where others had tried the same thing but always failed. With the end of the war, Casals determined to form an orchestra, and when no one else offered any financial support for such a project, he hired, rehearsed, and for its first seven years, paid out of his own pocket the members of the Pau Casals Orchestra.

For a decade and a half Casals spent the spring and fall months preparing his orchestra for concerts in which the world's renowned soloists and conductors often joined. Its activities lasted until 1936, and the beginning of the Spanish Civil War, then General Francisco Franco initiated an armed revolt against the Loyalist government, to whose cause Casals was militantly dedicated. It was with this historic event that the course of Casals' life and career was suddenly and violently altered.

When Barcelona was being bombarded, he played in hospitals and theaters to raise money to help the aged, the infirm, and the children. Outside of Spain he played countless concerts to help fund the Loyalists. But by the spring of 1939 it was clear that Franco's forces were winning and that Barcelona could no longer resist. At that point the man who had, years earlier, told the Belgian professor, "I do not like the atmosphere of your class," and had walked out, again left a situation he could not tolerate.

A few days later, Casals fled, with thousands of other refugees, north across the border into France, where he settled in the town of Prades from whose picturesque hills it is easy to keep an eye on the Catalan mountains to the south.

Casals, who had refused to play in Russia after the Revolution, in Germany after the rise of Hitler, and who had just left a Spain whose dictator he would defy for the rest of his life, played concerts in Switzerland in 1941 and 1942 to raise funds to relieve the war victims' suffering. Then, suddenly from the end of 1942 until the end of 1944, when the Germans' grip on France was loosened, no one heard a word from Casals.

Late that year, however, his longtime friend and fellow-cellist, Maurice Eisenberg, in New York City, got a letter from Prades. The handwriting was familiar, and the message heartening: "Now that the enemy has been forced to leave I have resumed my practising," Casals wrote. "You will be pleased to know that I feel I am making daily progress."

He told how the Germans had invited him, at Hitler's personal request, to come to Berlin via private sleeping-car, to play for the German people. He pleaded "rheumatic shoulder."

When German soldiers invaded his little house, and Casals would bristle belligerently, his caretaker, Senora Capdevila, told the Gestapo that the poor old man was not right in the head. The Spanish government had already sentenced him in absentia to 30 years in prison, and the Vichy pawns once ordered his arrest, an event prevented only by the collapse of the regime.

Now, however, it seemed as if Casals would not only be free once more to conduct, to record again, and to play his beloved chamber music, but he was hailed by the free countries as one of the chief champions of personal dignity and liberties. From among many invitations that showered upon him, Casals now nearly 70, chose to re-enter the music world in England, whose courage he had greatly admired during six years of war.

In London's Albert Hall on June 27, 1945, with Sir Adrian Boult leading the BBC Symphony, Casals played the concertos of Schumann and Elgar, and for an encore, an entire unaccompanied suite by Bach.

But the longer he remained in England, the more disturbed Casals became over the way in which England, along with the United States and other countries from which he had expected a different attitude, were praising and supporting the Franco government in Spain. His views became widely known that fall when both Oxford and Cambridge wanted to give him honorary degrees.

Declining both honors, Casals said, "If in these moments I should accept honors in England it would appear to my compatriots that I was indifferent to their unhappiness, when the contrary is the case: I associate myself with them *completely*." He proceeded to cancel plans for a spring tour, called off major recording schedules with HMV—His Master's Voice—even to the point of leaving a recording of the Haydn Cello Concerto half-finished.

Finally, on Nov. 13, 1945, he played in Paris at the Salle Pleyel. It was the last time Casals was to play in a major music center for 13 years. Not until 1958, when he played at the 13th anniversary of the United Nations in New York City, did he break that rule.

The letter he wrote the New Friends of Music in 1947 said, in part, "Please understand that the policies of your country are against my ideas for my country. I love America, but I could not go to a country which I should criticize."

Often during the years that followed, Casals hoped for some signs that world leaders would come around to his point of view. He was heartened late in 1950. Just two days before the U.N. Assembly voted to end its ban on the recognition of Spain, President Truman had said, "It will be a long, long time before the United States recognizes the Franco regime." But one month later this country and Spain exchanged ambassadors.

So Casals remained in Prades. "For the second time, as it were," he said, "I went into exile. I cannot say it was an easy thing to do, and I knew that in a world where cynicism widely held sway, my action could hardly affect the course of nations—it was, after all, only the action of a single individual. But how else could I act? One has to live with himself."

For years, Casals remained in Prades, refusing to play in any country whose government recognized the Franco regime, and thus, in effect, cutting himself off from the world of music.

Or so it seemed for a while. So the world of music had to go to Casals. To Prades, in the summer of 1947, went Alexander Schneider, distinguished violinist and a member of the Budapest String Quartet whose cellist, Mischa, was his brother. Alexander, or Sasha, as he is known, and Casals instantly became fast friends.

Not long after he returned to the United States, Schneider wrote to Casals to say that he and another old friend and colleague of Casals, pianist Mieczyslaw Horzowski, wanted to propose a Bach festival to be held at Prades under Casals' direction. They noted that 1950 would be the 200th anniversary of the death of Bach, and assured Casals that the world's great musicians would flock to Prades to play in and hear such a festival. They cinched the deal when they added that the proceeds could go to help the many Spanish refugees in a hospital

in nearby Perpignan, or to any other cause Casals wished.

Thus were born some of the most remarkable music festivals in history. Beginning in 1950, festivals dedicated to the music of Bach, Beethoven, Brahms, Schubert, Schumann, and Mozart were played in Prades and Perpignan. Hundreds of music lovers from around the world made the difficult trip to hear some of the greatest names in music perform in the very special atmosphere that quickly filled these festivals.

In 1952 Casals was 75 years old. That year a young writer from Puerto Rico went to the Prades Festival with his niece, Martita Montanez. The writer asked to see Casals, who describes their meeting:

"When Martita and her uncle came to my house, I had the impression that for the first time I was touching my mother's homeland. When I looked at Martita, I said to myself, 'This is no stranger who comes to visit me.' I had the curious feeling she belonged to my family."

"Later," Casals said, "I received a letter from Martita's uncle asking if it would be possible for her to come to Prades to study with me. I agreed. Of all the pupils I have taught, Martita was one of the best."

"The months went by without my being conscious of the bond that was growing between us. In the winter of 1955, together with Martita, I visited Puerto Rico for the first time. My brother Enrique and his wife Maria accompanied us. For me, Puerto Rico was a case of love at first sight!" In 1956 Casals moved there permanently.

"Martita and I were married in San Juan on Aug. 3, 1957," he has recorded. "I was aware at the time that some people noted a certain discrepancy in our ages—a bridegroom is not usually 30 years older than his father-in-law! But Martita and I were not too concerned about what others thought; it was, after all, we who were getting married—not they. I can only say with joy that our love has deepened in the intervening years."

It was the third marriage for Casals. In 1906 he had married a Portuguese cellist named Guilhermina Suggia. In 1914, after a divorce, he married an American concert singer, the late Susan Metcalfe for whom he often played accompaniments, much as his great successor on the cello today, Mstislav Rostropovich, often plays for his soprano wife Galina Vishnevskaya.

When I first met Casals, not long after his marriage to his beautiful young wife, he took hold of my right arm with a grip whose strength completely belied his 80 years, and said, "She has given me back my youth!" So it seemed then and has continued to seem.

That year the festivals that had drawn such crowds to out-of-the-way Prades and Perpignan were moved to Puerto Rico where they have been held each of the 17 years since then, on the campus of the University of Puerto Rico. Until recently Casals appeared as both cellist and conductor at every festival following the first one, when a coronary thrombosis prevented his taking part.

As they had in the earlier festivals, the world's leading musicians happily traveled to San Juan to join in making music in the enthusiastic spirit that Casals aroused. Younger greats such as Leonard Bernstein and Zubin Mehta joined Casals and Ormandy as conductors, and top young musicians, often on their way to the festivals at Marlboro, Vt., where Casals also became an annual visitor, were glad to make the trip to Puerto Rico.

It was not long after his move to Puerto Rico that Casals finally broke his resolution not to play in countries that recognize Franco's Spain. In October, 1958, he agreed to play at the U.N. headquarters in New York on a world-wide radio and television broadcast in honor of United Nations Day. He shared that program with the Boston Symphony, the Orchestra of the Suisse Romande from Geneva, and violinists David Oistrakh and Yehudi Menuhin.

Three years later Casals received a historic letter from the White House. It read:

"Dear Mr. Casals: Mrs. Kennedy and I would like to extend an invitation to you to give a concert at the White House on Monday evening, November 13th. We feel that your performance as one of the world's greatest artists would lend distinction to the entertainment of our invited guests. I do hope you will honor us with your presence. Sincerely, (signed) John F. Kennedy."

Casals' reply said in part:

"Dear Mr. President: Your kind invitation to The White House has honored me and given me great pleasure.

"Over a year ago I addressed an open letter to The New York Times as I felt that a Democratic victory was essential for the universal re-establishment of faith and trust in the great American nation.

"Never before has humanity faced such crucial moments and the desire for universal peace is a prayer of all. Everyone must join in doing their utmost to achieve this goal . . .

"Therefore, I look forward to the opportunity of meeting you personally. May the music that I will play for you and for your friends symbolize my deep feelings for the American people and the faith and confidence we all have in you as a leader of the Free World.

"Please accept, Mr. President, my respects and my highest esteem. Sincerely, (signed) Pablo Casals."

And so there occurred on that November night a truly historic occasion in the White House. It was historic not only because Casals was playing there. He had played there in 1904 for President Theodore Roosevelt whose daughter, Alice Roosevelt Longworth, was present 57 years later to hear him again. It was historic because on that night President and Mrs. Kennedy, wishing to honor not only Gov. and Mrs. Luis Munoz Marin, then governor of Puerto Rico, but chiefly in honor of Casals, had, for the first time at the White House, included in their guest list many of the leading musicians of the country. The audience was headed by composers, conductors, and performing musical artists whose names formed an honor roll of the country's classical musicians.

Casals was joined by his friends violinist Alexander Schneider and pianist Mieczyslaw Horszowski in the Mendelssohn D Minor Trio to which he added a set of pieces by Couperin, Schumann's Adagio and Allegro, and for an encore, what had become his symbol of freedom, "The Song of the Birds." The entire program was recorded and stands as one of the most remarkable testimonials in the whole catalogue of Casals mementos.

Another activity to which Casals became more willing to give himself publicly in his later years was the conducting of concerts on which all or a part of his oratorio, "El Pessebre" ("The Manger") was being presented.

This is a large-scale work, a full evening's program, calling for chorus, orchestra, and soloists, written not long after Casals moved to Puerto Rico. He says of it, "All my life, music has been my only weapon. How, then, I asked myself, could I best use this weapon now? A plan took form in my mind. It revolved around my oratorio, 'The Manger.' Since the message of this work was peace and the brotherhood of man, I decided to take the oratorio anywhere in the world that I could and conduct it as a personal message in the cause of international understanding. Everywhere, people have demonstrated the same hunger for peace, the same desire to join their fellow men in building a world pledged to human happiness. Every performance has been for me a reaffirmation of my conviction that it is not the peoples of the world but artificial barriers imposed by their governments that hold them apart."

After that decision, Casals conducted "The Manger" more than 60 times in cities in this country and Europe. In 1972 he recorded the entire work for Columbia Records, following its performance at the Casals Festival in San Juan.

"The Manger" is Casals' largest work, one that recalls his long acquaintance with the music of Brahms, at times of Wagner, and of Mahler, whose vast song-symphony, "Das Lied von der Erde" Casals conducted with his Barcelona orchestra back in 1930. Of his other compositions the world still knows very little. A dozen of the short, sacred choral pieces have been recorded, about half of them are published.

Casals has never failed to speak out against war and in favor of strong measures for peace. In Washington in 1971 to accept an award from the Organization of American States, he said, of children, "We tell them 'Kill or be killed. That is the law.' The law makes me kill, the law says I can kill. I don't respect the law in that sense . . . The world is at the disposal of the Russians and the Americans who have all those wonderful things to detroy and to kill. How ignorant, how backward we are. Man has employed this," tapping his forehead, "to come to the point that he can destroy the whole world."

Later that year he composed his last work, a "Hymn to Peace," to a text by W. H. Auden. The work was commissioned from both men by then-U.N. Secretary General U Thant and had its premiere under Casals' baton on Oct. 24 at the annual United Nations Concert in New York.

Of Casals the performer, however, there is a vast quantity of documented material that will show the world exactly how this genius played. Many dozens of excellent recordings exist covering a period of more than 55 years and attest to Casals' unique powers as a cellist in solo pieces, chamber music, and concertos. To those can be added the notable records made at the festivals of Padres, Perpignan, Puerto Rico and Marlboro in which he is again heard either as soloist or conductor, or both.

Among record experts the great Casals solo records are his versions of the solo suites by Bach, which he was the first to play in public, if not indeed in private as well; the Dvorak Cello Concerto, in which, with George Szell and the Czech Philharmonic, he gives a performance that will stand unsurpassed; and the Brahms Sonata in F Major, with pianist Horszowski.

To these must be added the priceless recordings made by one of the world's most famous chamber ensembles, the trio of pianist Alfred Cortot, violinist Jacques Thibaud, and Casals, in trios by Haydn, Schubert, Beethoven, and Mendelssohn. But the list is long, and comes well up into the stero era in which there is no diminishing of his powers in trios and sonatas by Beethoven, several of them made in the very room in Bonn, West Germany, in which Beethoven was born.

The cello had been played before Casals, but never as he played it. He not only reshaped its techniques and altered the sounds cellists made thereafter, but he was, like Wanda Landowska, one of those rare musicians whose influence reached hundreds of musicians of his own time and later, whether or not they were cellists.

Glorious and golden, the Casals' tone was capable of an infinite variety of shadings, a phase of his art to which he gave endless hours of practice. It was a tone he colored from the most delicate whisper in passages that echo through the Bach suites to a vast, surging baritone that sings through Brahms' broadest lines.

Even toward the end of his life, as on the night he played at the White House, he retained a command of strength in attacking something like the Schumann Allegro that

was one of his special marks. In an area where opinions legitimately differ, many believed that Casals' tone was matched only by the late Emmanuel Feuermann and today's genius, Rostropovich.

For his 95th birthday I took a Georgetown Glee Club to Puerto Rico at the Casals' invitation. As the marvelous man started down the stairs to the large, covered porch where the archbishop of Puerto Rico was preparing to celebrate a special mass for the occasion, the group began to sing, "Let Us Now Praise Famous Men," by Vaughan Williams. Casals stopped and stood motionless on the stairs until they had finished and then, coming over to them, smiled and clapped his hands and said, "But you sing so beautifully. And you sing every note in tune, and every word is clear. Excellent."

Later during the mass, it was time for us to sing Casals' own music, "Nigra Sum sed Formosa," which means "I am black but beautiful." They had hardly sung the first phrase when Casals rose from his chair, came over to stand in front of them and conducted them to the end of the piece. Not one man who sang there that day will ever forget those moments. They had made music for and with a man who showed them in a few minutes something of the beauty and spirit he never failed to give any musician, amateur or professional.

To muscians he was beyond criticism—the only string player ever so described, according to Grove's Dictionary. Fritz Kreisler called him "the monarch of the bow." Yehudi Menuhin described him as "a presence, in this world of small men and faint hearts, a being whose simplicity, grandeur and integrity restore our faith in human nature."

Albert Schweitzer, who shared Casals' views of war and peace, added another emphasis: "He is a musician of this stature because he is a great man." And Thomas Mann, seeing Casals in the same light, said "He is one of those artists who come to the rescue of humanity's honor."

PABLO CASALS DIES AT 96

(By Richard Slusser)

Pablo Casals, 96, the great cellist who said he could not separate his beliefs as a human being from his conduct as an artist, died yesterday in a hospital in Rio Piedras, Puerto Rico. He had suffered a heart attack three weeks ago.

Mr. Casals, also renowned as a conductor, for a number of years did not appear in public as cellist or conductor, and, for more than 30 years, he adhered to a vow never to live in his native Spain as long as it was ruled by the Franco regime. Since the Spanish civil war he had returned there only once—in 1955—not for music but to attend a funeral.

In Spain Mr. Casals' death was received with deep regret in music circles. Composer Cristobal Halffter said in Madrid, "It is painful that a universal Spaniard has to die out of his home, for questions that concern neither culture nor the art."

Due to the combination of his genius and his long life, Mr. Casals for decades had received the tributes of admirers around the world.

Five months ago, when he was to conduct from his own works in a concert honoring the Organization of American States in Kennedy Center, Mr. Casals told a reporter of his love for music:

"When you hear music you must have the feeling that you are with a god. Bach is a god of mine. When I was in Spain in my home —and I am speaking of 35 years ago—in my garden I wanted to put a bust of Bach. Now, in that part of my life that is normally the last, I would like to have it in my garden. All my musical life has been devoted almost exclusively to Bach. In the moment of death to think of another is a very curious thing."

For Mr. Casals Bach was "like Shakespeare. He has known all and felt all. He is everything—everything except a professor. Prof. Bach I do not know. When people ask me how I play Bach, I say, 'I play him as the pianist plays Chopin.' There is such fantasy in Bach—but fantasy with order."

In his love and skill of Bach he rescued the unaccompanied cello suites from academic acceptance and brought them into prominence in the Bach repertoire.

According to Grove's "Dictionary of Music and Musicians," the greatness of Mr. Casals is uncontested. He is perhaps the only string-played admired by all musicians without reservation.

His innovations in bowing and fingering brought a new and striking personality to the cello in both orchestral and solo works.

Mr. Casals was born near Barcelona of Catalan ancestry. His father, a church organist, gave him his early music lessons—choir, piano, writing and transposition, violin, organ, and then the cello.

At the age of 11 he continued his cello studies in Barcelona, earning money by playing in a cafe with a trio he formed. He was studying in Madrid in 1892 and on occasions would perform duets with Maria Christine, the queen mother, at the piano.

After three years in Madrid he and his mother went to Brussels, but after an unfriendly reception at an audition there, they continued to Paris, where he managed to earn enough to keep them from starving.

Returning to Barcelona he taught, played in the opera orchestra and in a string quartet. Shortly before his 23rd birthday he returned to Paris with a letter of introduction to the conductor Charles Lamoureux, who, at hearing him play part of the Lalo Cello Concerto, exclaimed, "My boy, you are one of the elect."

Mr. Casals, with the assistance of Lamoureux, made his Paris debut in late 1899. A sensation there, he followed with successes in London—once playing for Queen Victoria.

His first appearances in the United States were in 1904. In one New York concert he was the cello soloist and Richard Strauss the conductor in a performance of Strauss's "Don Quixote." He also played for President Theodore Roosevelt in 1904.

Mr. Casals' first marriage was in 1906 to Guilhermina Suggia, a Portuguese cellist. They were divorced six years later and in 1914 he married an American, Susan Metcalf, a lieder singer.

He accompanied her on the piano for several years and at one time considered dropping his career to further hers. However, they went separate ways and Mr. Casals stopped using Paris as his unofficial headquarters of almost 20 years.

Also at that time, Mr. Casals was left disillusioned by World War I, and is said to have contemplated suicide. However he returned to Spain in 1920 and founded the Orquestra Pau (Catalan for Pablo) Casals, and subsidized it for the seven years it took for the orchestra to become self-supporting.

Mr. Casals felt that the cello did not give him his truest way of expressing himself, according to his American biographer, Lillian Littlehales. He believed that conducting was the real work of his life and the orchestra "the grandest instrument of them all."

He also formed the Workingmen's Concert Association in Barcelona, which with low dues permitted members to attend several musical events.

The Spanish Republic was established in 1931 and Mr. Casals' Catalonia was granted automony. He was named a member of the Junta de Musica in the council of culture, was made an honorary citizen of Barcelona and had a street named after him. He was elected an honor member of the Spanish Academy in 1935. (Franco later ordered streets named after Mr. Casals to be retitled and the plaque from his Catalonia home removed.)

He conducted his orchestra for the last time on July 18, 1936, the day before the Spanish Civil War broke out. During the next two years he toured to raise funds to feed Catalan children. He also played in hospitals in Barcelona while the city was being bombarded.

He fled to France in early 1939 before Franco's forces finally defeated the loyalists and soon he settled in Prades, a small town near Spain in France's Pyrenees-Orientales.

In Prades he concentrated on aiding the Spanish refugees being held in French detention camps. It also was in Prades that he later was to emerge with new fame as a musician.

He stayed in Prades in seclusion during World War II. After the fall of France the Nazis asked him to play in Germany, but he refused.

In June 1945 he was a soloist with the British Broadcasting Orchestra. In that performance, said a British critic, it was evident "from the first notes . . . that none of the magic of his playing has been lost."

Later that year he said he would not perform again in England or in the United States. The reason, he said, was a "moral rather than political" protest against the continued recognition or tacit approval of Franco's regime.

Later he announced that he would not perform in France for the same reason. He had assumed that an Allied victory would doom not only Hitler and Mussolini, but also Franco. (In addition to refusing to play in Germany, he had not played in Italy in the 1930s or in the Soviet Union after the Bolshevik Revolution.)

His quiet life in Prades was enlivened in 1950 with his agreement to participate in a Bach bicentenary festival.

The following year Albert Schweitzer told Mr. Casals that "it is better to create then to protest."

"Why not do both—why not to create and protest both?" Mr. Casals answered.

In 1956 he went to Mexico for his first concert outside Prades, and the following year he was married to 21-year-old Martita Montanez, one of his cello students. Since then they had lived in Puerto Rico.

When he moved to Puerto Rico Mr. Casals refused to visit the U.S. mainland although he had a great affection for this country.

In 1958 he relented and played at a United Nations concert with the agreement that he could state his views on the world situation.

In 1961, Mr. Casals, played at the White House at a dinner given by President and Mrs. Kennedy for Puerto Rico Gov. Luiz Munos Marin.

During his last appearance here Mr. Casals was stricken with an asthmatic attack the day before he was to conduct part of the 25th anniversary of the signing of the OAS charter.

After Schneider had conducted Mr. Casals' oratoria "El Pessebre," ("The Manger"), and his "Sardana" the composer was assisted to the center of the stage to acknowledge a tumultous ovation. He began to speak.

"How I thank all of you.

"I am a very, very old man and I have been in this lovely city much, much, before you all, and I remember the first concert that I gave here at the beginning of the century. It was very touching for me. I was a young man and I was very astonished to have received so much of your applause.

"But now I feel younger than ever because I play Bach every day; every day I play after having prayer to that fantastic, fantastic nature. Nature first, and then prayer; prayer to nature which I call nature-God or God-nature. . . .

"And so, despite my age, I am still a musician. . . . And I would like to give you more. I thank the Lord for having brought me near you. God bless you all."

LESSONS AND WARNINGS OF THE MIDEAST WAR

Mr. DOLE. Mr. President, last week, I noted reports that objection had apparently been voiced by the administration to provisions of the Alaska pipeline bill which would lift price controls on crude oil from very low producing or "stripper" wells. I found these objections hard to understand in the light of recent Middle-Eastern developments and heightened concern for the adequacy of this country's future energy supplies.

At first glance, a layman might wonder at the fact that any concern is being expressed in these matters. Stripper wells are technically known as marginal producers. That is, they operate in that narrow zone between the approaching curves of cost and return. They pump a little oil; they earn a small return. But it costs money to operate these wells, and in this age of inflation for virtually every goods and service the costs of operation moves closer and closer to the break-even point. And when that point is reached and costs exceed returns, a simple economic decision is made: the well is plugged.

Thus, it might seem insignificant matter whether a well producing less than 10 barrels of oil per day keeps on working. What difference could this little oil make to a country that consumes it by the millions of barrels every day?

Well, it could make a great deal of difference, for there are 353,000 stripper wells in this country. And they historically have accounted for nearly 10 percent of the total daily production.

Not only do these wells provide needed energy. But every one of them sits squarely within our own borders—free from threats of politically inspired cutoffs, safe from jeopardy of far-off wars, free from international price or middleman manipulations.

Each of these wells means that every day 5 or 10 barrels of oil do not have to be imported, do not have to be paid for abroad in U.S. dollars, do not put more red ink in our balance-of-payments ledger, do not add to our dependence on foreign sources.

Price levels for crude oil produced in the United States have been remarkably stable over the past few years. Some would say they have been unjustifiably low. The net effects have been felt throughout the industry in two particular ways which have a critical bearing on our current and prospective energy problems. First, with prices held low, exploration and drilling to obtain new supplies has been severely impeded. The incentives for undertaking the costly and risky job of drilling new wells have not been strong enough to stimulate the level of activity we should be seeing. As a consequence the undiscovered domestic supplies have had to be offset by increased imports. And this situation, while eased somewhat by recent allowance of some crude oil price increases, will persist until the economic factors are brought into line.

A second impact of the recent price structure has been felt through both the closing of marginal wells and the failure to make worthwhile the expenditures to renew and maintain production from these wells. Not only are these wells dropping below the break-even point, but secondary and tertiary recovery techniques—which could increase the yields and lifetimes of these wells—are not being utilized, because the laws of economics do not yield to wishful thinking.

For example, between 1968 and 1971 nearly 14,000 stripper wells were abandoned, and overall production fell by about 62 million barrels per day.

In the State of Kansas, where strippers constitute 97 percent of the active wells these effects have been severe. A recent article in the Wichita Eagle details this situation, and I ask unanimous consent that it be printed in the RECORD.

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

OUTPUT OF STRIPPER WELLS REPORTED

TULSA.—Kansas has 39,937 oil wells classed as "strippers," and they produced 69 per cent of the state's oil in 1972, the National Stripper Well Association (NSWA) said here in a preliminary report.

Stripper wells are those producing less than 10 barrels of oil per day.

The NSWA and the Interstate Oil Compact Commission released the Kansas figures in advance as they prepared their annual report on marginal wells—scheduled for release Oct. 22.

The survey showed that the Kansas strippers produced 51 million barrels of oil with a wellhead value exceeding $180 million at then-prevailing prices. The survey also revealed that Kansas strippers:

Produce an average of 3.5 barrels of oil daily.

Compose 97 per cent of the state's wells.

Represent 381 million barrels of recoverable reserves.

Eventually, the survey noted, those known reserves will yield close to $1.35 billion.

Kansas stripper wells fared none too well in 1972, the report shows. In all, 1,356 of them were plugged as they reached the economic break-even point.

A review of past surveys shows that during the last five years 8,783 Kansas wells were plugged for the same reason.

Of the total gross income realized from Kansas strippers in 1972, one-eighth, or approximately $22 million, went to farmers and landowners as royalty payments.

Kansas stripper operations are primarily sustained by independent operators, the report said, and recent increases in crude prices are expected to make more stripper oil available.

The survey concluded that "with the energy crisis clearly pointing to the need for additional raw energy material, the stripper well segment continues to grow in importance."

Mr. DOLE. Mr. President, Kansas is only 1 of our 50 States and only 1 of the 27 which produce this Nation's domestic supplies of oil and gas. The entire Nation must deal with the energy questions which confront us, and, to my view, we must take advantage of every possible opportunity to preserve and enlarge the sources for energy which lie within our own borders. National security requires such action. Our economic interests compel it. And a basic measure of commonsense would appear to make it obvious.

I would hope lessons and warnings of the latest Mideast war will not be lost on those in the Cost of Living Council, the Office of Management and Budget, and elsewhere who seem to view domestic oil prices as some sort of sacred cow which must be kept low at all costs. These lessons and warnings do not seem too difficult—even for the people who brought us the beef price freeze and shortage and the fertilizer crisis.

Simply put, the lesson is that there is no free lunch in the world energy market. If the United States expects to have adequate energy it will have to pay for it—either to other countries or to our own industries.

With equal simplicity, the warning is that, regardless of price, we cannot and we must not depend on foreign countries—particularly those in the Middle East—to provide us those supplies.

In this regard I felt Hobart Rowan's column in Sunday's Washington Post very clearly and frankly posed some of the most difficult decisions facing America in the coming few years as we force ourselves to diminish our dependence on Arab supplies. I ask unanimous consent that this article be printed in the RECORD at this point.

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

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

U.S. OIL POLICY: LIVE WITHOUT ARAB SUPPLIES

(By Hobart Rowen)

The Arab nations' embargo on oil shipments here has taught this country a valuable lesson: It must develop an energy policy to permit the United States to get by without any dependence at all on Middle East oil.

"We can't and we won't let the Arab oil-producing countries blackmail us," a high Nixon administration official says. "Happily, we're in a position where we can turn to other sources. We'll be pinched, to be sure. But we can do without any Arab oil at all, while Japan and Europe would be hurt by such a policy."

There is reason to believe that the Arab boycott, coming when it did, may have been a blessing in disguise. Our dependence on Arab oil, while growing, is still a pittance. In July, for example, total crude oil and oil products imports from Arab countries shutting off or curtailing their supplies amounted to 6.7 per cent of U.S. supplies from all sources.

That's an easier gap to try to fill than, say, 20 per cent of our supplies—the level that Middle East oil could have reached in a couple of years if the sheikhs had delayed their squeeze play by that long.

But by having signaled this country so dramatically that they are not realiable suppliers, the Arab nations have escalated American efforts to produce oil and gas supplies from shale and coal. What was once seen as an uneconomic venture not only becomes economically feasible, given the sharp rise in oil prices that the Arab producers have been extorting, but a political necessity. No major power such as the United States can vest its foreign policy in the hands of a small group of willful men 10,000 miles from these shores.

But a policy keyed to living without Mideast oil has many grave consequences, all of which must be faced openly and intelligently. Among them are these:

There must be a "crash" program of the same magnitude as the Manhattan Project that developed the atom bomb in World War II to find alternative sources of energy from all sources—fossil, solar, and nuclear. That means beefing up the present Energy Policy Office, and much more concentration on re-

search and developemnt. There are signs that the Nixon administration is willing to invest up to $10 billion in an initial effort in this direction.

Environmental needs will have to take a second priority, at least in the short run. That doesn't mean that all protections for the environment should be abandoned. But environmentalists will be pressured by administration officials to compromise on some goals to permit explorations on the continental shelf, for the production of oil from shale and coal, and to allow the Alaskan pipeline to get under way.

Industrial and individual consumers of energy will have to learn to live with less. We waste a horrible amount of energy (and other raw materials) in this country. But voluntary efforts to save, although clearly now a major necessity, won't be enough. Gasoline and oil will have to be rationed, at least until the time that adequate alternative supplies have been developed. Such rationing plans are being readied by the administration. Consumer goods producers, who have a high consumption of fuel oil per worker, will doubtless be hit hard.

Any drop in total energy supplies will, of course, immediately require the curtailment of private passenger car travel. It could come first by letting gasoline prices skyrocket, later through coupon rationing. Undoubtedly, there would be some shift from truck transportation to more economical (in fuel use) rail transport. Detroit's present frantic efforts to move from gas-guzzlers to compacts will be accelerated.

These measures will substantially raise the cost of all forms of energy, and therefore will add to inflationary pressures in the U.S. economy. But it should be borne in mind that the Arab nations have steadily been extracting a higher price for their oil, and to the extent that they continue shipments, costs will be going up anyway. (And the reason that the United States was planning, before the latest Arab-Israel war, to rely more on Arab oil was that it used to be cheap.)

As difficult as will be our adjustment to living without Middle East oil, the problem is substantially less than it would have been if the Arabs had begun to use oil as an economic weapon against us three or four years hence.

While embarked on a crash program, the United States could make it plain to both the Arab nations and the Soviet Union that it can't be pressured by an oil boycott by indicating that it is also willing to use economic leverage. One highly regarded economist who privately advises the Nixon administration points out that the United States "must be prepared to periodically embargo farm products to certain countries if it is to exercise a countervailing pressure against the Arab-Soviet oil alliance."

If the Russians still want to pursue and reinforce their detente with the United States, they will have to acknowledge that American policy in the Middle East includes a commitment to the preservation of Israel. That policy is not merely a Nixon policy—it is a commitment by both major American political parties.

On the other hand, if we pass from detente back to cold war, it will mean not only a regrettable reversion to an arms race, but it will underscore the need for more dependable oil resources than those in Saudi Arabia, Kuwait, Libya, and other points east.

Mr. DOLE. Mr. President, these recent developments sharply emphasize the views that I have advocated for many years. We have enormous domestic supplies of energy which a whole range of national interests demand that we develop and utilize. We cannot go on living on the unrealistic and dangerous fantasy that our energy needs will always be met and that the sources of these supplies are unimportant.

The outbreak of another Mid-East war was unfortunate and took a tragic toll in human death and suffering. It brought the whole world to the brink of a major confrontation between the two superpowers.

But, hopefully, this country will gain something from this war—a clear and impressive understanding of facts of life as far as America's energy posture is concerned. And, hopefully, too, this understanding will lead us to the policies and programs required to safeguard and secure this great Nation's strength and position of military, political and economic leadership in the world.

THE OBJECTIVES OF THE NATIONAL AERONAUTICS AND SPACE ACT OF 1958

Mr. MOSS. Mr. President, in 1958, when Senator Lyndon Johnson opened hearings on the National Aeronautics and Space Act of 1958, he said:

> While the present is urgent, the real imperative is the future. What we do now may very well decide, in a large sense, what our Nation is to be 20 years and 50 years and 100 years from now . . .

With these words he set the stage for enactment of national objectives which led the Nation to some of its greatest achievements.

These objectives stand today in section 102 of the act, and are as follows:

First. The expansion of human knowledge of phenomena in the atmosphere and space;

Second. The improvement of the usefulness, performance, speed, safety, and efficiency of aeronautical and space vehicles;

Third. The development and operation of vehicles capable of carrying instruments, equipment, supplies and living organisms through space;

Fourth. The establishment of long-range studies of the potential benefits to be gained from, the opportunities for, and the problems involved in the utilization of aeronautical and space activities for peaceful and scientific purposes;

Fifth. The preservation of the role of the United States as a leader in aeronautical and space science and technology and in the application thereof to the conduct of peaceful activities within and outside the atmosphere;

Sixth. The making available to agencies directly concerned with national defense of discoveries that have military value or significance, and the furnishing by such agencies, to the civilian agency established to direct and control nonmilitary aeronautical and space activities, of information as to discoveries which have value or significance to that agency;

Seventh. Cooperation by the United States with other nations and groups of nations in work done pursuant to this act and in the peaceful application of the results thereof; and

Eighth. The most effective utilization of the scientific and engineering resources of the United States, with close cooperation among all interested agencies of the United States in order to avoid unnecessary duplication of effort, facilities, and equipment.

The achievements under these objectives were not only in exploration but in technologies which contributed greatly to the income of the Nation and the well-being of its citizens.

The 15 years since the enactment of the National Aeronautics and Space Act of 1958 have seen many changes. The aerospace industry on which NASA has placed basic reliance went through rapid expansion in the early 1960's and equally rapid contraction in the late 1960's. The Federal Government retreated from its full commitment to the objectives of the Space Act. In purchasing power, the NASA budget has been reduced by nearly two-thirds. Thus a reexamination of the objectives which have guided NASA since its founding is timely.

The Committee on Aeronautical and Space Sciences hearings on September 26 and 27 included a reexamination of the objectives of the National Aeronautics and Space Act of 1958. The eight witnesses were among the leaders in the aerospace industry. They unanimously expressed the view that pursuit of the objectives of the act had served the country well.

The views of the witnesses on the need to modify the objectives at this time were not unanimous. Most felt the need to strengthen applications of aerospace technology. Most of the witnesses expressed dismay at the broad withdrawal of support from all of the objectives. This withdrawal they described as "an appalling squandering of our own human resources" and a retreat from income-producing programs badly needed to pay for required social programs.

Let me highlight for you the views of each witness on the objectives of the National Aeronautics and Space Act of 1958:

Karl G. Harr, president of the Aerospace Industries Association:

> It is our contention that all eight major goals remain valid and impressively far-sighted. Unsurprisingly, some have been emphasized more than others in accordance with the priorities of the last decade and a half. Perhaps renewed interest and investment in several of the others would be appropriate in the light of present circumstances. . . . All that is required to preserve this nation's high technology superiority is for the Government to recognize that such superiority is essential to our national well being and act accordingly.

David S. Lewis, chairman, General Dynamics Corp.:

> Anyone reading the objectives of our National Aeronautics and Space effort as first set out 15 years ago can only be impressed by the farsightedness of the Congress in setting them out and by the remarkable achievements of industry in striving to meet them. However, in more recent years there have been significant changes in the attitudes and approaches to technology within this nation and in the many nations around the world, and these changes may require a new assessment of some of the stated objectives. . . . I believe one of this Committee's prime concerns must be the preservation of the United States as the world's leader in technology. I believe that role is threatened not only by foreign achievements, but by our own reduced efforts in research and technology.

O. C. Boileau, president, Boeing Aerospace Corp:

I do not believe that the objectives set forth in the NASA Act need to be amended. These objectives are considered to be as valid today and for the foreseeable future as they were when enacted in 1958. The problems that have been encountered and that are foreseen result from the means used to implement these objectives, rather than from the objectives themselves. I do believe it would be beneficial to expand the specific wording of the NASA Act to delineate in more detail the responsibilities and authority of NASA and the working relationships with other government agencies.

Thomas G. Pownall, president, Martin Marietta Aerospace:

The need now is for a continuity of purpose for NASA, supported by adequate and consistent allocation of funding. It is time to establish new goals. The purpose of NASA must be revalidated and the tools to achieve that purpose must be approved in such a way as to afford the NASA and industry the ability to plan far enough ahead to develop them at the least cost. . . . It seems paradoxical to me that NASA and its continuing and growing efforts to expand and apply technology should have been restricted in its endeavors just at the moment of its greatest successes to date. . . . It can continue its manifold contributions if we will provide only modest increases in the annual funding provided that funding is focused by a long range plan based upon stability and balance.

William B. Bergen, president, North American Aerospace Group, Rockwell International:

The Act and the implementation of the objectives of the Act by the Space Agency must be measured at this point as an outstanding success, perhaps one of the clearest cases of a success in the last two decades. . . . With the broadness of scope in its policy statement and list of 8 objectives, the Act has provided the inspiration, guidelines, and flexibility required to achieve our eminently successful program in space. We would like to offer for your consideration some modified objectives to stress the aspirations of society, recognize what has been accomplished, and perhaps better illuminate the way ahead.

Daniel J. Fink, vice president, General Electric Co. and general manager of the Space Division:

The goals of the Act have been realized to a degree that its framers could hardly have hoped for, and it must be characterized as a singly appropriate response to the challenge of its time. . . . I would contend that our very success is in part the source of our problem, and perhaps recognition of this success should be reflected in amended goals as set by the Congress. . . . I believe that the single most important modification to the goals of the Space Act should be recognition of the tremendous potential to our citizenry of space system applications and the provision for their expedient realization.

Dr. Wernher von Braun, vice president, engineering and development, Fairchild Industries, Inc.:

World leadership and technological leadship are inseparable. A third-rate technological nation is a third-rate power; politically, economically and socially. That is the reason that I have always felt that the National Aeronautics and Space Administration, which has rightfully been called the "cutting edge of our technological progress," bears a grave responsibility for the future of the nation. Whether we like it or not, ours is a technological civilization. If we lose our national resolve to keep our position on the pinnacle of technology, the historical role of the United States can only go down hill.

Thus the witnesses strongly supported the validity of the objectives of NASA in the past. Their views on the need to modify the objectives for the future were somewhat divided. Some felt that only a change of emphasis was needed while others saw a requirement to directly modify the objectives.

The Committee on Aeronautical and Space Sciences was provided with many valuable suggestions for modifying the objectives or for revising the past emphasis on existing objectives. Study is continuing to allow us to take full advantage of what we have learned. However, three major recommendations for change were encountered throughout the testimony:

First. Reasserting leadership in aerospace technology as a national imperative;

Second. Preventing the squandering of human technological resources built up during the NASA program; and

Third. Recognizing the tremendous potential to our people of aerospace applications and making provision for their expedient realization.

The first two of these recommendations are national policy matters currently overlaying the enabling legislation of the National Aeronautics and Space Act. Unfortunately, this national policy arises from a more transient set of rules. It is embodied in the Federal budget. Current national policy toward aerospace technological leadership and the efficient use of human technological resources does not show up as a written statement, but instead as approved items in the yearly budget. The NASA fiscal year 1974 budget, submitted to Congress by the administration, may be viewed as temporary departure from sound national policy, or it may represent a continuing permanent trend toward discarding national opportunities and wasting human technological resources. I will address this issue in further remarks in the Senate.

The third recommendation of providing expedient application of aerospace technology to our people is addressed by S. 2495, the Technology Resources Survey and Application Act introduced by my colleague, Senator MAGNUSON, for himself, Senator TUNNEY, and myself, and on which the committee will hold hearings.

The importance to the Nation of the recommendations of our distinguished witnesses again brings to mind Senator Lyndon Johnson's remarks in 1958:

The real imperative is the future. What we do now may very well decide, in a large sense, what our Nation is to be 20 years and 50 years and a 100 years from now.

IMPEACHMENT HYSTERIA

Mr. FANNIN. Mr. President, the impeachment hysteria which we are seeing in America today is sadly reminiscent of the lynch law of the frontier days. In those days it was not too difficult to stir up a mob of vigilantes to hang a man for alleged improprieties, real or imagined. In yet earlier days we had the witch trials at Salem.

Today's vigilantes have the advantage of electronics communications to stir up the people. Statements made in Washington—whether responsible or irresponsible—are quickly transmitted to 200 million Americans in living color. In fact, it is a sad fact that the more irresponsible the statement, the more likely it is to reach the living rooms of America either via television or print or radio.

In yesterday evening's Washington Star-News there was a very powerful column by Richard Wilson. This column points out the distortion and exaggeration which has been used to make the people believe President Nixon is guilty of some offense which should cause him to be removed from office. The headline on this column is "No Case Yet for Impeachment," and it is exactly the way it is.

Mr. President, I ask unanimous consent to have this thoughtful column printed in the RECORD.

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

NO CASE YET FOR IMPEACHMENT

(By Richard Wilson)

Nothing illustrates with more crystal clarity the urgency of a quick and final resolution of the impeachment issue than the public attitudes which ran wild in the recent Mideast crisis.

Every random thought which ran through a congressman's or journalist's head was articulated in living color to feed the fevered imaginations of the prejudiced and irresponsible.

If there is cause for impeachment, let's get it out and done with immediately. If there is not—and this is the rub, there is not yet a clear case for impeachment—then let's bury the thing and get on with what has to be done.

Implications that the President has gone berserk, that he created a phony nuclear crisis, that he tricked up a scheme to justify firing the special Watergate prosecutor are evidences of the irrational fury of those who wish to hang Nixon without a trial.

They demand that he commit political suicide and there are even those so intense that they imagine his physical and mental collapse, to be followed by self-destruction.

This is more than the "crisis of confidence" of which Secretary of State Henry Kissinger spoke. It is a livid hatred demanding punishment and retribution for imagined crimes which have not been proved. Lacking conclusive proof of criminality, Nixon would be rushed to the stake for the "secret" Cambodia bombing, for impounding congressionally appropriated funds, for his opposition to busing for integration purposes and—yes—for setting the Vietnam war on a time schedule not considered fast enough. He would be pilloried for the detente with Russia as a dangerous illusion, and brought to ruin for opposing the obstructive arrogance of a Congress controlled by the opposition party.

Usurpation of power by Congress was one of the earliest fears of the founders of the Republic who had little faith in the ability of the people's representatives to executive national policy. The present affords a vivid illustration of those fears. A runaway Congress is determined to impose its will on the chief executive because it differs with his

methods and quarrels with constitutional prerogatives the President deems unimpeachable.

The impeachment issue has thus burst outside the bounds of treason, high crimes and misdemeanors. It has spread into the political morass of how the country is to be governed, what the Constitution meant when it gave the presidency its great powers, whether Nixon's major policies are right or wrong, and, indeed, on subjective judgments of good and evil based on whether or not people like the cut of the President's jib.

A president is to be impeached because he has a legally reasoned and carefully prepared position on the foggy issue of executive privilege? Nonsense. He is to be impeached because he fired a member of the executive department? Unbelievable. He is to be impeached because he claimed war power which Congress does not have the votes to deny him? Bunk. He is to be impeached because he sought to protect the integrity of national security secrets? Debatable.

Then what can he be impeached for? He can be impeached for the criminal obstruction of justice which hasn't yet been proved and may be no more provable from the White House tapes when they are presented to the grand jury.

This is the issue which needs to be gotten on with quickly and cleared up once and for all. The rest of it is a massive political collision involving windy moralizing about the "capacity to govern" of a President who has just proved that he can govern under the most ominous circumstances.

The blather, fustian and exaggeration—called a "fire storm" in the hyperbole of those who wish to incinerate Nixon—has done as much to limit Nixon's ability to govern as anything he has done.

The symptoms of what has happened to the country, to which Kissinger referred, are those of a fevered, unreasoning patient wildly suspicious of his physician. Not until the fever subsides will the patient's judgment return.

In this case the way to get the fever down is to get to the seat of the ailment, the Watergate collusion, and proceed with radical treatment if justified. That means quick action on impeachment or none at all. The patient can't stand much more of the intermediate political procedure.

SENATOR MONDALE'S ADDRESS ON THE MIDDLE EAST

Mr. HUMPHREY. Mr. President, I wish to call to the attention of my colleagues the eloquent address of the senior Senator from Minnesota, Mr. MONDALE, before the Synagogue Council of America Statesman Award dinner on October 28.

Senator MONDALE proposed that the United States go beyond selling arms and provide nonmilitary economic aid to help Israel recover from its most costly and tragic war.

Senator MONDALE stated—

Since Israel must survive in peace as well as in war, it is only right that the United States join in the reconstruction and rehabilitation of Israel's economy, assuring that the social welfare of Israel's citizens need not be sacrificed upon the altar of military necessity.

He also pointed out that with paragraph 3 of the new cease-fire—

The United Nations has explicitly recognized, for the first time, that adversaries who do not communicate cannot make peace. . . .

Mr. President, I ask unanimous consent that Mr. MONDALE'S remarks be printed in the RECORD.

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

REMARKS OF SENATOR WALTER F. MONDALE BEFORE THE SYNAGOGUE COUNCIL IN NEW YORK CITY, OCTOBER 28, 1973

The guns of the Near East are silent, for now. But it will take more than this temporary respite for us to forget the horror and pain of the past three weeks. The mindless facts of the war are known, all too well, by those assembled here. But if we are to be able to respond to the new challenges which will confront the friends of Israel in the coming weeks, then it is essential that we understand the elements of the swarming attack which Israel has just weathered.

Consider what Israel faced:

A mighty military salient which forced her to fight simultaneously on two fronts against eleven Arab states;

A Soviet sea and airlift of advanced military equipment which allowed Arab commanders to squander hundreds of tanks and thousands of men with the full knowledge that gleaming replacements would be in the front lines the next day;

A cut-back in Arab oil production designed not so much to hurt America as to force our European and Japanese allies to apply pressure for an imposed settlement, so that their energy supplies might again be "secure;"

A diplomatic war to isolate Israel as an aggressive usurper of Arab lands and to force what six years of Arab obduracy could not achieve: a withdrawal to the pre-1967 borders with no guarantees of peace;

And finally, almost as an afterthought, a war of nerves and time, designed to ruin Israel's economy, dislocate her social welfare and slowly murder another generation of her sons.

If Israel's war is over, then the battles which Israel's friends must now fight are only beginning.

We have to fight for a genuine peace, a permanent settlement born of direct negotiations. An agreement which is signed and recognized, which will defuse future wars and result in an Israel fully accepted by her neighbors.

We must win the immediate release of the prisoners of war now held captive by Egypt and Syria.

We must struggle for a new definition of detente. A relationship which will be free from the apparent dishonesty which characterized Soviet behavior in the early days of the war . . . which will capture the real cooperation of interests which characterized the joint efforts for the cease-fire and the sending of a U.N. peace-keeping force which excluded the troops of the super-powers.

We must ward off those who would isolate America from her global responsibilities, and those who would isolate Israel from the world community.

We cannot allow our foreign policy to be subject to blackmail over oil. Our foreign policy must never be held hostage to economic interests. For where will it end? The time to face this issue is now—when the imports of oil from the Arab world amount to less than 7% of our total oil supply.

We must help in Israel's rehabilitation, working for needed grants and credits, so that Israel is not bankrupted by the aggression of others.

Foremost now is the question of peace. This war has cost far more than money, metal and men.

Let us hope that it has not deepended hostility and hardened hearts against peace.

But despite the lost opportunities and diminished flexibility, the present cease-fire resolution offers the best hope for a new communication and final agreement to the Arab-Israel conflict, even as the gun barrels are still cooling. Paragraph three of the resolution introduces a new concept: "The Security Council . . . decides that immediately and concurrently with the cease-fire, negotiations start between the parties concerned under appropriate auspices aimed at establishing a just and durable peace in the Middle East."

This is the key.

Although it was accepted by all parties to the Middle East conflict, Security Council Resolution 242 was always interpreted by the Arabs after 1967 as a dictate to the parties, forcing a withdrawal from the territories occupied after the Six-Day War. Israel always contended that the highly ambiguous terms of the resolution were to be implemented by negotiation.

With paragraph three of the new cease-fire, the United Nations has explicitly recognized, for the first time, that adversaries who do not communicate cannot make peace, that trust can only come from a dialectical process to which both Jews and Arabs contribute, and from which both will benefit.

The United States, having contributed this essential element to the cease-fire resolution, must not now abandon its principled stand, no matter how much pressure for expedient, jerry-built solutions we face.

This means no return to 1957, when the United States insisted on an Israeli withdrawal, and promised that Israel's security and freedom of passage through Suez and the Straits of Tiran would not be impaired. Israeli ships were seized in the canal only weeks later, and Israel's southern life-line was blockaded in 1967, leading inevitably to the Six-Day War.

A principled American stand means no Rogers Plan . . . with territory carved up in advance . . . and with a tenuous security imposed by the great powers.

A principled American stand means insistence upon meaningful talks—starting the negotiation process . . . seeing that it becomes a dynamic and constructive endeavor . . . keeping external politics out and holding tempers in.

A principled American stand means no imposed peace, no matter how convenient or cosmetic it appears. It means insistence upon a final settlement which did not merely end war, but established open borders, mutual recognition, regular channels of communication and the basis of cooperation for the welfare of all the residents of the area.

This time we must have a negotiated peace.

This time we must have a recognized peace.

This time we must have a secure peace.

This time we must have a signed peace.

No longer can we wait for the next round of fighting to burst out, consuming young soldiers and poisoning more hearts.

This is our opportunity and our responsibility, and if the United Nations is unwilling to separate hostility towards Israel and obeisance to rhetoric from the imperative of communication, then the "appropriate auspices" under which the negotiations are to be conducted must be Great Power auspices.

This means the Soviets must help, and must be sincere in their desire for peace. And this is the second problem we must confront.

The fabric of detente has been stretched badly in the past three weeks. And we have seen how much we *need* the Soviets. To be able to send peace-keeping forces into the area. To build a new protocol of world relationships beyond the polarized hostility of the Cold War.

But there is much that must be transcended.

Since 1967 the Soviet Union trained the Arab armies for an offensive attack against Israel. The Soviets knew of the Arab plans for war, but did not inform the United States, something they were duty- and honor-bound to do under the Basic Principles signed in Moscow in 1972. The Russians first encouraged other Arab states to enter the war . . . then urged that the oil weapon be unleashed against the United States . . . and

then pledged total support to the Arab war effort.

They launched a mammoth resupply effort to aid the reeling Arab armies. They ignored pleas from the United States to moderate their airlift so that the larger concern of detente would not be endangered.

Such a distorted conception of detente mocked the spirit of peace and friendship.

But the ultimate cooperation between the United States and the Soviet Union in producing U.N. cease-fire resolutions and agreeing to introduce U.N. peace-keeping forces indicates that, hopefully, detente can survive the war.

Let us see no more airlifts, or subterfuges such as the 1970 cease-fire violation, when the U.S.S.R. erected the dense anti-aircraft network on the Suez Canal which took the lives of so many Israeli pilots in the first hours of the new war.

Instead, to convince this country that detente is not merely a ploy to be used to Soviet advantage, the U.S.S.R. can demonstrate its sincerity, now, by urging its Arab clients to sit down at the bargaining table they have shunned so long. By providing this irreplaceable keystone for the structure of a Middle East peace, the Soviet Union could, in one stroke, prove its devotion to meaningful detente.

But restoring the peace is not merely a function of waiting for the Soviets and the Arab states to move. Now, in the coming months, our 25-year commitment to Israel must be renewed.

This means the extension of financial assistance to Israel's war burdened economy. Since Israel must survive in peace as well as in war, it is only right that the United States join in the reconstruction and rehabilitation of Israel's economy, assuring that the social welfare of Israel's citizens need not be sacrificed upon the altar of military necessity.

So many lives have been lost, and for this, there can be no reparation.

Israel has only just begun calculating the other costs. First indications are that the figure of $250 million per day previously estimated covers only part of the total, and the final figures will be much higher.

The American Jewish community has given selflessly to help shoulder this burden, as it has done in the past.

But this is not enough.

A small minority alone should not be expected to be the defenders of democracy nor should a small country be bankrupted because of the aggression of others.

In 1948, in 1956, in 1967, and in 1973, young Israelis died in defense of their homeland . . . never asking for the gift of our weapons nor the assistance of our manpower. Although more than 90 percent of all U.S. military assistance to many countries has been in the form of grants, Israel has never been the recipient of such grant aid.

Given the financial burdens under which Israel has labored—1,500,000 new immigrants to assimilate, the highest personal income tax level in the world—it is simply incredible that for 25 years Israel has borne the cost of its defense budget alone.

Thus, while the United States extended $309 million in military grants to nine Arab countries, Israel was compelled to go deeply into debt to pay for her defense needs, incurring the highest per capita foreign currency debt in the world.

While the Soviet Union fueled the arms race in the Middle East, using the desert as a testing ground for its most advanced weapons, American military assistance to Israel was restrained.

While France and England supplied Libya, Kuwait, and Iraq with weapons which were transferred to the supposedly embargoed belligerents, Israel was refused the spare parts for which she had contracted.

But there was a limit to how much armor one Israeli tank could repulse, or how many SA–6 missiles one Phantom pilot could dodge. Contemplating the limited sources of military supplies which Israel could draw upon, many asked, rightfully and bitterly:

How many Israeli soldiers must die before parity is achieved?

Thus in the first days of the war, the Administration hesitated to provide Israel with a resupply of weapons until it became clear that the Soviet Union was reinforcing the Arab armies with a full-tilt airlift of equipment. The United States recognized Israel's urgent need, and began rushing material vital to her survival.

In the Senate, I joined with 67 of my colleagues in introducing a resolution urging that this policy be continued and that Israel's requirements for her security be met.

Now the Congress has an opportunity to assert, in the most meaningful manner, a helping hand to our fellow democracy. Last week, the President asked Congress for $2.2 billion of emergency security assistance for Israel to help defray the cost of military equipment delivered to Israel since October 6, and equipment still to be delivered.

I am confident that Congress will swiftly approve this request.

I pledge to you my wholehearted support for its passage.

I am proud to join in this concrete manifestation of America's partnership with Israel.

American support for Israel derives from many sources, some of these the most sober calculations of *Realpolitik*—Israel's strategic location as a bulwark against Soviet entry into the Middle East, her traditional role as a stabilizing force in the region, contributing to the security of others in the area, and as simply one republic able to stand and protect herself, and thus aid America's global interests. These calculations are valid and significant. I accept them.

But I believe there are more profound reasons for the traditionally close relationship between the United States and Israel. These are reasons which will not change with the price of oil, the status of Soviet-American commercial dealings, or any developing trend of neo-isolationism and disengagement.

These reasons are embedded in Israel's unique position in the world community and they must be recounted, so they are not forgotten.

There are few nations which adhere to the American democratic and progressive tradition as closely as Israel. And there is *no* nation which has emulated America's example of being a haven unto the oppressed as Israel has.

In a pattern we Americans know well, the State of Israel took immigrants of a hundred lands, and moulded them into a nation, and made them full participants in one of the world's most spirited democracies. Israel is a genuine democracy, a progressive cooperative society, and as such she deserves our support.

But beyond *this*, there is the stark fact that Israel is the refuge of the survivors of that greatest of all tragedies, the Holocaust.

I believe it is impossible to understand Israel's struggle for survival at this very *minute* in 1973 without a constant awareness of the events of the Nazi years.

It was *that* awareness that led Americans after World War II to support overwhelmingly the right of the Jewish survivors to take control of their own destiny in the State of Israel. That has not changed.

So in the time of testing ahead, America will stand firm with Israel. Her principles are our principles. The isolation which confronts Israel in the world and the United States and Israel at the United Nations will have to be borne until a lasting and genuine solution is achieved. We will not surrender to expediency. We will be steadfast in our devotion to the basic goal, brotherhood and harmony in the Middle East.

Let us achieve it together. Let us hope that the hour has finally come.

MR. NIXON AND THE RULE OF LAW

Mr. MOSS. Mr. President, this past year, and the last 10 days in particular, have not been the best of times for our Republic, and it would be foolish to minimize the magnitude of our present crisis. I believe we are now undergoing the most severe domestic test since the Nation was torn apart by the Civil War. At stake is the very future of our Republic. At stake is our future as a free and open society ruled by a government of laws and not of men.

But even in times such as these, it is possible—indeed, it is imperative—to face the future with hope and determination. We are undergoing a severe test, but I firmly believe not only that our Nation will survive, but that our Republic as a government of laws will prevail. For, despite the present turmoil, I believe in the enduring strength of our system of government, and in the good sense and decency of the American people.

In his press conference last Thursday, Secretary of State Kissinger spoke of "crises of authority in our society." In my view, it would be more accurate to describe the most recent events, not as a crisis in authority, but as a crisis in the Presidency. For, in American society, the President is by no means the final authority, and the limits of Presidential authority have been dramatically illustrated in the events of the past 10 days.

Three men of good conscience in the Justice Department have left the Government rather than submit to President Nixon's willful attempt to circumvent a court order and abrogate agreements made with the U.S. Senate. And the American people have responded with the greatest demonstration of public outrage that I have seen in my 15 years in the Senate.

As a result of this strong, unprecedented public reaction, President Nixon was forced to surrender the tapes in accordance with the court order. He was forced to conclude that, on the matter of the tapes, he would have to obey the law just as any other American citizen. I believe that the surrender of the tapes was a clear demonstration of the law-abiding instincts of the American people, and a vindication of the supremacy of law in our constitutional system.

I just wish that we could now say that the supremacy of the law has been established, that our Constitution is intact, and that it is possible to put Watergate behind us and move on to other matters. But quite obviously, this course is not possible at this time, and we would be derelict in our duties as elected officials and as American citizens if we attempted to ignore or minimize the present crisis in the Presidency.

Unfortunately, there is no evidence that anyone in the White House has learned the basic lesson in American civics that was so vividly illustrated in

the episode of the tapes. The President's advisers have described it as merely a "miscalculation." But if the President's actions were simply a matter of miscalculation, then surely it has to be one of the grossest miscalculations in the history of organized society. For it involved the failure of the nominal leader of a society to understand the rules by which that society operates. The majority of the American people understood what was involved in the President's attempt to defy the courts, for they retain a belief in the Constitution. But I am afraid there is now serious question as to whether President Nixon shares that belief in our Constitution.

There also has been no indication President Nixon is willing to release any further evidence that might be essential to the Watergate grand jury investigation. One of the key points is Mr. Nixon's so-called compromise on the nine specified tapes was that the special prosecutor should desist in the attempt to gain any further tapes or documents from the White House. Both Mr. Cox and Mr. Richardson balked at such a drastic limitation on the prosecutor, because they rightly believed that the cause of justice could not be served by the suppression of possible evidence. From all indications, however, Mr. Nixon's position on this issue has not changed. He still asserts that it is the President, and not the courts, who should make the final legal determination as to what constitutes evidence.

Finally, as the evidence of chicanery, ethical blindness, and outright lawbreaking in the executive branch continues to mount, it becomes painfully clear that this administration is the most corrupt in our Nation's history. Without judging whether Mr. Nixon himself has been involved in the corruption and the lawbreaking, it is at least self-evident that from the very outset of his administration, the President has surrounded himself with warped and blind minds. The record speaks for itself: the Watergate burglary, the Ellsberg break-in, the resignations under fire of the top White House staff, the indictment of two former Cabinet officers, and the resignation of the Vice President as a convicted felon. We continue to hear talk of still further corruption that may even touch the President himself. Judging from the history of the Nixon administration, this talk cannot be totally discounted.

Quite clearly, the present crisis in our Government is the result of an administration that has continually abused executive power, and that has fostered widespread corruption. But while it is a crisis with its origin in the Presidency, it is also one that can only be surmounted by strong corrective action on the part of the Congress and the courts. For these are the two other coequal branches in our system of checks and balances. I believe that to help provide the corrective action required under our Constitution, the Congress should now press forward on two fronts.

First, it is imperative that the district court be empowered to appoint a special prosecutor who is not subject to removal by the President. Although the constitutional precedent for such an action has not been clearly established up until now, I believe that such power might be embedded in article II, section 2 of the Constitution, which states that Congress may "vest the appointment of such inferior officers, as they think proper * * * in the courts." The President has promised to appoint a new special prosecutor of his own, but we have no reason to believe that the new appointee will be allowed any greater freedom to pursue his investigation than the President was willing to allow Mr. Cox. As long as Mr. Nixon remains Chief Executive, we simply cannot expect the executive branch to investigate itself in a full and impartial manner. I am pleased that the Judiciary Committee has begun hearings on legislation to authorize a court-appointed prosecutor. We certainly should give this legislation top priority and act on it as expeditiously as possible.

Second, the House Judiciary Committee should move ahead in its investigation of grounds for impeachment. I say this only with the greatest hesitation and in full awareness of the implications of an impeachment proceeding. Impeachment, or the bringing of charges, by the House, and the subsequent trial in the Senate, is obviously only a last recourse designed to halt a President who persists in abusing executive power. I believe we have reached the point where such a grave step may now be necessary. The power of impeachment is clearly granted to the Congress under the Constitution, and I believe the Founding Fathers were wise in placing this remedy in the Constitution as the ultimate legislative check on an unlawful executive branch. I am fully aware that the Senate must sit in judgment at the trial of the President once impeachment is brought in the House, and I do not wish to prejudge the guilt or innocence of the President. But reluctantly, I have come to the conclusion that we have reached the point where the House must at least put in motion the machinery for possible impeachment of President Nixon.

The Salt Lake Tribune on Monday, October 22, 1973, published an editorial which I ask unanimous consent to have printed in the RECORD following my remarks.

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

[From the Salt Lake Tribune, Oct. 22, 1973]

SORRY NIXON RETALIATIONS DEMAND PROMPT CORRECTION BY CONGRESS

By defying the courts, by breaking promises and by firing or forcing the resignations of the dedicated men who opposed his violation of accepted legal procedures, President Nixon removed all doubt that he considers himself above the rule of law.

In so doing he forfeited confidence in his present ability to lead the nation, a confidence expressed many times over the years by this newspaper.

Mr. Nixon's frantic response to Special Watergate Prosecutor Archibald Cox's announced intention to resist a gerry-built, illegal plan for partial release of the Watergate tapes seems the reaction of a desperate man. It appears to be the reflex retaliation of a man determined to take things into his own unsteady hands.

When the events of the past few days are considered together with the recent shabby performance of former Vice President Agnew, the President's arrogant actions affirm, at least in the public mind, an admission of complicity in the Watergate scandal.

At a time when the faint breaking of a spark can start a worldwide conflagration, President Nixon exhibits himself as a power-blinded despot, willing to plunge the country into internal strife merely to prove a point which two lawfully instituted courts have overwhelmingly rejected.

In these perilous times the country requires a more stable person at its head than Mr. Nixon has shown himself to be in recent days.

In firing Mr. Cox and Deputy Attorney William D. Ruckelshaus and forcing the resignation of Attorney General Elliot Richardson, the President broke, in full view of a startled nation, his promise to give the country an impartial investigation of the scandal that now has virtually consumed his administration.

Almost from the day that promise was made, if Mr. Cox is correct, the administration refused to live up to the spirit or the letter of its agreement. Further, Mr. Nixon aborted an orderly appeal of the tapes question to the Supreme Court by announcing Friday he would defy rather than appeal the latest court decision against him. When Mr. Cox insisted that the rule of law take precedence over the rule of Nixon, he was eliminated in a ruthless fashion almost unprecedented in the nearly 200 years of American nationhood.

The rapid-fire resignation and firing of Mr. Richardson and Mr. Ruckelshaus, who also refused to bow to presidential fiat, removes from government three of this failing administration's most conscientious public servants. Their forced departure raises questions whether there is any place left in this government for decent, forthright men.

In each of his three bids for the nation's highest office, The Tribune supported Richard Nixon because we believed he possessed those qualities of leadership which would best serve the country. But the Nixon performance, since the very beginning of the Watergate debacle, has eroded that support to the vanishing point.

Surely he has not, since Watergate broke, shown himself to be a leader devoted to the best interests of the people. It is apparent now he surrounded himself from the beginning with a palace guard contemptuous of the unique system of American democracy under which fair play and the rule of law, not men, dominate. The rare exceptions, such as Mr. Cox, Mr. Richardson and Mr. Ruckelshaus quit or invited firing in a futile, last-ditch effort to restore reason to an administration seemingly bent on self-destruction.

In consideration of his acknowledged accomplishments and in view of our years of support for the man and for many of his policies, it is with regret that we now find it necessary, for the good of the country, to call upon Richard M. Nixon to resign as President of the United States. If he fails to do so, Congress should move with alacrity to impeach him.

CONGRESS SHOULD INSIST THAT EXECUTIVE BRANCH POWER OVER INDEPENDENT COMMISSIONS BE REDUCED

Mr. METCALF. Mr. President, the issue of relations between the legislative and executive branches of Government dominates this 93d session of the Congress. One of the areas in which the issue has arisen is the Alaska pipeline bill, S. 1081. The conferees have agreed to remove from the Office of Management and Budget its control over the ques-

tionnaires submitted to companies by the independent Federal regulatory commissions, which are not part of the executive branch. The conferees decided to give the General Accounting Office, an arm of the legislative branch, authority to advise the independent commissions regarding questionnaires.

This controversy over questionnaires is a matter of executive-legislative relationships. It is not a partisan matter. OMB and its predecessor, the Bureau of the Budget, have exercised this authority in Republican and Democratic administrations, ever since the Federal Reports Act of 1942 was passed. OMB and BOB have both utilized, in their efforts to control the independent commissions' questionnaires, the Business Advisory Council on Federal Reports. That advisory committee is composed exclusively of business representatives, most of them from very large businesses—despite the emphasis in the Federal Reports Act that the needs of small business should be recognized by OMB.

The legislative history of the Federal Advisory Committee Act—Public Law 92-463—contains a wealth of information regarding OMB and its frustration of independent agencies' questionnaires. That legislative history appears in the hearings conducted by former Congressman John Monagan before the House Government Operations Subcommittee on Legal and Monetary Affairs, and the hearings conducted by the Senate Intergovernmental Relations Subcommittee during the 91st and 92d Congresses.

Mr. President, the situation now regarding this old conflict is different in two respects from that which faced preceding Congresses. First, we have at last a determined effort by the Congress to take back some of the powers which it has given the executive branch. Second, we have more lobbying than ever before against this diminution of Executive power.

The lobbying effort is being led by OMB Director Roy Ash. The company he formerly headed, Litton Industries, has long been in the forefront of the opposition to agency collection of data from industry. And he is being supported by platoons of industry executives from the Business Advisory Council on Federal Reports.

BACFR meetings coincide amazingly with key congressional action on the legislation which would diminish Executive power over the regulatory commissions. Hundreds of big business representatives attended the OMB-BACFR meeting on October 17, at which time the Federal Trade Commission tried again—it has been trying for 3 years—to obtain approval of a questionnaire. During that week the Senate and House conferees were working on the pipeline bill, and many representations were made by BACFR people, to members of the legislative branch, to continue the executive branch power over the independent regulatory commissions.

This week efforts are underway by Mr. Ash and his Business Advisory Council on Federal Reports to force recommittal of the Alaska pipeline conference report, or separate House votes on certain of its provisions. And again BACFR has scheduled a meeting for Thursday, November 1, to conduct various business, including the receiving of reports of recent actions by OMB regarding business reporting to Federal agencies.

Mr. President, I hope that all Members of Congress will resist the OMB-industry lobby's attempt to defeat the conferees' fair resolution of the issue. The lobby's argument that the commissions will burden the companies is balderdash. Commissions are always mindful of industry's problems, no matter what administration is in power. The GAO can be expected to be fair and free with its advice to commissions. The Congress itself helps see to it that commissions do not burden business. By approval of the questionnaire review provisions of the Alaska pipeline bill the Congress will take a significant step toward reduction of excessive Executive power.

TRADE ASSOCIATIONS AND SOCIAL RESPONSIBILITY: THE LOWEST COMMON DENOMINATOR

Mr. PERCY. Mr. President, corporate involvement in public policy issues has been one of my major interests ever since I first entered industry in 1938.

I commend to the attention of my colleagues an insightful article written by Larry Finkelstein, entitled "Some Tough Questions About Trade Associations" which appeared in the Summer Issue of Business and Society Review.

Mr. Finkelstein, the former Director of Urban Affairs for the Public Affairs Council, portrays the attitudes and practices of trade associations which take positions on public policy issues in the name of the business community. His conclusion that business needs to review the position and tactics of these organizations is a timely message—particularly in view of last year's vociferous opposition to, and misrepresentation of the critically important Consumer Protection Agency legislation by certain trade associations.

Rabble-rousing is unbecoming and uncalled for by responsible business organizations. Surely they can do better when the measure comes before the Congress for consideration anew in the weeks and months ahead.

I ask unanimous consent that Mr. Finkelstein's article be printed in the RECORD.

There being no obligation, the article was ordered to be printed in the RECORD as follows:

SOME TOUGH QUESTIONS ABOUT TRADE ASSOCIATIONS

(By Larry Finkelstein)

American corporations support some 1600 national organizations known as trade associations. These associations are often used by "socially responsible" corporations to advance corporate interests in areas where a single company does not wish to be publicly identified. The amount of dues paid to these organizations is regarded by corporations as proprietary information—trade associations do not publish annual reports detailing their dues scales, programs, and budgets. There is, unfortunately, precious little discussion about these organizations, in terms of either their institutional nature or of corporate obligations for their practices and policies. It is time that questions about the social ramifications of trade association activities, and the responsibilities of their memberships for their operations, were raised.

What is a trade association? The Dictionary of American Politics describes it as "a voluntary nonprofit association of competitors in a branch of industry for dealing with mutual business problems such as accounting practices, trade promotion, and relations with organized labor, the public, and elected public officials." Webster's New World Dictionary defines the trade association as "an association of merchants or business firms for the unified promotion of their common interests." Cynical Washington observers have defined trade associations as mechanisms to bypass antitrust statutes, to facilitate price fixing, and to coordinate political pressures of a given industry.

The majority of trade associations have relatively small budgets, small numbers of employees, and relatively little impact upon the political process. But the need for public disclosure, for an end of discriminatory employment practices, and for more adequate understanding of social issues by trade association staffers applies to them as much as to their larger brethren. Moreover, their small size does not absolve corporate funders from responsibility for their operations.

Trade associations can be viewed as a tool for analyzing the sometimes mystical concept of voluntarism. Private-sector leaders confidently assure the public that corporations would voluntarily pursue a socially responsible course of action were they only allowed to regulate their own actions. The past record of trade associations whose funding and policies is determined solely by its corporate membership hardly bears this out.

THE "CONSUMERIST CONSPIRACY"

The Association of National Advertisers, Inc. recently considered a campaign to approach its membership to increase financial contributions so that the Association's Washington operations could be expanded. The excerpt in the draft memorandum provides an excellent example of the trade association mentality:

"During the past year, the A.N.A. Government Relations Committee, along with the full Board of Directors, has given intensive consideration to the resources we as advertisers have to represent us in Washington. Our conclusions are recommendations are spelled out in this memorandum.

"In essence, we fear that we are already late. In our judgment, if we do not act now, every advertiser's ability to communicate:

What he wants and as he wishes . . .
Through the media of his choice . . .
In amounts he determines . . .
Will be seriously eroded . . .

"Our proposal is confined to Washington because to our opponents—

"Government is seen as the solution

"The active critics of advertising, with *good will or bad* (italics added) and whether they be the Consumer Federation, the burgeoning 'public interest law firms' or politicians riding a bandwagon, see regulatory and legislative action as their means and lever for change. To them it is axiomatic to:

"Use the F.C.C. as their instrument to bring about change is television, rather than tuning out their sets;

"Call on Mrs. Knauer, rather than charging a foolish purchase to experience;

"Suggest legislation banning all hazards, rather than individually playing it safe.

"We, in contrast, and at the risk of oversimplifying, have looked to the traditional marketplace for products and ideas as the arena for discussion and decision."

Caveat emptor rides again! To this association, consumerism is a conspiracy to deprive

industry of its rightful profit. Yet, industry continues to support A.N.A.—and other trade associations with a similar philosophy—at the same time that its leaders swear allegiance to good consumer practices.

Conspiracy thinking is not limited to consumerism. In 1971 a regional public affairs manager of a major trade association sent me a letter outlining his thoughts about the environmental movement: "I have been exceedingly busy recently. My time has been spent lobbying, testifying, making speeches, attending meetings, and traveling. Our primary opposition comes from environmental zealots, opportunist politicians, and scapegoat-seeking, hysterical news media reporting. All of these groups work in close harmony and compliment (sic) each other."

The letter goes on to state that "the following quotation by Dr. James Goff of the Michigan State University School of Packaging is quite valid in my opinion: 'There are only two things slowing down the ultimate solution to environmental problems. One is the whole environmental movement which reflects a search for scapegoats. Another reflects the American desire for a simple solution.'"

This individual recently has been promoted to Director of the trade association's Washington office. With industry attitudes such as the above, it is no wonder that industry is always cast as the nay-sayer to environmental quality. The wonder is that industry looks for scapegoats in explaining the lack of public acceptance of its positions.

EMPLOYMENT PRACTICES—AND THEIR REMEDIES

The social performance of trade associations is well demonstrated by their discriminatory employment practices. No definitive study has been released to the public about trade associations and minority hiring. In the past three years I have dealt with most of the major trade associations through my work at the Public Affairs Council. My best estimate is that—cumulatively—the 1600 national trade associations have hired fewer than forty minority professionals over their entire history. Moreover, many of the national trade associations have not even hired minorities for secretarial positions. Additionally, I estimate that less than 1 percent of current trade association professionals are women, and that less than 1 percent are Jewish.

This charge needs to be corroborated. I suggest that the Equal Employment Opportunity Commission definitively determine the employment record of the 1600 national trade associations. The EEOC might then determine that support of such organizations could constitute an "unfair hiring practice" of the funding corporation.

A better approach to regulation of the national trade associations is corporate action. Organizations which perform services under the corporate umbrella should have minimum standards of social performance. Before paying the bills of any organization, no matter its ostensible purpose, the corporation should require the organization to demonstrate a good-faith employment record.

The corporate conscience might be activated on a short term basis by EEOC action, IRS compliance reviews of organizations supported by tax-deductible funds, and class action suits by individuals who are discriminated against by those organizations which corporations fund. Should the IRS Code as presently written prove to be inadequate, new legislation could be drafted to prohibit tax-exempt organizations from receiving funds should they have discriminatory employment practices.

The American Society of Association Executives is quite proud of the social contributions that trade associations have made to the country. A 1972 ASAE survey asserts that 73 percent of all of the associations in this country are at present involved "to a lesser or greater degree in helping solve the nation's economic and social problems." Executive Vice President James P. Low adds, in the introduction to the survey, "This is a hopeful note for America's future."

Thirty-five percent of the associations that responded to the ASAE survey claim to have operative "programs to aid the disadvantaged." For this category, over 50 percent of the respondents claiming to have such programs were from local associations. Therefore, the number of national associations with such programs is well below 35 percent. Moreover, this question was designed to survey support services provided to member companies, and not to seek information about trade association involvement in the community. In Washington, D.C., involvement of national trade associations in the community is virtually nonexistent. Since private organizations are the second largest employer in Washington, this vacuum of leadership is significant.

At random I contacted nine of the larger national trade assocations for information about their membership dues scale formula. Only two associations, the American Bankers Association and the Soap and Detergent Association, considered this information to be in the public realm. Since these organizations are receiving tax-deductible funds, should not the nature of their financial support be public information? The American Paper Institute, American Petroleum Institute, Pharmaceutical Manufacturers Association, Manufacturing Chemists Association, American Iron and Steel Institute, Grocery Manufacturers of America, and Aircraft Manufacturers of America regard their funding as proprietary information.

To better familiarize the reader with the nature of trade associations, the dues scales of the America Bankers Association, the one cooperating trade association, and the Pharmaceutical Manufacturers Association, a noncooperating trade association, follow:

MEMBERSHIP ASSESSMENT FOR THE ASSOCIATION YEAR 1972–73: ARTICLE III

Section 1. *Annual Dues*

Firms doing an annual business of more than:

$240,000,000, $170,000.
$220,000,000, $156,000.
$200,000,000, $140,000.
$180,000,000, $126,000.
$160,000,000, $110,000.
$140,000,000, $96,000.
$120,000,000, $86,000.
$100,000,000, $65,000.
$90,000,000, $60,000.
$80,000,000, $54,000.
$70,000,000, $48,000.
$60,000,000, $42,000.
$50,000,000, $36,000.
$40,000,000, $30,000.
$30,000,000, $24,000.
$20,000,000, $19,000.
$15,000,000, $16,000.
$10,000,000, $14,000.
$7,000,000, $12,000.
$5,000,000, $9,500.
$3,000,000, $7,000.
$2,000,000, $4,500.
$1,000,000, $3,000.
$500,000, $1,500.
$200,000, $1,200.
Less than $200,000, $1,000.
Multiple Listing, $300.

Section 2. Dues are to be payable in advance for the fiscal year (commencing July 1) or applicable portion thereof, and (except as hereinafter provided at the election of the Members) are to be based upon the total business done by the Member Firm, including all divisions, subsidiaries and units thereof, during the preceding year, in accordance with the preceding schedule. If a substantial portion of a Member's total business (a) is clearly outside the pharmaceutical, medicinal chemical, biological (including veterinary and human) or allied fields, or (b) includes intercompany sales, such portion may be exempted from the dues calculation by an appointed officer with the approval of the Treasurer.

Section 3. A person with one or more divisions or subsidiaries eligible for membership may elect to pay dues either as one corporate entity, as above provided, or in the names of each of such components, in which event the dues for each shall be computed in accordance with the foregoing schedule. If such persons making a single dues payment elect to have eligible divisions or subsidiaries added to the membership list, they shall pay the sum of $300 per year for each such additional listing.

Section 4. In addition to the regular dues, special assessments may be levied for the purpose of the Association upon vote of two-thirds of the Members of the Association present and voting at any annual meeting or at any special meeting called for such purpose, or by consent in writing of two-thirds of the Members, after prior approval thereof by the Board of Directors.

This report will be kept confidential within the PMA office.

COMMERCIAL BANKS, TRUST COMPANIES, SAVINGS BANKS, PRIVATE BANKERS, AND BANKING FIRMS

Your bank may become a member of the American Bankers Association and receive a subscription to Banking from now—to Sept. 1, 1974.

Annual dues are based on total assets, according to schedule below:

If the total assets of your bank are:
Less than $1,000,000, $50.
$1,000,000 and under $2,000,000, $65.
$2,000,000 and under $3,000,000, $90.
$3,000,000 and under $4,000,000, $115.
$4,000,000 and under $5,000,000, $145.
$5,000,000 and under $6,000,000, $165.
$6,000,000 and under $7,000,000, $180.
$7,000,000 and under $8,000,000, $200.
$8,000,000 and under $9,000,000, $220.
$9,000,000 and under $10,000,000, $240.
$10,000,000 and under $11,000,000, $260.
$11,000,000 and under $12,000,000, $280.
$12,000,000 and under $13,000,000, $300.
$13,000,000 and under $14,000,000, $320.
$14,000,000 and under $15,000,000, $340.
$15,000,000 and under $16,000,000, $360.
$16,000,000 and under $17,000,000, $380.
$17,000,000 and under $18,000,000, $400.
$18,000,000 and under $19,000,000, $420.
$19,000,000 and under $20,000,000, $440.
$20,000,000 and under $25,000,000, $520.
$25,000,000 and under $30,000,000, $600.
$30,000,000 and under $35,000,000, $675.
$35,000,000 and under $40,000,000, $755.
$40,000,000 and under $45,000,000, $830.
$45,000,000 and under $50,000,000, $910.
$50,000,000 and under $60,000,000, $1,065.
$60,000,000 and under $70,000,000, $1,220.
$70,000,000 and under $80,000,000, $1,380.
$80,000,000 and under $90,000,000, $1,535.
$90,000,000 and under $100,000,000, $1,690.
$100,000,000 and under $150,000,000, $2,210.
$150,000,000 and under $200,000,000, $2,730.
$200,000,000 and under $250,000,000, $3,250.
$250,000,000 and under $300,000,000, $3,770.
$300,000,000 and under $350,000,000, $4,290.
$350,000,000 and under $400,000,000, $4,810.
$400,000,000 and under $450,000,000, $5,330.
$450,000,000 and under $500,000,000, $5,850.
$500,000,000 and under, $600,000,000, $6,890.
$600,000,000 and under $700,000,000, $7,930.
$700,000,000 and under $800,000,000, $8,970.
$800,000,000 and under $900,000,000, $10,010.
$900,000,000 and under $1,000,000,000, $11,050.
$1,000,000,000 and under $2,000,000,000, $14,300.
$2,000,000,000 and under $3,000,000,000, $17,550.
$3,000,000,000 and under $4,000,000,000, $20,800.
$4,000,000,000 and under $5,000,000,000, $24,050.

$5,000,000,000 and under $6,000,000,000, $27,050.
$6,000,000,000 and under $7,000,000,000, $29,800.
$7,000,000,000 and under $8,000,000,000, $32,300.
$8,000,000,000 and under $9,000,000,000, $34,300.
$9,000,000,000 and under $10,000,000,000, $35,800.
$10,000,000,000 and under $11,000,000,000, $37,300.
$11,000,000,000 and under $12,000,000,000, $38,300.
$12,000,000,000 and under $13,000,000,000, $39,300.
$13,000,000,000 and under $14,000,000,000, $40,300.
$14,000,000,000 and under $15,000,000,000, $41,200.
$15,000,000,000 and under $16,000,000,000, $42,100.
$16,000,000,000 and under $17,000,000,000, $43,000.
$17,000,000,000 and under $18,000,000,000, $43,800.
$18,000,000,000 and under $19,000,000,000, $44,600.
$19,000,000,000 and under $20,000,000,000, $45,400.
$20,000,000,000 and under $21,000,000,000, $46,100.
$21,000,000,000 and under $22,000,000,000, $46,800.
$22,000,000,000 and under $23,000,000,000, $47,500.

(For each additional $1 billion, add $600 dues.)

Branches of members, $35.00.

A Fortune 500 company which is multiproduct, multiplant, and multinational will belong to a plethora of national, state, and local trade associations. Added together, the sum of these contributions is substantial. For instance, a bank such as the Bank of America would pay approximately $90,000 in dues to the American Bankers Association. Interestingly, B of A pays approximately $150,000 in dues to the California Bankers Association. It would also be likely to belong to trade associations such as: Bank Administration Institute, Bank Marketing Association, Robert Morris Associates, Consumer Banking Association, Association of Registered Bank Holding Companies, Industrial Bankers Association of the U.S., Bankers Association for Free Trade, Association of Reserve City Bankers, American Institute of Banking, and a clearinghouse association in one major city. The Bank of America also belongs to numerous business associations throughout the state of California, due to California's statewide branch banking system.

An interesting exercise for a large corporation would be to combine into one budget all funding for trade and business associations and compare the total with that of its philanthropic contributions. The figures should be available to the public, should a corporation choose not to divulge its findings. Moreover, the ability of the associations to retard social change is often greater than the ostensible business support of organizations that seek to produce the very changes the association legislatively oppose. There have been numerous examples of a corporate chief executive officer's participation in a Committee on Economic Development study, while his trade association was opposing the very recommendations that he supported in the study.

TWO FORMS OF TYRANNY

Many trade associations are faced with the lowest common denominator problem. The broader the constituency of the trade association, the more difficult it is to develop an industry consensus. The lowest common denominator factor also opens the way to two forms of tyranny: tyranny by a small number of neanderthal companies which threaten to withdraw unless their voices are heeded, and tyranny by small companies which dominate the association with their numbers while large companies pay the bulk of the association's dues. Inability of trade associations to overcome these barriers is partly responsible for the large increase in corporate Washington offices in the past five years.

Another indication of industry's impatience with trade associations is the greater use of ad hoc informal groups to accomplish legislative objectives. One of the more important of these groups is the "March Group."

Triggered by a speech by Dr. Arthur Burns to the Business Council, twelve corporations (since expanded to about fifty corporations) organized in March of 1972 to evaluate corporate presence and potency in Washington. Some of the original companies which participated in the March Group were General Electric, United States Steel, Reynolds Metals, Procter & Gamble, and TRW. Other companies which have since joined include J. C. Penney Co., Southern Pacific, Westinghouse, AT&T, Goodyear, Gulf, Ford, Alcoa, Carolina Power & Light, Standard Oil (N.J.), American Cyanamid, TWA, Armstrong Cork, Libbey Owens-Ford, and Eli Lilly.

Four areas were designated as initial points of focus: tax reform, international investment, labor law reform, and pension reform. These areas have since changed to environment, tax reform, international trade and consumerism. Each committee is chaired by a chief executive officer, with Washington corporate representatives providing legislative input. One of the first projects of the group was to make a preliminary evaluation of the effectiveness and utility of major Washington-based organizations.

Eleven of the twelve original members of the March Group were jointly supporting some 319 Washington-based organizations. For either preliminary review, twenty-two organizations were examined for their effectiveness, as perceived by the Washington representatives of the participating companies. Not surprisingly, organizations such as the Brookings Institution and the Committee on Economic Development received strong criticism, while trade associations such as the American Petroleum Institute and the American Mining Congress received such praise as "enjoys fine reputation in Washington."

The "fine reputation in Washington" that the trade associations enjoy is true only in the conservative business constituency. By what standards does business determine that trade associations such as API are in its self-interest, while "liberal" organizations such as Brookings and CED are "deserving of serious scrutiny"?

The March Group has recently merged with another little-known organization, the Business Roundtable. Member companies, largely those which comprised the March Group, will support this joint effort to the tune of $3 million per year for an initial three-year period.

Another important aspect of the March Group is its lack of public visibility. I have mentioned the difficulty of obtaining information from the formally constituted trade associations which receive tax-deductible funding. Information about ad hoc groups such as the March Group will be even more difficult to acquire. Should the business community choose to become more secretive about its involvement in the legislative process at a time when institutional credibility is at a low point, then it must be prepared for the public reaction when its involvement becomes known.

MOVING TOWARD SOCIAL RESPONSIBILITY

Some trade associations have attempted to initiate supportive services for their members in the social action field. The Insurance Industry Trade Associations jointly launched their acclaimed billion dollar investment program in 1967. Last year, the four major life and health insurance associations established a committee on corporate social responsibility to serve as an industrywide clearinghouse. The public relations arm of the industry, the Institute of Life Insurance, publishes a bimonthly newsletter, *Response*, to accomplish this clearinghouse function. To date, examples of corporate programs detailed in this newsletter have been largely peripheral to corporate self-interest.

The American Bankers Association also established an urban affairs committee in 1968. Recently its programmatic responsibilities were spun off to its operating committees. It remains to be seen what impact this development will have upon its social commitments.

Urban affairs officers of corporations should seek to become involved in determining corporate funding for trade and business associations. Many large corporations appear not to be satisfied with the services they receive from trade associations. Urban affairs officers should also be alert to opportunities that lead to redefinition of corporate self-interests. Are corporations funding organizations that pursue corporate self-interests, or are they actually funding traditional organizations that are intensifying political and social problems?

National trade associations are only one category of business-expense-supported organizations. Local and state trade associations, professional organizations, business clubs, and traditional philanthropic organizations are also supported by business-expense funding. It is time for industry to establish minimum levels of social responsiveness for organizations which it funds, and to be responsible for the practices of those organizations which operate under the business umbrella.

THE LAND-USE BILL

Mr. JACKSON. Mr. President, I call my colleagues' attention to an excellent New York Times editorial.

This editorial decries the recent efforts of the Liberty Lobby, the Chamber of Commerce of the United States, the American Mining Congress, and real estate interests to destroy a bipartisan effort to pass critically important legislation: the Land Use Policy and Planning Assistance Act.

Mr. President, my colleagues know that virtually no proposed legislation of recent memory has been so carefully considered and analyzed as has been this measure. I introduced the first land-use bill in 1970 and it was reported out of committee that year. In the 92d Congress, the administration introduced a similar bill, developed by an interagency task force, and made the measure the keystone of the President's environmental legislative package. The Interior Committee reported a bill combining the best aspects of my bill and the administration's measure and that bill passed the Senate on September 19, 1972. This year, again the administration and I renewed our pledges to obtain enactment of a land-use bill. On June 21, by a vote of 64 to 21, the Senate again passed the Land Use Policy and Planning Assistance Act, [S. 268].

The 3 years of deliberation on the bill include, in the Senate alone, 20 days of hearings by 3 committees, more than

20 committee prints, 3 committee reports, 5 days of Senate debate, and passage twice by the full Senate. These deliberations also included many discussions with representatives of all levels of government, of industry, and of the environmental movement. Numerous tradeoffs were made, new language was adopted to meet the concerns of many and diverse interests, and the final product is better for it.

In fact, the quality of the bill and the fairness with which it addresses the concerns of numerous interests are reflected in its widespread support among governmental, environmental, industrial and business, labor and professional interests. The President has given the legislation star billing in his last three environmental messages to Congress and included it among the "must" bills which he discussed in his second state of the Union message this year. The Governors' Conference, League of Cities, National Association of Counties, and representatives of other governmental associations have supported the measure. Environmentalists have fought for its passage. Business Week, the Wall Street Journal, and other business publications have editorialized in its favor. The National Association of Industrial Parks, League of New Community Developers, energy industries, and other business groups have testified favorably on the proposal. The AFL–CIO gave it solid backing.

Now, despite the long and painstaking history of this bill and despite the careful consideration of all legitimate points of view, a blitzkrieg effort, involving the worst sort of scare tactics, to kill a similar measure now moving through the House is being mounted by ideological fringe groups and by special interests who make their livelihood by bending existing land use controls to their own benefit. Despite the full assurances of constitutional lawyers and the Department of Justice that private property rights are fully protected in the language of S. 268 and the House bill and despite the active support of more than 40 Governors, many county officials and mayors, and the national organizations which represent them, the Liberty Lobby, the Chamber of Commerce, and others continue to shout, at best uninformed, at worst purposely misleading, statements such as "destruction of private ownership of land" and "imposition of national zoning." With meaningless slogans such as "S. 268—Made in U.S.S.R.," these organizations have encouraged mass form-letter mailings.

Finally, they have scratched together a last-minute bill and are desperately searching for a sponsor for it. I have seen a draft of this measure and it is a travesty. These special interests must hope to hide their band-aid bill's true nature by having waited 3 years until the last minute when all hearings have conveniently been completed. I am particularly distressed that this campaign to scuttle the bill did not take place on the public record.

We do not need grants of taxpayers' money to do nothing but collect data—which the industry bill provides. We do not need to reaffirm business as usual—where money and power buy the corruption of even the best of planning through variances and other techniques—which the industry bill would do.

To those who have responded to the scare tactics of these organizations, I would like to offer these comments:

The Land Use Policy and Planning Assistance Act does not require, and I want to emphasize this, a whole new set of land-use controls. Its purpose is to provide financial assistance, through grants, to State and local governments to improve the existing controls and make them more democratic.

We have always had controls; we have never allowed land to be used in absolute freedom by its owner. Even at the birth of our Nation, the original States and their cities placed controls upon land. In addition, the courts restricted the uses of land under the nuisance doctrine. By the 1930's most of the cities and counties of this country had zoning laws, building codes, and other controls which restricted property use. These restrictions did not reduce property values, rather they were used to increase property values. For example, home values were protected by restrictions in residential areas which prohibited such land use as stockyards, tanneries, factories, and dance halls.

We all know of the abuses of many of these traditional land-use controls, including zoning. Too often one very local zoning body will allow a use of land that will clog the streets, pollute the air, crowd the schools, and add to the tax burden of people living outside its jurisdiction. These people have no chance to alter this undemocratic decisionmaking because they can neither participate in the decision nor vote for the officials who made it.

The Land Use Policy and Planning Assistance Act encourages changes in the zoning and other land-use controls, not necessarily to place greater restrictions on land, but to insure that the controls we already have truly consider social and environmental needs and not just cater to economic interests. In addition, the act would make certain that our existing land-use controls respect the interests and allow the participation of all people who would feel the impacts of land-use decisions—not just those who live within the jurisdiction of the decisionmaker or have the best means to influence his decision in their favor.

The scare tactics include cries that land-use decisions will no longer be made by State and local officials but by civil servants in distant Washington. The opposite is true. The Land Use Policy and Planning Assistance Act is the Nation's best and probably last chance to preserve and to invigorate State and local land-use decisionmaking and to insure that basic property rights are not infringed by faceless Washington bureaucrats, far removed from the sites of land-use problems.

The act is an affirmation of States rights. It provides grants to the States to assist them to develop their own innovative land-use policies and procedures to meet the land-use crisis. It is a statement of belief that, if urged and aided, State and local government, working together, can provide a better design for tomorrow—a design which embodies all legitimate values and goals, local, regional, and national.

If State and local governments do not accept this challenge and do not implement this bill, the only solution will be the usual solution for national problems: Federal control. No one wants national zoning; but, unfortunately, I believe that, if we turn our backs on the opportunity and shirk our responsibility to improve land-use decisionmaking, that is what we will have by the end of the decade.

In addition, the act contains specific provisions which guarantee constitutionally protected property rights and access to courts for those who feel their rights have been denied. These provisions are stronger than language in other Federal land-use legislation already enacted into law: the Coastal Zone Management Act; the Housing Act of 1954, as amended, and so forth.

Again, if the Land Use Policy and Planning Assistance Act is not enacted and if the challenges it provides are not met—if, instead, in a crisis atmosphere we turn to national zoning—then many property rights may not survive.

I believe the many people who are concerned about property ownership, about the legitimacy of local control over land, and the dangers of big government have been dealt a real disservice by these last minute nay-sayers. S. 268 is a critically needed bill to insure the survival of those very values. People who hold those values dear should be the very first to support this legislation.

I ask unanimous consent that the New York Times editorial be printed in the RECORD at this point. In addition, I ask unanimous consent to have printed in the RECORD two recent columns by David Broder. These excellent pieces describe the importance of the land use policy legislation from a local perspective. I commend these columns to my colleagues.

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

THE QUIET REVOLUTION

After relatively easy passage by the Senate, a bill that would encourage states to plan sensibly the uses of their still empty lands has fallen on difficulties in the House of Representatives. Members of that chamber, particularly those on the committee which is now trying to frame a companion measure, are being subjected to a flood of mail denouncing the legislation in highly emotional terms.

The attack, led by real-estate developers, chambers of commerce and the right-wing Liberty Lobby, is comparable in tone and lack of logic to the assault wave that greets all attempts to require the registration of guns. The favorite line of attack against land-use legislation is to misrepresent it as an attempt to upset "cherished principles of private property."

It is not that at all. The concept is simply one of making sure that states do, coherently and with an eye to the larger good, what they have long been doing only in the most haphazard localized and inefficient way. Instead of entrusting entirely to localities the

zoning power which has long and legally infringed those "cherished principles," states would be required—and financially helped—by the Federal Government to inventory their resources, draw up statewide land-use programs, develop regulations for land sales and large housing developments outside of metropolitan areas and set standards governing such matters as environmentally sensitive lands, the impact of airports and the location of new communities.

Most states do some of these things now—and without fearful consequences to the rights of property-owners. A few—Washington, Oregon, California, Maine, Vermont and Florida—do planning on a major scale. In the rest, local jurisdictions are neither able nor willing to deal with the pertinent problems in an effective way. In a recent survey of the "quiet revolution" in land control, modest as it is, Gladwyn Hill of The Times pointed out that, of some 60,000 jurisdictions in the country with nominal land-use authority, only 5,000 have instituted any zoning at all. And their regulations as a rule have more to do with preserving established land values than with the kind of integral planning that can forestall the loss of wetlands, forests and natural shore-fronts or foretell the best locations for future power plants, airports, highways, sewage disposal facilities.

Unfortunately, there is no lobby for land-use planning comparable in power to the lobby arrayed against it. Unless Congressmen soon hear in volume from those who realize that land is not only real estate but a finite national resource, it is all too probable that the "quiet revolution," though fully supported by the Nixon Administration, will be indefinitely and perhaps fatally postponed.

LAND USE BILLS "IMPORTANT AS WATERGATE"

(By David S. Broder)

BEAVER ISLAND, MICH.—Out here on this island on the north end of Lake Michigan, Watergate-fever is as weak as the television signals that carry the witness' flickering image from the Senate caucus room via the stations on the mainland.

We have another concern out here—a referendum coming up in mid-August on revoking or retaining the new zoning ordinance of Charlevoix County, of which we are a part.

Beaver Island, which lay blessedly dormant in the century since the Irish and the Mormons fought a battle for its control, has been caught up in the great American recreational land boom.

Until the mid-1960s any beach you wanted to camp or swim or picnic on was yours to use. Then, the subdividers moved in and carved the best beaches into 100-foot frontages. Those lots have more than tripled in value in the past five years, as land-hungry families from Detroit, Grand Rrapids and Chicago have ranged farther and farther north in their search for waterfront property.

The county government has moved to meet the challenge. A decade ago just as the first wave of developers arrived, the first contract was let to a Grand Rapids consulting firm to devise a land use plan for Charlevoix County. A member of that consulting team was hired two years ago to set up a one-man planning department for the county, and last October, the county enacted its first zoning ordinance.

Now, the infant zoning law is in trouble—for reasons as traditionally American as apple pie. Some folks are opposed to anything that limits their rights as property owners to put whatever they want on their land—be it condominium apartments or a carwash.

Others say they are willing to have zoning, but only if it's administered by a truly local government, the township, not that distant bureaucracy in Charlevoix. That sounds funny, but if you're out here in the lake or over at Boyne City, 20 miles east of the courthouse, you resent having to travel to Charlevoix for zoning hearings.

These forces of localism and individualism convince county planner Bill Mercer that the first weapon in his arsenal may be taken from him in the referendum—and then there will be no developers.

The local debate is part of a much larger national issue, which came to focus earlier this summer when the Senate passed and sent to the House, something called the Land Use Policy and Planning Assistance Act of 1973.

I had first heard of the bill more than a year ago, when its principal sponsor, Sen. Harry M. Jackson (D-Wash.), mentioned it one day on the presidential primary trail as "the most important bill" before Congress.

Somewhat skeptical, I made a mental note to look it up, and finally have gotten around to doing so. I have been sitting on the beach, reading the hearings and report and floor debate on S268, and, with the fervor of the newly converted, I am prepared to try to convince you that Jackson was right.

At the very least, I am now persuaded that the issue with which Jackson has been struggling for three years is as important to the future of this country as Watergate. And it is a matter of some chagrin that, except for the excellent coverage of the Christian Science Monitor's Robert Cahn, those of us in journalism have let it go largely unreported.

The issue is important because of the scale and pervasiveness of the problem. As Jackson said in his speech introducing the measure last January:

"Between now and the year 2000, we must build again all that we have built before. We must build as many homes, schools and hospitals in the next three decades as we built in the previous three centuries. In the past, many land use decisions were the province of those whose interests were selfish, short-term and private. In the future—in the face of immense pressures on our limited land resource—these land use decisions must be long-term and public."

The other reason that the land use decision is as important as Watergate is that, like Watergate, it raises in very direct fashion the question whether our institutions of self-government are fulfilling, or subverting the public will.

As the Interior Committee report on the Jackson bill says, "A citizen may significantly suffer from or enjoy the impact of decisions to site an airport, grant a subdivision permit, widen a highway, fill wetlands, or purchase parkland, made not by his community but by the municipality located downstream, downwind, across the road, or up the street from him. Yet, neither he nor the public officials for whom he has voted may be able to participate effectively in these decisions."

That is the two-sided problem the voters here on Beaver Island are confronting next month—how to make the land use planning decisions both effective and representative.

Jackson's bill, which will be discussed in the next column, offers one solution to that problem. And whether your concern is saving parkland, securing a decent housing supply, making cities livable, or—in our case—preserving a Lake Michigan beach, his bill is important to you.

THE FUTURE OF THE AMERICAN LANDSCAPE

(By David S. Broder)

BEAVER ISLAND, Mich.—For two decades, the reports issued by committees and subcommittees headed by Sen. Henry M. Jackson (D-Wash.) have been distinguished by a clarity and directness that stands in shining contrast to the mass of indigestible prose churned out on Capitol Hill. On subjects ranging from the national security apparatus to the protection of the environment, Jackson's staff reports comprise a literature on major isues of remarkable quality and felicity—showing a professionalism which, ironically, was notable for its absence in the abortive 1972 Jackson-for-President campaign.

Thus, one can refer readers to a report issued earlier this summer by Jackson's Interior Committee, without the usual warnings about the density and incomprehensibility of official language. The document, officially entitled Senate Report 93–197, was drafted largely by Steven P. Quarles of the committee's staff. It is designed to explain the background and provisions of the Land Use Policy and Planning Assistance Act, which passed the Senate last month and is now being worked on by the House Interior Committee. In about 50 pages, the report provides a short-course education on the law of the American land, the pressures of population and economic growth on that land, and the prudent steps we need to take to husband that resource into the next century.

It is not technical—and it is dramatic. You will learn, for example, that "each decade, new urban growth will absorb an area greater than the entire state of New Jersey." Millions of acres will be needed for industrial plants, highways, airports, power production and transmission facilities.

Jackson's land-use bill represents a modest start on planning that growth in a way that will protect, not destroy, the one irreplaceable resource—the land on which we live.

It is not a national zoning law. It does not even call for statewide zoning. What it does is to authorize about $1 billion over the next eight years to encourage the states to develop their own procedures and blueprints for planning their own future growth.

The bill provides mechanisms for interstate cooperation in the planning process and for coordinating the planning efforts of the federal government and the Indian tribes with those of the states.

It calls on the states to develop land-use plans for areas within their borders where the "impact on citizens, the environment and the economy" reach far beyond the jurisdiction of the local zoning body. It specifies five categories of land that would have to be included in the state plan: areas of critical environmental concern, such as beaches, wildlife habitats and historical areas; key economic facilities, such as airports, highway interchanges and power plants; large-scale industrial and housing developments; regional public utilities, such as waste disposal or sewage systems; and large land-sale or recreational home site developments.

It is neither a developers' bill nor an environmentalists' bill, but recognizes that the offsetting goals of growth and preservation can best be reconciled through a sensible decision-making process.

It has drawn the support of major industry, labor, environmental and farm groups. It is backed by governors and mayors, by such liberal senators as Jackson, Frank Church (D-Idaho) and Mark Hatfield (R-Oreg.), but also by such conservatives as James McClure (R-Idaho) and James Buckley (Con. R-N.Y.). Secretary of Interior Rogers Morton called it "a keystone of the President's environmental program."

The Senate passed the bill by wide margins in 1972 and again this summer. Last year, it was blocked in the House Rules Committee by a variety of political and personal quarrels, but this year, the manager of the House bill, Rep. Morris Udall (D-Ariz.) sees much better prospects of it becoming law.

But that is only the first step. What is important is the use the states make of the opportunity it provides. The bill requires that states include local governments, property owners and the public in every stage of the development of their land-use plans. What is

envisaged is nothing less than an open, nationwide discussion of the future of the American landscape—the shape of our cities and suburbs, the placement of our factories and farms, the preservation of our lakes and parks.

There is no better way to prepare for that discussion than by getting the Jackson report. And unlike the income tax form, you will be able to understand it.

TIMBER SUPPLY AND RESOURCE MANAGEMENT

Mr. PACKWOOD. Mr. President, recently, I spoke briefly on the issues raised by the President's Advisory Panel on Timber and the Environment. At the time, I made the point that many of the problems on which their report focuses and many of the recommendations they have made to the President and to the Nation are not new. In fact, the issues that have surfaced again in the form of the panel's report are ones which have faced us—and which we have all too often ignored—for many years.

Now, the U.S. Forest Service has completed its decennial report on the prospects for supply and demand of timber products in this Nation. This timber census corresponds to a remarkable degree to the warnings embodied in the panel's report issued last month.

The message is coming through loud and clear. We must do a drastically better job of managing our forest resources if we are to avoid a dismal future of shortages of wood products for future generations. We can and we must do this at the same time that we plan for future use of our forests for recreational and wilderness use.

In brief, Mr. President, the message that we are being told from all quarters is at the same time bleak and promising. On the one hand, if we fail to act promptly and responsibly, I fear that we will be unable to meet any of the needs of future generations; or, at best, we will be forced to make agonizingly difficult decisions as to which of the many competing interests will be served.

We need not face such a bleak future. If we act now, we can assure that we will have provided for the meeting of all of the multiplicity of needs of future generations whose well-being will come from use of our diverse forest resource.

I ask unanimous consent that a summary of the Forest Service's report be printed in the RECORD, along with a letter I received from the chief of the Forest Service, John McGuire.

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

U.S. DEPARTMENT OF AGRICULTURE,
Washington, D.C., October 23, 1973.

Hon. BOB PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PACKWOOD: The enclosed copy of "Outlook for Timber in the United States," presents the findings of the comprehensive review of the Nation's timber situation and outlook which we have had under way over the past couple of years.

This is the latest in a series of reports on the Nation's timber situation issued every ten years or so by the Forest Service. The information and conclusions presented in this study are based largely upon new data from the nationwide Forest Survey and related marketing research. In my judgment, the report represents the soundest technical analysis of the Nation's changing timber situation made to date.

The report reveals some encouraging trends, and some emerging problems. I would like to call your attention to a few findings which I consider of fundamental significance.

As you might suppose in view of our expanding population and economic growth, the report shows that demands for softwood timber products are likely to continue to grow rapidly in the decades ahead. On the other hand, projections of softwood timber supplies, assuming forest management, and investments in reforestation and other practices, continues much as in the 1960's, show very little increase in future years. Thus, if we continue recent levels of forest management, large increases in relative prices of softwood lumber and other timber products will be necessary to bring about an equilibrium between steadily rising demands and prospective supplies.

In the case of hardwoods, the situation is more promising, although the outlook for sawtimber of the larger-sized preferred species is similar to that for softwoods.

The prospective imbalance between demand and supply for softwoods and hardwood sawtimber means that we must depend to an increasing degree on imports of timber products and on substitute materials. It will also mean increased cost to consumers of products such as houses and furniture made in whole or in part from wood; rising environmental costs resulting from industrial processing and power generation associated with increased use of substitute products; and an acceleration in the rate of use of nonrenewable resources.

The report shows that these consequences are not inevitable. As a result of past investments in management, utilization, and research programs we have made substantial progress in improving the timber situation. And we know that we can continue such progress and that under intensive management domestic forest lands have the capability of providing at least twice the volume of timber produced today.

The situation and outlook described in this study in my judgment, underscores the need for more intensive forest management in all classes of ownership. This includes such measures as reforestation with genetically improved planting stock; timber stand improvement; road construction on the National Forests; use of fertilizers; and improved protection against insects, fire, and other destructive agents. I believe that we can carry out this intensification while at the same time maintaining the forest environment and providing for recreation and other uses of the forests.

We can substantially extend our timber supplies by more complete utilization of residues and salvage of the timber killed by insects, fire, and other destructive agents. Improvements in manufacturing and construction processes to increase the output of products from logs and raise the efficiency with which timber products are used can further extend supplies.

Much of what needs to be done can be accomplished with the knowledge we have today. But continued progress will require a strong and effective research program.

It is clear that an intensification in our management, utilization, and research programs will require very substantial investments. However, I believe these investments are clearly warranted, particularly when the economic and social costs of inaction, and increases in relative prices of timber products, are considered.

We have prepared a series of slides illustrating the highlights of our study. If you or your staff would like further briefing on the contents, please let me know.

JOHN R. MCGUIRE,
Chief.

THE OUTLOOK FOR TIMBER IN THE UNITED STATES

HIGHLIGHTS

This study relates primarily to the long-run outlook for timber supplies and demands in the United States under changing economic and environmental conditions. Timber availability will have a direct bearing on the economic development of the Nation as well as availability of forest lands for nontimber and environmental purposes.

1. Demands for industrial timber products in the United States have been increasing steadily, with a 65-percent rise in use of these products during the past three decades.

Consumption of industrial wood products—such as lumber, woodpulp, plywood, etc.—increased 65 percent between 1942 and 1972 to an annual total of 125 million tons. In this period consumption of industrial roundwood (that is, all roundwood products except fuelwood) required to produce these wood products increased about 56 percent to 13.7 billion cubic feet in 1972. The difference in these trends for roundwood and industrial wood products consumption reflected more complete use of the timber harvested, with a resulting reduction of unused wood residues.

In the 1942–72 period, lumber consumption rose 27 percent. Use of round pulpwood climbed 157 percent, and consumption of veneer and plywood over 438 percent. On the other hand, use of fuelwood and minor products such as poles and posts declined.

2. Further substantial increases in future demands for timber are expected.

Projections of potential future demands for timber vary widely with such factors as economic growth and relative prices of timber products. A "medium" projection of possible future demand was based on the assumptions: (1) that the population of the United States will increase nearly 40 percent between 1970 and 2000 to 281 million people; (2) that real gross national product will grow at an average of 4.0 percent annually, or about 240 percent by 2000; and (3) that recent trends in technology and institutional factors will continue.

With prices of timber products relative to other materials at 1970 levels, this medium projection of U.S. demand for roundwood rises from a 1970 level of 12.7 billion cubic feet to nearly 23 billion cubic feet by the year 2000. Potential demand for softwoods rises from 9.7 billion cubic feet in 1970 to 15.8 billion cubic feet by 2000. Demand for hardwoods is projected to rise from 3.0 billion cubic feet in 1970 to 7.0 billion cubic feet in 2000.

With higher relative prices of timber products in the future—which timber demand-supply comparisons indicate can be expected—projected demands for roundwood are correspondingly lower. Thus, with rising relative prices of 1.5 percent per year above the 1970 trend level of lumber and somewhat smaller price increases for plywood, woodpulp, and other items, projected total timber demand by the year 2000 approximates 19 billion cubic feet. This latter projection includes increases in demand of 5 percent for saw logs between 1970 and 2000, 58 percent for veneer logs, and 130 percent for round pulpwood.

In terms of softwood sawtimber—of primary importance for lumber and plywood used in housing and many other markets—projected demand at 1970 prices rises from 47.6 billion board feet in 1970 to 73 billion board feet by 2000. With the specified rising prices, however, projected demand reaches

55 billion board feet in 2000—a rise of 16 percent.

Projected demand for hardwood sawtimber with rising prices increases from 12.3 billion board feet in 1970 to 19 billion board feet in 2000—a rise of 55 percent.

3. Timber growth in the United States has been increasing as a result of recent forestry programs.

The condition of timberlands in the United States has improved materially in recent decades, primarily because of expanding fire protection and some increase in tree planting and other forestry activities. As a result, net growth of both softwoods and hardwoods increased about one-third between 1952 and 1970 to a total of 10.7 billion cubic feet of softwoods and 7.9 billion cubic feet of hardwoods.

Roughly 60 percent of this total net growth of softwoods in 1970, or about 40 billion board feet, consisted of softwood sawtimber suitable for lumber and plywood. Hardwood sawtimber growth totaled 20 billion board feet in 1970.

Removals of softwood sawtimber as a result of timber harvesting and other factors exceeded net growth in 1970 by 18 percent. In the East removals were less than net growth but this was more than offset by an excess of removals over net growth in the West. Removals of hardwood sawtimber in 1970, on the other hand, were 24 percent less than net growth.

4. Projected supplies of softwood sawtimber products potentially available from U.S. forests show limited increases with 1970 levels of management.

Potential supplies of softwood timber from the Nation's forests—assuming 1970 levels of management, timber cutting practices and policies similar to those in recent years and only minor reductions in areas of commercial timberland—are estimated to increase about 31 percent by 2000, from 8.8 billion cubic feet in 1970 to about 11.5 billion cubic feet. This is a technical potential which may not be fully realized, however, because of factors of operability and owners' willingness to sell timber.

Thus in the case of softwood sawtimber—of particular importance for lumber, plywood and various other products—projections of economically available future supplies show limited changes from the 1970 level of output. Assuming relative prices of timber products remained at 1970 levels, for example, estimates of economically available supplies of softwood sawtimber are only slightly above the actual harvest of about 46.9 billion board feet in 1970. With increased prices of softwood lumber and plywood averaging 50 percent above 1970, projected supplies increase to over 53 billion board feet over the next decade, but then decline below the 1970 level.

5. Supplies of hardwood timber are increasing although industrial use is limited by problems of quality and availability.

The outlook for hardwoods is somewhat mixed in spite of the fact that removals of all sizes and species of hardwood timber in 1970 was some 25 percent less than total net growth.

Projections of available supplies of hardwood sawtimber over the next few decades—assuming 1970 levels of forest management and specified cutting rates—increase 66-percent, from an actual harvest of 12.3 billion board feet in 1970 to over 20 billion board feet by 2000. This approximates the projection of demand associated with 1970 prices.

Projected supplies of hardwood products, in cubic feet, under these same assumptions materially exceed potential demands at 1970 prices.

While these projections imply little or no increase in hardwood prices, there are practical limitations on amounts of timber available for sale and industrial use at any given time. To many owners of hardwood timberland use of the forest for recreation or other nontimber objectives is of primary importance. Problems of quality also are of special significance. Much of the growth and available supply of hardwoods are in small tree sizes or species for which markets are limited; whereas the larger sizes of preferred species are in short supply in most areas. Other factors that could produce a tighter supply situation and higher prices include possible substitution of hardwoods for softwoods in production of woodpulp and certain other timber items.

6. The outlook for timber supplies differs widely by ownerships and by regions.

Nationwide, private holdings account for the major part of the commercial timberlands, including 14 percent in forest industry and 59 percent in farm and miscellaneous private holdings. National Forests include about 18 percent of the total commercial timberlands and other public holdings 9 percent.

Timber harvests in 1970 reflected this pattern of ownership, with 48 percent of the 12.2 billion cubic feet of total roundwood harvested from U.S. forests coming from farm and miscellaneous private holdings. Forests industry lands supplied 28 percent of the total, National Forests 17 percent, and other public lands 7 percent. In the projections of supply the major changes in these proportions include a drop for forest industries and a corresponding increase for farm and miscellaneous private owners.

Southern forests provided about 45 percent of the Nation's timber harvests in 1970, compared with 32 percent for the Pacific Coast, and 23 percent for other sections of the United States.

In the South progress in fire control and other forestry activities has improved the timber situation to the point where it appears that with 1970 levels of management, softwood timber harvests could be increased gradually on both National Forests and other lands by roughly 50 percent over the next few decades.

On the Pacific Coast, on the other hand, a marked decline in softwood sawtimber supplies of about 18 percent is projected in the 1970–2000 period as a result of reduced availability of timber from forest industry lands.

Sustained harvests of timber from western National Forests and other public lands at levels close to 1970 estimates of allowable harvests appear possible for some decades, although only with timber prices significantly in excess of 1970 levels. Also, allowable harvests on National Forests can be expected to projection period, if not before, unless forest management and utilization of timber on these lands is intensified.

7. Substantial increases in softwood timber appear necessary to balance potential timber demands with available timber supplies.

With forest management continuing at 1970 levels, projected supplies of softwood sawtimber might balance the medium projection of timber demand with relative prices of softwood lumber and plywood in 1980 possibly 20 to 25 percent above the 1970 level, and possibly 50 to 60 percent higher in the year 2000. Related equilibrium prices for paper and board by 2000 are estimated to average roughly 15 to 20 percent above 1970.

Stumpage prices associated with these increases in prices of timber products, according to historical relationships, by 2000 could be expected to average more than double the level of prices in 1970.

Such prospective increases in prices for softwood lumber would be consistent with an average rise of 1.7 percent annually in lumber prices relative to the general price level over the past century. Relative prices of lumber leveled off in the period 1950–1967—years marked by rapid improvements in productivity in logging and processing and by development of new sources of timber in western National Forests and in British Columbia.

Relative prices of softwood plywood declined dramatically during this recent period with adoption of new technology and equipment. Relative prices of pulp, paper, and board were quite stable. Nevertheless, the timber supply outlook with 1970 levels of management and utilization indicates new supply problems and shifts to higher price levels for all timber products.

8. Supply and price problems appear most critical for softwood lumber and plywood but all forest industries will be affected.

Comparisons of projected timber demands and supplies indicate that problems of timber availability are likely to be most critical for softwood sawtimber used for lumber and plywood in housing, other construction, and various other markets.

The outlook for the pulp and paper industry is better than for lumber and plywood, largely because of the wide variety of species and qualities of timber that can be used for pulpwood. However, the tightening supply-demand situation for softwoods, and new developments such as installation of chipping headrigs, are leading to increased competition for available wood supplies and higher wood costs for all industries.

Producers of hardwood lumber and plywood who depend on the higher qualities and sizes of preferred species, such as white oak, walnut, maple, birch, and gum, also face serious supply problems and prospective increases in timber prices. On the other hand, substantial supplies of timber are prospectively available for industries producing hardwood products such as pallets, construction timber, railroad ties, or hardwood pulps.

9. Demands for nontimber products and services and for environmental protection are of growing importance in the timber situation.

Use of forest land for timber production is being increasingly affected by public desires for recreation and other nontimber uses. Sizable areas of public forest lands have been withdrawn from timber use for wilderness and scenic areas, although many of these are of relatively low site productivity for timber. Extensive areas of both private and public forest lands have been shifted to nontimber uses such as reservoirs, highways, airports, urban expansion and recreational developments. Still other areas, particularly fertile bottomlands capable of producing quality hardwoods, have been cleared for crops and pasture.

Until recently, reversion of abandoned agricultural lands to forests more than offset such losses. Between 1962 and 1970, however, areas classified as commercial timberland declined about 8.5 million acres to a total of 500 million acres. Some continuing net losses of commercial timberland, averaging possibly 5 million acres per decade, have been assumed in this analysis.

Lands remaining in the commercial timberland category also are increasingly called on to supply nontimber goods and services as well as timber harvests. These demands, as well as new concern over protection of the natural environment are leading to numerous modifications in timber harvesting and other forestry practices, particularly on public lands. It seems clear that management of forests for combinations of products and uses, especially those in public ownership, will be increasingly essential.

Such constraints on land use and management on public lands and to some extent on private forests, together with unforeseen transfers of forest lands to nontimber uses, could reduce timber harvests below the projections developed in this report. Impacts on timber prices and supplies of wood products would be correspondingly intensified.

It is also possible that raw material shortages could in time seriously constrain growth of the Nation's economy or interfere with the achievement of social goals such as improvement of housing. In such case forest recrea-

tion and other nontimber uses could also suffer as a result of efforts to alleviate materials shortages. Thus, success in supplying nontimber values and products may be influenced deeply by the effectiveness with which industrial raw materials needs can be met. For such reasons, essentially all users of forest land have an interest in the timber outlook.

10. A partial alternative in meeting prospective timber supply problems is to increase timber imports from Canada and other wood surplus countries. Rising exports of timber products, however, have been offsetting a substantial part of the increase in timber imports.

About half a century ago the United States ceased to be self-sufficient in timber products and since then has depended increasingly on net imports from other countries. Imports of timber products reached a total of 2.9 billion cubic feet, roundwood equivalent, in 1972. This represented 19 percent of the total U.S. domestic and export demand for timber products.

Timber imports obtained largely from Canada made up about 19 percent of total U.S. supplies of lumber and 25 percent of total U.S. pulp and paper supplies in 1972. More than 60 percent of the hardwood plywood and veneer consumed in the United States was obtained from Southeast Asia and other tropical areas.

With rising prices of timber, imports from Canada and from tropical areas have been assumed to increase substantially over the next three decades, mainly in the form of softwood lumber, pulp and paper, and hardwood veneer and plywood. In time, however, rising world demands for timber and a general tightening of the world timber supply situation seem likely to limit such import potentials.

Exports of forest products also have increased substantially in recent years, in large part as a result of large Japanese purchases of logs and pulp chips, expanding world markets for kraft pulp and liner board, and continued exports of lumber. In 1972, about 9 percent of the total U.S. supply of timber products, or 1.3 billion cubic feet roundwood equivalent, was exported to various parts of the world. Along with prospective increases in timber imports in future years, some further increases in exports from the United States have been assumed.

Net imports in 1972 of 1.6 billion cubic feet made up nearly 11 percent of the total consumption of timber products in the United States. Net imports have been estimated to increase to around 2.8 billion cubic feet, roundwood equivalent, by 2000, with prices of lumber, for example, rising 1.5 percent per year. But such dependence on other countries, while important, appears to offer only a partial means of meeting the growing demands for timber products in the United States.

11. Greater use of nonwood materials is a possible alternative, although this appears to have undesirable environmental and economic impacts.

The relative importance of timber products in the U.S. economy has changed greatly over time as other raw materials such as steel, concrete, and aluminum have replaced or supplemented wood in various uses. With increased prices and insufficient supplies of timber, such continuing substitution can be expected.

While there are no immediate threats of shortages of wood substitutes, continued geometric growth in materials use, such as experienced in the past and in prospect in coming decades, will require enormous quantities of materials and entail serious environmental problems. Most competing products such as steel, aluminum, and plastics are derived from depletable resources—in contrast to timber which is renewable. Thus it is possible that the historical stability in relative prices of competing materials may be replaced by rising real costs of these materials.

Timber products can be produced with relatively low energy requirements for processing and low pollution impacts compared with most alternatives. Energy requirements for processing steel for framing exterior walls of houses, for example, amount to more than three times the energy required for processing lumber for the same use.

Production of competitive materials also ordinarily results in more serious air, water, or land pollution problems than in the case of wood products—both directly and indirectly through the generation of energy required for processing different materials. Wood products that are not recycled also have an important characteristic of being biodegradable.

If prices of timber products rise relative to prices of substitute materials, substitutes will of course, be used. But in view of accelerating world use of raw materials, increased need for foreign exchange to finance imports of such materials, and higher energy requirements and pollution impacts than with use of timber products, greater dependence on substitutes for timber may not be a desirable alternative.

For such reasons long-run demands for wood, and related justifications of forestry programs, could increase considerably more than indicated by projections in this study.

12. Better utilization of available supplies is a partial answer to problems of timber supply.

Major progress has been made in recent years in the use of slabs, edgings, veneer cores, and other similar material from lumber and plywood operations for pulp, particleboard, and other products. In 1970, nearly three-fourths of all such material produced at sawmills and other primary processing plants, plus some additional material from secondary manufacturing plants, was utilized in this way. Such byproducts comprised 35 percent of the 72 million cords of pulpwood used by U.S. pulpmills in 1972.

Despite the progress made, unused plant residues still represent a sizable resource. In 1970, unused chippable material at primary manufacturing plants amounted to 0.4 billion cubic feet and all residues about 1 billion cubic feet (12.4 million cords). With prospective trends in timber prices and utilization practices, it has been assumed that most chippable residues and much of the fines will be utilized for pulp or particleboard within the next decade or so.

Large additional quantities of wood fiber, largely suitable for pulping, also are left in the woods each year as logging residues because of high costs of recovery and problems such as bark removal on limbs and fragmented material. In 1970, these residues included some 1.6 billion cubic feet of material from sound trees, plus at least this much material from other sources such as limbs, rough and rotten trees and dead trees (a total of roughly 40 million cords). Environmental requirements and rising timber values can be expected to lead to better clean up and utilization of timber on harvested areas. But accelerated efforts to improve utilization on logging areas—along with expanded efforts to grow more timber—appear essential if rising pulpwood demands in future decades are to be met.

More of the timber killed by insects, fire, and other destructive agents, although widely scattered for the most part, also might be salvaged with higher prices and improved forest access. Such losses in 1970 included 11 billion board feet of softwood sawtimber.

Improving efficiency of wood utilization in manufacturing plants also would help extend timber supplies. It has been assumed on the basis of past trends that modernization of sawmills, for example, through better production methods and installation of newly available equipment such as high-strain, thin-kerf saws will result in increased lumber recovery from available logs of possibly 2 to 4 percent per decade. But much larger increases in recovery rates should be possible with rising timber values and faster application of improved technology.

Better sorting of logs to help insure use for the most valuable end product—lumber, plywood, or pulp—similarly could stretch available supplies of sawtimber for lumber and plywood.

Development and use of improved structural particleboards and some substitution of hardwoods for softwoods could further extend softwood sawtimber supplies. Wood products also could be used more efficiently in construction by better design and construction methods.

13. Intensified forest management offers an important means of increasing timber supplies in the long run, while maintaining an acceptable forest environment.

Sizable increases in timber growth and future harvests could be achieved in U.S. forests by increased investments to expand tree planting, stand improvement, protection, and other forestry practices. Most forest areas are not fully stocked with desirable timber and are growing at a much lower rate than is possible under intensified management. Fire, insects, and other destructive agents also cause losses that in effect nullify about one-fifth of total timber growth.

Opportunities for increasing future timber supplies by intensified management exist in all sections of the country and all classes of ownership. In the South, for example, timber growth currently averages about 45 cubic feet per acre annually, including only 104 board feet of saw-timber sized material. Large areas of plantations are yielding more than double this amount of growth. And there are millions of other acres where conversion from poor hardwood stands to pine stands, especially with use of genetically improved planting stock, would in time greatly increase available supplies of timber.

Similarly on the West Coast and other parts of the country there are large additional areas in Federal, State, industrial, and other private ownerships where timber supplies could be greatly increased by reforestation and by other practices such as precommercial thinnings and intermediate cutting in older age classes.

On nonindustrial private ownerships held by farmers and a wide variety of miscellaneous owners, timber growing efforts other than fire protection have been limited. Yet several million of these owners hold 59 percent of the timberlands in the United States that are considered suitable and available for timber production. Most of these owners are unwilling to invest in timber growing and many are reluctant to sell timber because of conflicts with other purposes.

Capturing a large part of the very large potential for timber growing on these numerous holdings is technically sound and economically feasible, but will require substantial investments. On many ownerships public cost sharing and technical assistance appear necessary to achieve the increased growth that is estimated to be economically feasible to produce.

An initial analysis to illustrate management opportunities on National Forests and farm and miscellaneous private holdings indicated that increased investments of about $69 million annually could increase annual harvests of softwood sawtimber about 1.6 billion board feet by 1980 and as much as 13 billion board feet by 2020. This analysis used as a criterion a minimum rate of return of 5 percent on additional investments, with prices of lumber and plywood assumed to average 30 percent above 1970 levels.

Additional promising opportunities for increased timber production also undoubtedly

exist on other public and industrial ownerships, and in the use of genetically improved planting stock, fertilization, or other new technology.

Environmental management to assure balanced production of nontimber uses and protection of the environment as well as timber crops will be essential, particularly on public forest lands and to an increasing degree on private lands as well.

14. A combination of efforts could help supply growing demands for timber products while simultaneously providing for nontimber uses and protection of the environment.

In summary, if increased supplies of timber for a growing Nation are desired, a number of things could be done to increase and extend timber supplies, including:

More complete utilization of logging residues, plant residues, and trees lost by mortality, and greater use of recycled fibers.

Greater use of available and manufacturing processes to increase output of lumber and other products from available log supplies.

Better allocation of available timber to assure use for optimum end products.

Some increase in dependence on imports of timber products.

More intensive management of all classes of forestlands suitable for timber management, by road construction, commercial thinning and salvage, reforestation with genetically improved planting stock, timber stand improvement, use of fertilizers, and better protection against fire, insects and other destructive agents—while simultaneously managing lands to assure a balance with other uses and environmental protection.

Continued development and application of new technology in timber growing, in processing of timber products, and in consumer use of wood products.

Substantial public and private investments will be necessary for such measures to increase timber supplies significantly and to improve utilization of available timber supplies. Such measures are both technically and economically feasible. They can be carried out while maintaining a balance with environmental uses of the forest.

OUR LONG-TERM PROBLEMS

Mr. PELL. Mr. President, these are parlous times when all our attention and energy are visioned on short-term problems.

Yet, there are long-term problems that completely dwarf the short-term ones with which we are so concerned.

In this regard, the Club of Rome has sought to bring attention to the long-term misdirections in which the world and our Nation appear to be drifting.

Anthony Lewis has written two very perceptive columns concerning these problems which I believe would interest my colleagues and ask unanimous consent that the columns be printed in the RECORD.

I would add, as the only elected politician who is a member of the Club of Rome, I take particular pride in Mr. Lewis' comments concerning it.

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

NEARING THE LIMITS

(By Anthony Lewis)

BOSTON, September 30.—In dealing with the acute public concern about food prices, official Washington has taken a generally reassuring line. There have been some unexpected trends, it is said, and perhaps some fault in negotiation, but careful planning can put things right for the future.

Talking with experts on world food production gives one a profoundly different picture: The problem is one of world dimensions, and it is here to stay. The sharp rise in prices, the shortages, the new food nationalism of export controls—all these things are happening around the world, and they are not passing phenomena.

"We are seeing the effects of the pressure of population and affluence in the world." So says Professor Nevin S. Scrimshaw of the Massachusetts Institute of Technology. He heads M.I.T.'s Department of Nutrition and Food Science and is also chairman of the important Protein Advisory Group that serves the World Bank and many United Nations agencies.

The impact of population growth can be seen in the end of traditional grain exports from underdeveloped countries—such as the rice surpluses of Southeast Asia. Today those countries need the grain for themselves. The only significant grain exporters are the United States, Canada, Australia and New Zealand. But we think too much of population alone, Dr. Scrimshaw says, and not enough of how affluence multiplies demand on food resources. The point is made in a simple and dramatic statistic.

In a culture with a predominantly cereal diet, the average person eats 400 pounds of grain a year. But a society like America's, with its emphasis on meat-eating, uses 2,000 pounds of grain a year per capita. Animals are that much less efficient in converting grain to protein.

Right across the northern tier of the earth—Europe, North America, Japan—the postwar rise in affluence has made the demand for meat soar. In 1940 Americans ate 55 pounds of beef each. In 1972 the figure was over 120 pounds. Europe and Japan have passed the 1940 American level and are "hellbent to catch us," Dr. Scrimshaw says.

The hunger for meat is putting tremendous strains on the animal feed potential of the world. One major source of cattle food was anchovies in the Humboldt Current off South America—a catch of ten million tons a year. But two years ago the fishermen violated the natural cycle by following the anchovies when they moved out with a shift of the current, and since then there has been no catch whatever.

Now the world is increasingly dependent on soybeans for animal feed, and mostly on the American crop. In the oncoming crop year fully one-sixth of U.S. agricultural acreage will go for soybeans, an astonishing proportion. Most of the beans are for export.

This dependence puts a heavy responsibility on the U.S., as we were made suddenly aware this last year when President Nixon's embargo on soybean exports produced anguished reactions in France, Japan and elsewhere. And the United States has had years of good crop weather; the cycle may be about due for drought again.

What makes this whole picture so surprising to Americans is that until recently—until yesterday, it seems—we were worried about surplus crops and acreage. Now most of the fifty million unused acres in the U.S. agricultural bank have gone into production, and the remaining land is of doubtful value. The same situation applies around the globe: The good farmland is in use. Intensifying the use by fertilizers carries its own problems, notably pollution as from phosphate runoff.

"We were lulled into some false security by the Green Revolution," Dr. Scrimshaw says. "But even better strains of plants need well-watered land and water is limited. Then if your population and affluence begin to swallow up the gain. . . ."

Dr. Scrimshaw is a careful, a conservative scientist. He has sought no headlines. It is just that what he knows deeply worries him. The same is true of his M.I.T. colleague. Professor Carrol Wilson, the former general manager of the Atomic Energy Commission. After taking part in a high-level meeting on world food problems he was interviewed by The Boston Globe.

"We are now looking at some of the outer limits of global 'carrying mass' in food production" Wilson said. "It's becoming marginal to feed the present world population. I had not thought of food as the most critical ceiling. But it is clear to me that you couldn't double the (world) population as is expected by the year 2000 and still feed them."

Anyone who thinks about those statements must realize that there is involved here something very much larger than the prices troubling American families. The specter of world shortages may be near and with it even more terrible differences between the developed and underdeveloped nations. The even more significant inference to be drawn from world food trends, one requiring separate discussion, is that mankind is indeed approaching the limits to physical growth.

NEARING THE LIMITS: II

(By Anthony Lewis)

BOSTON, October 3.—The sharp rise in food prices over the last year, the world around, has profoundly disturbing implications. For it may reflect strains not only on present supplies but on the earth's agricultural capacity.

"There is an unmistakable and mounting sense of uneasiness and foreboding," the director general of the Food and Agriculture Organization, A. H. Boerma, said last summer. He spoke of "dismaying" developments and said there were signs of "a radical process of change."

But it is not only food that has felt distortingly heavy pressures of world demand on limited supply. The London Economist's respected index of world commodity prices in fact shows that food is up less than other items: Only—just imagine that word—50 percent in the last year. The price of fibers has risen 93 percent, of metals 76. The index as a whole is up 70 percent in one year.

Quite apart from the symptom of prices, we all can sense what one economist has called "the gathering clouds of resource shortages." Legal and political conflict over control of the sea and its resources is sharpening. There is the energy crisis. Lumber and newsprint supplies are short.

The signals of strain make one think again of "The Limits to Growth," the book published just nineteen months ago by a group of scientists at the Massachusetts Institute of Technology. Based on a computer model, it argued that the mushrooming growth of world population and production would reach earthly limits in the next century, bringing a collapse of industrial society.

"The Limits to Growth" was intended to provoke, and it did. After all, it struck at a premise of our civilization: the beneficence of economic growth. Many economists denounced it. Some scientists criticized its computer model as overambitious or flawed.

A proposition as broad as the one made in that report is not affirmatively provable—or at least not until too late. But it is possible to see over time whether developments show its assumptions to be false or tend to support the general thesis.

In this case the authors understandably find some grim vindication in events. The group has moved to Dartmouth College, and there Prof. Dennis Meadows said the other day:

"If I had stood up in March 1972 and said that within two years we would see beef on the black market in this country, and retail food prices up 20 percent or more, and families going cold for lack of heating oil, I'd

have got very long odds. But those things have happened, and they will continue happening."

The real thrust of the Meadows report was political. It argued that accelerating growth posed a new kind of challenge to human society—to stabilize population and production at sustainable levels that would permit a decent existence on a world basis. In terms of meeting that challenge, the record of the last two years is bleakly discouraging.

The Nixon Administration has reacted to the signs of resource pressure with an attitude of business as usual or more so. Is lumber short? Plunder the national forests. A threatened oil crisis? Build an Alaska pipeline and increase offshore drilling. Food prices rising? Put an embargo on exports.

It is all too frighteningly close to the danger that "The Limits to Growth" foresaw—growing destruction of the environment and national scrambling for scarce resources. Nor is the record encouraging elsewhere in the world. As the solution to their problems, politicians continue to give the same answer: More.

Consider, for example, the American energy problem. Anyone can see that the United States is profligate in its use of oil and electricity. Our first necessity is serious measures of conservation. How can we cry shortage while we build absurdly overpowered cars and encourage energy-intensive industry? But the Government pays only lip-service to conservation, planning instead to develop new energy sources at enormous cost.

Or think about food. If the world is dependent on American exports, as it is, we shall have to limit our own consumption to meet the demand—or else let millions starve. How would we limit our consumption? Let domestic prices rise? But then our own poor suffer. Rationing? Subsidized distribution? And to which needy foreigners do we sell our grain? And how will they pay? The dilemmas are terrifying.

The scientific particulars of "The Limits to Growth" remain beyond the understanding of most of us. But even critics are beginning to recognize that the book poses valid and urgent questions. Can our world, with all its divisions of nation and interest, deal with the visible strains of physical growth? We await a political leader who will begin to make us face the problems.

COMMUTER COMPUTERS

Mr. PERCY. Mr. President, the problems of overcrowding are nowhere more obvious and frustrating than on the highways of our Nation during rush hour. To relieve this, the Congress has appropriated millions of dollars to encourage, construct, operate, and save mass transportation systems from financial disaster. However, the basic need is to convince people to get out of the habit of driving to work by themselves. One good start in this respect has been made through the use of "Commuter Computer Clubcar Service." This is the modern term for carpools. What it means is that you share a ride with someone going to the same area at about the same time, thereby saving gas, and cutting down on the number of people on the road every morning and evening.

Radio station WBZ in Boston started the idea of using computers to find commuters who could ride together. The idea is somewhat like computer dating, except that instead of finding someone a date, the computer suggests who they could profitably ride to work with.

Radio station WIND in Chicago has now started its own project, and I applaud its initiative. Hopefully commuters in Chicago will take advantage of this service and form carpools.

Mr. President, I ask unanimous consent that an article describing this experiment be printed in the RECORD.

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

COMMUTER COMPUTER SERVICE ANNOUNCED BY RADIO STATION WIND

CHICAGO, October 11.—The official beginning of WIND's Commuter Computer service was announced today by the Group W (Westinghouse Broadcasting Company) station in Chicago.

"Car pooling", according to WIND General Manager Phil Nolan, "represents an immediate step toward solving the problem faced by thousands of Chicagoans daily, who are not served by mass transportation."

Using computer technology to match up riders headed for common destinations in the greater Chicago area would reduce the number of cars using Chicago expressways and serve to plug the gaps in existing public transportation systems.

WIND has broadcast several programs in recent months focussing on the Chicago area transportation problem, with particular emphasis on the need to establish a Regional Transit Authority. "It's obvious", said WIND Editorial Director Charles Cleveland, "that the central Chicago business district, the Loop, is generally well-served by mass transportation." Cleveland cited a Northwestern University study that indicates only 8.3 percent of the six-county metro population commutes to the Loop. "Chicago's basic need on a short-term basis", said Cleveland, "is assisting people who commute to areas outside the city, or from one suburb to another, where public transportation does not exist."

WIND, within the next few weeks, will devote major portions of its public service announcement schedule to promote the Commuter Computer concept. Questionnaires will be circulated throughout the six-county area as a means of surveying potential car poolers and determining the areas with the most need.

Nolan pointed to the Commuter Computer Club car service pioneered by WIND's sister Group W station in Boston, WBZ. The WBZ commuter computer program was launched over a month ago in cooperation with several Massachusetts state agencies. The response to the WBZ service was immediate and enthusiastic. "No one", said Nolan, "questions the logic that says four people to a car is better than the present Chicago average of 1.2."

WIND has for over a year, editorially supported the creation of a Regional Transit Authority and, as Cleveland pointed out, "over the long haul, convenient, safe, dependable public transportation, available to all within the six-county area, represents the ideal to be sought."

The Chicago transportation crunch has spawned many innovative solutions by its frustrated commuters. These range from "dial-a-ride" services in some suburbs, leased busses for commuters with common destinations, and informal neighborhood car pools for getting children to and from school and commuters to and from railroad stations and CTA park-and-rides.

The WIND Commuter Computer service is designed to fill the gaps between public transportation and, in fact, encourage greater usage of public transportation and serve those who live and work in areas not served.

Noting State Representative John Porter's (R. Evanston) proposed bill, calling for studies by the Illinois Department of Transportation, to officially encourage car pooling, Nolan said, "while such a service probably should, on an on-going basis, be afforded by the government, the private sector could contribute greatly by being able to quickly initiate such a service. "The WIND Commuter Computer program," said Nolan, "could function as a pilot study for the Department of Transportation."

To re-enforce the need for voluntary public action in dealing with the transportation crunch, WIND has scheduled a variety of events. Early in November, the radio station will sponsor "The Great Chicago Commuter Race" featuring station personalities, commuters and transportation officials in an "automobile race" along major arteries into Downtown Chicago. At the same time, the automobiles are wending their way through Dan Ryan, Eisenhower and Kennedy Expressway traffic, other WIND teams will set out via public transportation bound for the Loop. Followup events will include broadcasting the experience of Chicago motorists as they attempt to traverse the city, not bound for the Loop, but attempting to drive to and from jobs in suburban locations.

This Sunday, October 14, WIND's "This Week in Chicago" program will examine the six-county area's transportation problems, as well as the problems in transporting the handicapped, the elderly and those too young to drive. Hosted by Charles Cleveland, the broadcast begins at 10 p.m.

Nolan cited the fact that Chicago media has taken a leading role in pressing for the Regional Transit Authority concept. "Public enthusiasm for the RTA, car pooling and other efforts designed to solve Chicago's immediate and short-term transportation problems is due, in large measure, to the efforts of the Chicago's media," he said. The cooperative spirit is indicated in the fact that WIND, in cooperation with WTTW Channel 11, will simulcast a special program October 20th titled, "You Can Get There From Here—RTA". Nolan said the WTTW program will be broadcast on Channel 11 and on WIND at 9 p.m. October 20th and will be followed by a special two-hour WIND "Contact" program with Host Dave Baum. Baum will talk with Chicago-area and state transportation officials and take comments from the radio audience on special commuter problems.

VIETNAMESE AMERICAN ORPHANS

Mr. INOUYE. Mr. President, one of the most tragic consequences of the military conflict in Vietnam is the victimized children—some left crippled and scared with war injuries, many malnourished and many orphaned. A critical aspect of this issue is the welfare and future of the 15,000 Vietnamese-American children, the American-fathered orphans whose previously marginal existence was further jeopardized by the reduction of the American military profile in South Vietnam.

A recent article in the Washington Post by the Congresswoman from Hawaii, PATSY T. MINK, has poignantly captured the plight of these orphans, who are subjected to unnecessary suffering by the lack of an efficient adoption process and a comprehensive relief program. Given the urgency of this problem and its need of prompt congressional consideration, I ask unanimous consent that Representative MINK's article be printed in the RECORD.

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

[From The Washington Post, Sept. 23, 1973]

UNLOVED ORPHANS OF AN UNLOVED

(By PATSY T. MINK)

I cannot share the sense of relief which has swept America since the close of the Vietnam war.

I have just looked into dozens of steel-barred cribs in Saigon and I have held a dying infant, one of the 15,000 or more Vietnamese-American children we left behind to perish or live miserable existences, children we evidently care little about.

I have seen among the 500 children at Go Vap orphanage infants with bloated bellies and skinny legs. I have seen them cling to my husband and me, begging for affection. They did not wear diapers. They laid on the floor in pools of urine, which workers tried to clean up.

I have seen a naked baby girl lying on a cot in the street outside Viet Hoa orphanage. She wasn't alone. The streets and sidewalks of Saigon were lined with such children of poverty. An orphanage worker said they couldn't help every child; only the children inside were clothed and cared for.

At Dieu Quang orphanage I saw despair written across the faces of 190 children. They were in their cribs, without toys and without joy. They neither smiled nor cried. I was shown their lunch: a plate of ground rice meal stewed with bits of pumpkin.

And at World Vision Half-Way House Nutrition Center I saw desperately sick infants being slowly nursed back to health. The babies were released by the Vietnamese orphanages to World Vision because they were dying. When they recover, many are placed for adoption with Americans.

But these and many other infants placed with American families may never arrive. They may not live long enough. They may be killed by paperwork.

One American adoption agency, Welcome House in Pennsylvania, reports that 52 of the 60 Vietnamese infants released to it for adoption died before the months of required paperwork could be completed. At present, 2,000 American couples are languishing on bureaucratic lists, waiting for their "new" baby. The paper moves so slowly in Washington that only 367 of the orphans came to America last year—while 1,000 left South Vietnam for other nations.

We have long been a compassionate people, particularly after great tragedies. One need only recall the Marshall Plan after World War II or the war relief led by Herbert Hoover after World War I. But we have yet to show such compassion for these American-fathered children, those unloved reminders of an unloved war.

It would not be very difficult to do. A simple first step would be to end the adoption paperwork by issuing special immigration visas for these children, something I have tried to get done in Congress for two years now. But the bureaucracy is not to be moved.

The Department of Health, Education, and Welfare claims that the children will be well cared for in Vietnam and that "South Vietnamese do not stigmatize children of mixed parentage." What pollyanna wrote that? In all my discussions in Vietnam I found no one who thought that the black Vietnamese-American orphans, if they survive, would be accepted into Vietnamese society, and the indication was that this was also true of the half-white children, whose "foreign" features were so obvious. More than half of the sickest, most neglected, close-to-death children in the reception centers I visited were inter-racial babies.

I have also been told that the Vietnamese government does not want us to adopt these children, that American adoption would be viewed by them as an insult, a humbling admission that the Vietnamese could not care for their own. I found no such attitude in Vietnam.

The deputy minister of the South Vietnamese Ministry of Social Welfare was very clear: The government will not stand in our way if we follow the proper procedures—adoption procedures which are no more onerous than our own. In fact, they may well be less onerous than ours.

At present, the adoption paperwork must be done in triplicate—once for Vietnamese adoption, once for federal immigration and once for adoption in the parents' home state. For one American couple, the paperwork weighed nearly a pound. The orphanage workers see the children wait, and many of them die, while they are—in the words of the bureaucrats—being "processed."

The French government offered immediate citizenship to French-Vietnamese children following French withdrawal from the Indochina war, and they offered free education for the children in France. Surely America can take the small but important step of eliminating federal paperwork for these orphans.

That is not all we can do. At a halfway center operated by the Catholic Relief Center in Vietnam, I saw a new girls' vocational school that had been built by the Dutch. I had hoped to discover that our government was doing similar things. An American AID official's reply: We should not do for them what they must do for themselves. I was also told that we do not even provide funds for the international relief agencies. All they get is surplus food, which is fast running out.

Vietnam is a nation in agony whose economy is fragile. The adults suffer just as the children do. The American embassy staff pointed to the suffering everywhere and asked: "How can we single out just the orphans?" The question implies that we should help no one if we cannot help all. The answer is simple. It is far better to start action somewhere than to let children die.

There are some things we cannot do. A number of the 134 orphanages in Saigon are unwilling to release their children for adoption. Their reasons vary. Most claim a long tradition against adoptions. A number of the religious believe it is God's will that the children stay with them. Some will allow adoptions but demand the name and address of the adopting parents—a request that violates the policy of the American international adoption agencies, which fear the families may be hounded for donations.

These problems are outside our jurisdiction. But many children are available and within our power to help. We cannot pretend that to wait two more years for an answer merely to let the children grow two years older. We cannot ignore the fact that these small lives are fragile, that time is crucial. If we make these children a political issue, ripe for debate and stalling, we will kill them with words and neglect as efficiently as if we had purposely destroyed them.

PROBLEMS OF CAMPAIGN REFORM

Mr. HUGH SCOTT. Mr. President, Henry Ford II, chairman of the board of the Ford Motor Co., recently spoke on the problems of campaign reform, and endorsed the concept of public financing. Because of his stature in the business community I believe his remarks will be of interest to Members of Congress and all readers of the RECORD. Therefore, I ask unanimous consent to have Mr Ford's speech printed in the RECORD.

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

REMARKS BY HENRY FORD II, CHAIRMAN OF THE BOARD, FORD MOTOR CO., AT THE COMPANY'S COMMUNITY SERVICE AWARDS PROGRAM AT COBO HALL, DETROIT, ON OCTOBER 18, 1973

I am pleased to be here today and to represent all of the men and women of Ford Motor Company in expressing our thanks, our pride and our congratulations to our national Ford Citizens of the Year.

I also want to express my thanks to the judges who had a difficult but I hope satisfying assignment in selecting this year's recipients.

Ford Motor Company's Community Service Awards began in 1956. I think it is significant that the first awards program was not the result of any direction from headquarters but was proposed by the members of the Ypsilanti Community Relations Committee. The idea was apparently one whose time had come and by 1960 the program was national in scope.

This is the first year, however, that we have assembled our Citizens of the Year from around the nation here in Dearborn. I hope you enjoy spending a few days with us as much as we enjoy having you.

The program's longevity is a reflection of the company's conviction that community service is good business as well as good citizenship.

Experience has taught us that the success of the company is dependent upon the health of the communities in which we do business. While our corporate taxes can help to assure good sewers and good libraries, it takes more than good public services to make a good community. It takes concerned companies and businesses, of course. But more than that it takes concerned people—people like you—and the thousands of other Ford people who serve their communities.

In giving your time and talents to improve your communities, you are also improving the atmosphere for our business and reflecting credit on Ford. Whatever good you do, wherever you do it, people can't help becoming aware that you work for Ford Motor Company. And people judge a company by its employes as well as its products. We're proud to have them meet our best.

Before we turn to the main purpose of this luncheon, I'd like to comment briefly on a different, but related, subject. Community service is, of course, just one expression of responsible citizenship. Another responsibility we all have is to participate in the political process which determines the personnel, the character and the polices of our government.

Public attention today is focused on some of the outrageous abuses of our political system. One good thing that may come from the revelations of wrongdoing coming out of Washington is that they may generate enough public demand for reform to make reform happen.

In politics, as in other aspects of life, money seems to be the root of all evil, but nobody has found a way to get along without it. We can argue over how the money for politics is raised and how it is spent. We may wonder whether some of the sloganeering, TV jingles and the like actually serve to inform or confuse the voters. But the fact remains that it takes money for candidates to make themselves known to the voters and communicate even in a general way their stand on current issues.

I have always made it a practice to contribute to the campaign funds of candidates who, in my personal opinion, are best qualified for elective office. I think that every man should be free to contribute money to help elect those who, in his opinion, are most able and best represent his point of view. And every candidate should be free to solicit campaign funds from like-minded people.

But this freedom can be abused, and it has been. Abuses can never be eliminated entirely by laws, but they can be minimized. The time has plainly come to change Federal election laws in ways that will minimize the opportunities for influence peddling and buying.

Starting with elections to Federal office—including President, Vice President and Congress—there ought to be a firm ceiling with no escape hatches on the total amount any person can contribute to the campaign of any candidate. There ought to be an equally firm ceiling on the total amount that can be spent by and for each candidate for public office. And there ought to be an effective mechanism to make sure that the election laws are enforced.

Provisions such as these could go a long way toward eliminating improper and undesirable contributions and fund raising practices. But they would also compound the problem of raising enough money to give each candidate a reasonable chance of reaching the voters.

For many years we have been encouraging Ford employes to make it a habit to contribute to their party and the candidates of their choice. Many other organizations do the same and, of course, the political parties beat the bushes for contributions wherever they can find them. But the fact is that year in and year out, only about 10 per cent of all citizens of voting age contribute to political parties or candidates. The failure of most citizens to put a few dollars on the line to help elect candidates of their choice is what tempts candidates to rely on large sums from fewer people.

It now looks as though the only way out of this dilemma is to provide for campaign financing from public as well as private funds.

This is already being done in a small way. Modest Federal tax deductions or credits for political contributions have been permitted for the past two years. This year, for the first time, the taxpayer has had the option of instructing the government to give one dollar of his Federal income tax to the political party of his choice.

Beyond these steps, I believe the time has come to establish public financing of election campaigns for Federal office on a direct, systematic and substantial basis. Such a program would impose no great drain on the treasury but it would have to be carefully devised to avoid opening up new kinds of inequities and abuses.

The right to solicit and to make private contributions should certainly be preserved, within suitable limits, and the distribution of public funds would have to be controlled by a formula that would be fair to incumbents and challengers regardless of party, without at the same time opening the till to anyone who decides to call himself a candidate.

I would not support the use of public funds to help finance Federal election campaigns if I thought there was a better way to clean up the present system. But even with the other reforms I have suggested, I am afraid that nothing short of a significant degree of public financing will get at the root of the problem.

Making candidates rely entirely on raising money from private sources produces a kind of atmosphere that is not in the public interest. As long as the present system continues, the principle of one man—one vote will be compromised by the power of money.

I hope Congress will weigh very seriously the variety of specific proposals that have been advanced to provide for substantial public funding of Federal election campaigns. The public clearly is in a mood to support basic reform of election practices, and public confidence in government cannot be restored until basic reforms are achieved.

I hope that as community leaders, you share my views on the need for campaign finance reform and that you will encourage others to support practical measures in this area.

The connection between campaign fund reform and community service may seem somewhat remote, but I believe the two subjects are more closely related than you may think.

I am convinced that one important reason for the abuses that have crept into our political system is that government has become too big, too complicated, too powerful and too involved in almost every aspect of our lives. The bigger and more complex government becomes, the easier it is to conceal abuses. The more we rely on government to solve all our problems, the more influence there is to peddle, and the greater the temptation to buy.

I don't blame politicians for all of this. Government has grown so big because—unlike our Citizens of the Year—most people have been content to sit back and let government take care of every problem that comes along.

I don't think we can have a free society and honest government if we rely on government to take care of everything. The alternative is for us as individual citizens and members of voluntary citizen organizations to do more for ourselves, our neighbors and our communities.

In a very real sense, I believe that community service is the most basic element in the reform of our political system.

In conclusion, therefore, I want to commend each of you—not only for the luster you have added to the company's name and the good you have done in your communities, but also for the contribution you have made through your community service to the nation as a whole.

Again, my congratulations and best wishes for the continued success of your efforts to help your fellow citizens and improve the communities in which you live and work.

ALL-VOLUNTEER ARMY IS WORKING

Mr. GOLDWATER. Mr. President, in recent weeks, we have read a great deal in the press about the serious challenge encountered by the Army in its efforts to make a success of the all-volunteer concept for providing manpower.

There can be no doubt that the military services, particularly the Army, has encountered some difficulties in obtaining their required manpower levels under the new system. However, I sincerely believe that these difficulties can and will be surmounted and that the goal of a volunteer Army with highly motivated, trainable personnel can be achieved without lowering educational and mental category standards.

Recently, Mr. President, I received a personal report on this problem from Secretary of the Army Howard H. Callaway. In this report, he outlined the problems the Army is encountering and steps it is taking to meet them. Because of the great importance of Secretary Callaway's report, I ask unanimous consent for the report as well as a speech delivered by the Secretary before the Association of the U.S. Army here on October 15 be printed in the RECORD.

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

SECRETARY OF THE ARMY,
Washington, D.C., Oct. 17, 1973.

Hon. BARRY GOLDWATER,
U.S. Senate,
Washington, D.C.

DEAR BARRY: Knowing of your interest in and knowledge of the Army, I want to solicit your support at a time when the Army faces one of its most serious challenges: the achievement and success of an all volunteer concept.

When President Nixon outlined the plan for an all volunteer force in 1968, several months before he took office, the Army immediately took up the challenge and began making plans for this eventuality. We attacked the problem on three fronts; strengthening professionalism, improving Army life, and modernizing our accession system. Much has been done in these areas and we were able to terminate inductions in December 1972—six months ahead of schedule.

As the draft expired, we found ourselves embarked on an enterprise that our society has never successfully accomplished in modern times. Accordingly, imagination and innovation became foremost in our management philosophy. We explored new approaches and techniques, rejecting unsuccessful ones and exploiting success where we found it. In this regard, you can expect to see more management changes and adjustments as we go along.

Our goal is to man the volunteer Army with highly motivated, trainable personnel, without lowering educational and mental category standards. We are going after the quality prospect in many new ways. For example, in May we began using the recently developed Army Classification Battery. This test measures aptitude for training and provides a more accurate measure of a man's potential as a soldier than did the WWII Armed Forces Qualification Test. Too, we believe that the quality of a man is realistically tested by his overall performance in training, and we have adopted procedures which will determine each volunteer's motivation and self-discipline during basic and advanced individual training. Men who do not display the qualities desired of a soldier will be released prior to 180 days of service. We are also employing the "whole person" concept in our quest for the quality accession, and we are experimenting with a system which would enable us to determine an individual's probability for success in the Army based on certain background data. Thus, contrary to the opinion expressed by some, the Army is not lowering quality standards but rather developing more and better ways to identify men who should make good soldiers.

The fact that we have fallen short of our recruiting goals in recent months has been widely reported. Because of this, some have concluded that the all volunteer Army is going to fail, but I do not accept this at all. It would be unwise for anyone to jump to such conclusions on the results of the last six months. For the Army there is no alternative; we are totally committed to assuring success of the all volunteer concept.

We face a most difficult challenge. However, we feel confident that with the training, educational opportunities, and improved living conditions available in the Army today, we will be able to attract and retain those individuals whom we need. Above all, we believe that the Army offers young people an opportunity to grow and mature, and gain that inner satisfaction which only comes from service to one's country.

On 15 October I spoke on this matter before the Association of the United States Army at their annual meeting here in Washington. Inclosed for your information is a copy of my remarks.

I am confident that with your continued support, and that of the American people, we will make the all volunteer force a reality.

Sincerely,

HOWARD H. CALLAWAY.

ADDRESS BY THE HONORABLE HOWARD H. CALLAWAY

Ladies and Gentlemen, distinguished guests:

I'm delighted to have this opportunity to be with you this afternoon. We in the Army are aware of your long-standing support for a strong National defense and we feel that the Nation owes you a debt of gratitude.

It is an exciting time for me to be Secretary of the Army. We are entering a historic time, a time of basic change, as we try to do what has never been done before. The Army has set out to provide security for this great country, to keep our global commitments, to stand ready to face an aggressor on a moment's notice—and to do all this with an Army of volunteers. No nation in history has tried to meet such massive and complex commitments without compelling people to serve, through one form of conscription or another. It is a challenge—a great challenge, one which I assure you we are doing our utmost to meet. Today I want to address this question with you—this question of meeting the need for an Army with a volunteer force.

Unfortunately, discussions of the volunteer Army are usually accompanied by emotional considerations about the value of the draft or of Universal Military Training. There are many, both in the military and out, who genuinely feel that the maintenance of a draft is important to our country, and so the debate continues. But the debate is on the wrong subject.

Those who continue to hold out the false hope that the Army can or ought to simply dodge the problems of the volunteer environment by quick return to the draft are not facing up to today's realities. The country doesn't want a draft today. The Congress doesn't want a draft today. The alternative then is a successful volunteer Army or failure for the Army. The US Army has never failed this country. It has always turned the hard challenges of history into success. So today, the challenge for all of us who support the Army is clear. We must set our minds to making the volunteer Army work.

And the volunteer Army is working! It is working because there are still young men and women in America who want to serve their country—this is "an idea whose time remains" for all Americans, young and old, of every race, color, and creed. And it is working because the Army offers to young men and women a satisfying life and solid benefits in conjunction with their service. There are those who feel we are trying to buy an Army. This is not the case. We are giving young men and women who serve in the Army a standard of living that is roughly comparable to the standard of living they might get in the civilian community for doing a similar job. This means higher pay; paid annual leave; complete, superb medical and dental care; life in much improved barracks, and more.

All of these measures are necessary. I support them wholeheartedly. But let me emphasize that we are not trying to buy an Army! We will get the Army that the Nation needs only by appeal to sacrifice and service.

And this brings me to the second, most important way that we are making the volunteer Army work, by insuring that service to the country is a meaningful part of the young man or woman's life. We are making Army service a step forward in their lives, not an interruption. And to do this we are putting a great emphasis on education and training, and on insuring that our soldiers' jobs are important and useful.

We are doing this by making each soldier's job relate to the Army's mission, because this makes Army service mean something. Our young people want value from their lives. They want a job that matters and we've got that job. We are also working to eliminate unnecessary irritants. We think this will make the Army more attractive, and our surveys have borne this out.

We have developed a very attractive package of education and training. To the high school dropout who has the ability and motivation, we offer work toward a high school diploma, as an adjunct to training. To the high school graduate, an opportunity for college training, part of which may be as an adjunct to training. To junior college and college students, the possibility of further training, and even this may be as an adjunct to training. And to all of them, the Army offers vocational training that will be useful when the soldier returns to civilian life.

With a meaningful job, a decent standard of living, and real opportunities for continued education and training, young men and women can look upon a period of service to the country as a genuine step forward in their lives. And when they leave the Service, they will realize other very important advantages. For one thing, under the GI Bill, they are entitled to more education, provided by the government to its veterans. And they're more mature. The Army has trained them, given them each a mission, and then held them responsible for professional results. This responsibility develops maturity. Thus, both the education and experience of military service prepare them for better jobs when they leave the Army for civilian careers.

All of these benefits are pointed toward the first term volunteer. For those who choose to reenlist for the volunteer Army, however, more opportunities for education, maturity, and service accrue.

We have, today, the finest noncommissioned officer leadership training we have ever had, with progressive career steps going from the recruit right on through our top command sergeant major. Our men and women enjoy the benefits of our new Noncommissioned Officer Education System, a system which offers to the noncommissioned officer a progressive, professional military education roughly comparable to the superb system of schooling we have always offered to our officers. The system trains, educates, and motivates our NCO leaders for the progressive challenges of an Army career.

Some of our strongest supporters don't fully understand today's Army. They think the Army lost something important when we initiated, for example, the idea of hiring civilian help—KPs—to work in the kitchens and dining rooms. They think that eliminating such irritants as KP has made the Army soft. But the Army's mission is not to peel potatoes; its mission is to fight. Peeling potatoes does not improve discipline or combat efficiency. So changes to some things held traditional in the past are in the wind, but if you look at them, you will see that each turns harder than ever on mission. We are not retreating from the Army's real business. The volunteer Army is ready to fight.

We do not have and we shall not have a permissive Army. We have and we shall have a disciplined Army, responsive to authority, and able to perform its mission in the service of the country. You expect it; the country deserves it; and I'm going to do my level best to see that it happens!

In brief, that's the program we have undertaken to attract young people, to encourage them to enter the Army. And once they're in, I know that many of them will choose to stay beyond their initial commitment, because they will see that the Army has a very fine career progression system.

I believe Americans will agree, then, that we have a package that is appealing to today's young people, appealing not only in terms of benefits, but in the opportunity for service to country. And the beauty of this is that it appeals to everyone in America. Service to country appeals equally to rich and poor, Northerner and Southerner, educated and uneducated. Pride in America and willingness to sacrifice for her is an ideal which knows no cultural or economic boundaries. In this fact lies the very strength of the Nation. I count on this appeal to give us an Army which mirrors America. It's not going to be a mercenary Army, it's going to be an all-American Army.

This then is our plan. It is not only our plan for the future, it is also a description of today's Army. For practical purposes, the draft ended for us on December 29, 1972, when the last draftee entered the Army. (Although a few deferred draftees entered later.) So we have had about 10 months' experience now in a volunteer environment, and I think it is appropriate that we review some of the results.

Because each month we openly discuss our goals and quotas, many have a distorted picture of our progress. They feel we are hopelessly short of recruiting goals, trying to make up the gap by lowering, and as a consequence, ending up with nothing worthwhile whatever. It is true that we have missed our goals during the past 10 months. But it is important to remember that our goals are akin to the salesman's goals—realistic, but difficult to meet.

What are the facts? During these past months, we have recruited into the volunteer Army some 124,000 young men and women; further, over 34,000 men and women have reenlisted during this period. In fact we have been running about 84 percent of our recruiting objective ever since December 29, 1972, when we abandoned the draft. And those who have come into the Army are of high quality. We have had a higher percentage of high school graduates entering the Army since the draft ended—about 10 percent higher—than we had in the 6 months before the end of the draft. As a result, we now have an Active Army of over 794,000 and this is 97 percent of our programed strength. Total accessions, then, have fallen somewhat short of our goals, but we are still filled far above any level of concern, and quality is high.

And we have many encouraging signs. Last year we decided to reactivate the 9th Infantry Division at Fort Lewis, Washington, but the manpower was not at hand. So we told the commander, General Fulton, that if he wanted a division, to take his cadre, the Division colors, and go out and recruit a division. General Fulton and his recruiters did just that. They began a vigorous recruiting campaign and today that Division stands at 102 percent strength, essentially filled with enlisted volunteer soldiers. Now, this is a real success story, a living example which illustrates concretely that the volunteer Army program is not an impossible dream, but a workable idea, and it is typical of many other units with similar successes.

We do not minimize our recruiting problems; we spend our time and energy working on them. We are trying many new approaches to recruiting, which stress quality together with quantity—such as increasing the number of recruiters, expanding our unit-of-choice and station-of-choice options, screening out poor soldiers in our reenlistments, administering new entrance tests, and even weeding out misfits in basic training. These efforts will continue.

Some also have expressed concern that the volunteer Army was doomed to failure because it would bring a decline in discipline. That has not been the case. If we compare discipline trends for FY 72 with FY 73, a period which includes both draft and volunteer Army experience, we find that rates for AWOL, desertion, crimes of violence, crimes

against property, courts-martial, and separations under less than honorable conditions, are down.

Virtually every major indicator of discipline except drug offenses has, in fact, remained or turned positive in the volunteer Army. Whatever factors contribute to this picture, it is clear that today's volunteer soldier is not causing an increase in disciplinary problems.

Many also had expected the volunteer Army to herald the demise of our National Guard and Army Reserve as viable outfits. No such demise is in sight, although we do face problems here. We have seen modest reductions in the strengths of both our Reserve Components from the December 1972 levels, a trend in fact dating from mid-1971. But current indications give us some encouragement that we may be able to restrain this decline. We have in the past several months, for example, been successful in recruiting trained, experienced, prior-service personnel into our Reserve Components to offset some of our shortfall. As you know, Reserve Component strength remains critically important, so we are very much concerned that it continue to receive close attention. Under the total force policy any future emergency buildup will have to rely upon the National Guard and Reserve rather than a draft for initial and primary augmentation of our Active forces. I expect the improving image of the volunteer Army to have the positive effect on the health of our Reserve Component recruitment that is needed.

Finally, combat readiness, which is the heart of our business, has shown significant improvement. When the draft ended, we had 13 divisions on the books, but only 10 fully formed. Of the 13 divisions, not 4 met the Army's stringent readiness standards and were considered ready for combat. By contrast, we now have all 13 divisions fully operational and 10 ready for combat. Thus, our divisions today, judged by the stringent standards reported to the Joint Chiefs of Staff, much more nearly meet their goals in terms of authorized strength, personnel job qualification, unit training, equipment on hand, and equipment serviceability than they did at the end of the draft. Six months to a year from now, I believe our readiness posture will be even better.

These simple facts and figures point to one conclusion—The Army is better today than it was at the end of the draft. But the figures are not nearly so meaningful as the subjective feel of those in the Army. I certainly don't pretend to be an expert on this but by the end of this month I will have visited all 13 of the Army's active divisions, as well as many other posts and stations. During every visit I have talked with new soldiers, with senior noncommissioned officers, with junior officers, with senior officers and commanders. I can tell you that without any question, today's Army is a far better Army, far more prepared for combat than it was at the end of the draft. I can just feel it everywhere I go. It's in the air. Discipline is better, morale is better, training is better, and equipment is better. The Army's future is indeed now.

And, what is more important, all of our vital trends, with the possible exception of drug abuse (and we are working hard and effectively on that one), are in the right direction today. Let me emphasize—your Army is good now, ready to fight, and getting better with the passage of time. I foresee no doom ahead. Six months from today we will be better, and after that, better still.

This picture that I give you of today's Army is enthusiastic and optimistic, and purposely so. I am extremely proud of today's Army and what has been done to make it work in the volunteer atmosphere. But I recognize our challenges. Benjamin Franklin once said that, "the man who expects nothing . . . shall never be disappointed." I believe he would share my belief that men who do expect something worthwhile and are willing to work hard for it, are apt to achieve it, even if the task is difficult and unfamiliar.

We are daily working on new, innovative and exciting ideas to insure that we get the right number of qualified men and women to man our Army. It will not be easy. It will perhaps be the toughest job that the U.S. Army has ever been called upon to do, but I am certain that today's Army will be equal to the challenge.

We in the Army have always needed the active support of the American people. Today, we need it even more than ever before. Even our strongest critics have recognized that the one vital element necessary for the success of the volunteer Army lies beyond the Army itself. I'm talking about public support. We need your help as we plow new ground, as we steer an uncharted course to give the country the best Army it has ever had. Without your help, we cannot succeed; with it, we cannot fail. Together, we can meet the challenges and prove worthy of the Nation's trust.

Thank you.

ROBERT McNAMARA AND THE WORLD BANK

Mr. PERCY. Mr. President, in every generation of mankind there are many talented individuals who rise to national prominence, make their contribution to this country or the world and then return quietly to the tranquillity from which they came. Only a relatively few men or women have a continuing impact on public policy. Fewer yet have the talent, intellect, diversity, and personal fortitude to have an impact in more than one field of endeavor. Robert McNamara is one such individual.

Robert McNamara has served this country with distinction as a captain of industry, a Secretary of Defense, and now as President of the World Bank. Being a catalyst in all of these fields he has been controversial. But whether one personally agrees or disagrees with Robert McNamara, there is no disagreement that he is tough minded and a brilliant innovator, and those who know him well regard him as I do, as a man of compassion—a great humanitarian.

In his present position as President of the World Bank, Mr. McNamara is committing a decade of his life to shake and move the leadership of this world on behalf of humanity. He is attempting to shake the perceptual thought structure of our generation of mankind on the issue of economic development in less developed countries. He is moving the institution that he heads, the nations that govern it, and the nations that receive loans from it, into a realization that economic growth is not economic development—that economic development means that all people in a given society must participate in and receive the proceeds from economic growth.

Two recent publications show Robert McNamara both as a humanitarian and as a catalyst in the field of economic development in less developed countries. The first article by Stephen S. Rosenfeld appeared in the July 3, 1973, issue of World magazine and is titled "Robert S. McNamara and the Wiser Use of Power." The second publication is of President McNamara's address to the Board of Governors of the IBRD in Nairobi, Kenya, September 24, 1973.

Mr. President, I ask unanimous consent that both of these publications be printed in the RECORD.

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

ROBERT S. MCNAMARA AND THE WISER USE OF POWER

(By Stephen S. Rosenfeld)

WASHINGTON.—The straight-back hair is thinner, the half-rimmed glasses thicker than in the days when he was known as an architect of the Vietnam war—a reputation that seems to burden and spur him still. Yet the figure is as lean, the manner as intense, the mind as quick. Beginning his second five-year term as leader of the boldest development effort since Genesis, World Bank President Robert S. McNamara is doing what he plainly regards as the culminating work of his life. His fifteen-year rise to the presidency of a huge consumer-goods corporation, his seven-year stewardship of an immense military establishment—all this merely provided the training, the toughening, the incentive for this super-able and driven man to get where he is now.

On the floor by his desk is a large globe that he can spin for easy reference to the 122 countries that belong to "the Bank," as it is known in its sprawling headquarters just three blocks west of the White House. Only the Communist countries—in the Bank's careful, non-political prose, the "centrally planned economies"—do not belong, mavericks Yugoslavia and Rumania excepted. McNamara would welcome all of them. For it is the essence of his creed—*gospel* perhaps better suggests the passion behind it—that the world's essential divisions are not between Communists and non-Communists, East and West, but between rich countries with the means to lend to the Bank and poor countries with the need to borrow. The sooner the world can rise above its political quarrels, the better it can treat its economic ills. The Bank cannot solve others' political disputes, but it can, McNamara hopes, provide a measure of the vision and the money and the pressure needed to help nations do something about their people's desperate economic and social needs.

Five years ago, Lyndon Johnson arranged for the twenty "executive directors" of the Bank to choose McNamara. At the time, the former Ford Motor Company president and secretary of defense was widely regarded as a political basket case, his spirit seemingly broken by the travails of Vietnam. Friends from his Berkeley and Harvard days knew him as a man who had minored, so to speak, in the human condition. The public had been given only one glimpse of his concern: In a 1966 speech (in Montreal), so far from the Pentagon norm that it attracted much attention (as well as private grumps from LBJ), McNamara had drawn a close link between global violence and global poverty. Practically by itself, that speech made his Bank appointment respectable. The prevailing sense still was that he was being put out to pasture. At that point in the Vietnam War (1967–68), the Bank was thought of in Washington as a proven and worthy institution but not as a central or vital one. Its two previous presidents, George Woods and, before him, Eugene Black, were traditional bankers who had kept the Bank's profile low.

Looking back, one can see how all this suited McNamara's style. He had inherited a tight ship. It had an expert international staff, since doubled to about 1600 profes-

sionals from 100 countries (but no upper-rank women). Its blue-chip leadership and staff and its record of making "sound" loans had ensured it all the access it sought to world capital markets. Although it gives loans to some governments that on their own couldn't get in the front door of the central and private banks from which the Bank borrows, it has never lost a penny. From 1964 to 1968, the Bank committed $6 billion to help finance projects valued at upwards of $13 billion; the Bank always draws in other public and private lenders with it. Some feared McNamara's reputation as a visionary, resulting from the Montreal speech, might dry up the money. As though to quell the specter, he made his first major speech outside the Bank at the Bond Club of New York. Ever concerned not to be pegged as a wild-eyed fanatic, he declared: "[The Bank] is a development-investment institution, not a philanthropic organization and not a social-welfare institution." During his first term the Bank borrowed sufficient money to more than double its loans, committing $12 billion to finance $30–$40 billion worth of projects, exactly as McNamara had planned. He has kept old sources and found new ones—for instance, the Mideast oil states, which are to him "the largest single investment pool of medium- and long-term investable capital in the history of the world." During his second term he expects to get the Bank into an additional $50–$60 billion in projects. For a yardstick, note that American bilateral economic aid now hovers at around $1 billion a year.

McNamara took over a going operation. As one might expect of a manager of his bent, he has changed it. In sixty days he had set up a five-year planning framework; the Bank is now in its "Second Five-Year Program." There soon appeared a "programming and budgeting department," a discreet shadow of the Office of Systems Analysis he had installed in the Pentagon. Interestingly, he did not bring in a conspicuous group of new people, "whiz kids" or otherwise. His best known appointee is former AID official Hollis Chenery, a Harvard development economist who is the leading in-house policy adviser. His chief of staff is J. Burke Knapp, formerly of the Federal Reserve and State Department. Particular staff men whose ideas or programs grab him he sees for long and intensive meetings; others see him only on the elevator. For all the warmth and wit he shows private friends, he runs the Bank as an operation subordinate to his vision of its public duties. By a recent reorganization, sprung without notice, he deeply wounded scores of veteran professionals and, incidentally, thereby, gave an important boost to the Bank's "Staff Association," a fledgling union. McNamara professed to be astonished at the furor he had created.

His work habits continue to be something of a Washington legend: the hours; the quick intake of masses of new material; the capacity for framing—some say overframing—issues. He can dole out appointments to internationally known figures in five-minute pieces; he frets at holes in his schedule; his calendar bears notations like "12:00 noon—Nicaragua." On the road (sixty-six countries, 432,330 miles in his first term), he paces himself relentlessly, seeing only "presidents and peasants," as one aide put it, exhausting his escorts. Perhaps because he learned at the Pentagon not to become a captive of his own staff, he ranges wide for counsel outside the Bank, keeping open old lines to the foundations, the Urban Institute, Aspen, and like places, in order to receive fresh ideas. As a second-term gift, staff members gave him a briefcase.

More meaningfully, the Bank gave him his second term. McNamara has called himself a "citizen of the world." But he is an American and, though earlier of Republican registration, later a figure identified closely with Democrats, especially Kennedys. By tradition and voting weight, the U.S. President fills the top Bank slot. From Mr. Nixon's own distracted record on development, if nothing else, one could guess that McNamara was not his first choice for the term beginning last April. The administration had, in fact, shown political displeasure by abstaining on Bank loans to Latin countries where American private firms were under siege. McNamara was known to be unhappy about this and had publicly scored the United States for its declining performance on aid. The names of former treasury secretary David Kennedy and former commerce secretary Maurice Stans (today under indictment for obstructing justice and perjury) was floated. The "constituency"—principally of borrowers—built by McNamara loan policies and speeches effectively came to his aid. Sixteen months in advance, the Bank's twenty executive directors, including the one Nixon choice, went through the formal motions of renominating him. Some Europeans hinted that if it were not to be McNamara, they might prefer a European. McNamara had become the indispensable man.

To understand why, look closely at the development scene in 1968. In the United States, the era of foreign aid was plainly closing. One political current held that aid was a form of interventionism that could produce another Vietnam. A second held that the United States had invested billions to help develop Third World countries but had reaped neither gratitude nor stability nor—unkindest cut of all—real development. The reaction of traditional conservatives and dovish liberals alike, especially in Congress, was to urge that aid be diverted from direct, bilateral channels to multilateral channels, such as the World Bank, and further, that aid, especially on easy terms, be reduced. Thus would aid become less entangling and cheaper for the United States, if not more efficient and beneficial for the recipients.

The opportune moment for an ambitious man running an ambitious multilateral development bank, funded in the main from commercial, not congressional sources, had come. McNamara leaped. Not only did he double Bank lending—perhaps up to, if not beyond, some borrowers' absorptive capacity; he placed the Bank's money and vigor at the center of virtually every important and innovative cooperative-development activity in the non-Communist world. The Bank now runs "clubs" of donors for fifteen separate countries. It finances and coordinates the major international efforts in population and agricultural research; McNamara's quests for better birth-control methods and for technology that will do for "dry-lands" farming what the Green Revolution did for farming in irrigated areas are well launched. The Bank has lines into the U.N. Development Program, the World Health Organization, and the Food and Agricultural Organization. Its individual regional departments are large and generally more respected professionally than any of the regional development banks. Some ask if McNamara is not building an overly centralized development empire. His admirers believe he is merely filling vacuums effectively. McNamara takes the approach that there's work to be done.

The careful bankers who led the Bank until 1968 thought chiefly in terms of safe, conventional infrastructure projects, like dams and railroads, which borrowers could most easily be induced to support and which provided to borrowers and lenders visible, quantifiable evidence of "development" and "growth"—the concepts were then roughly equated. Even by 1968, however, there was growing awareness that although a good number of the necessary infrastructure projects were already in existence, or in planning stages, no comparable increase was taking place in the general standard of living. Indeed, mass poverty was perhaps more widespread. McNamara's predecessor had reacted by undertaking loans for so-called social projects in agriculture, health, education, and the like. McNamara quickened the pace in these fields. He also undertook to shift the thrust of Bank loans from, in effect, engineering prospects to more comprehensive programs in particular regions of a country or sectors of an economy. It means the difference between building a dam per se, and developing a river valley; in the latter case, the loans would also go toward setting up a population program in the valley, offering local farmers new credits, and so on.

To win support for the change from lenders, borrowers, and, perhaps not least, his own bureaucracy, McNamara began preaching what was for the Bank a radically new doctrine of development. It held that economic growth must be harnessed to the abolition of poverty and misery by providing more jobs, a better diet, and a more equitable distribution of income. For ammunition, he went outside as well as in. For studies on unemployment, for example, he went to the private, Washington-based Overseas Development Council, impatiently reading some of its papers in draft. (A recent issue of *Bank Notes*, the house organ, pictures a dozen students at the Bank's staff college, using approved "labor-intensive methods," i.e., together pushing a stuck vehicle out of East African roadside mud!) In 1972, in a speech that still echoes on H street, McNamara cited studies done by a California economist (studies disputed inside the Bank) indicating that throughout the 1960s in rapidly growing Brazil, "the very rich did very well. But . . . the benefit to the poorest 40 percent of the population was only marginal." The Bank had loaned Brazil no less than $1.5 billion to nourish the kind of uneven growth he deplored. Early on, McNamara had brought in Hollis Chenery—sometime priest of growth—as chief adviser. It seemed significant that he now promoted to a key policy-planning post an unconventional Pakistani economist named Mahbub ul Haq, a man so driven to translate development into social justice that he had sometimes on his own espoused the Chinese model of state-forced development.

Himself a prime product of the free-enterprise and democratic systems, McNamara has not commended the Chinese way. One can guess he realizes how alarming it would be, not only to lenders but to some borrowers to whom talk of social justice sounds suspiciously like giving aid and comfort to their domestic political foes. Nor is there universal agreement among economists at the Bank and elsewhere, or among government officials, on the extent to which growth and redistribution of income can in fact be combined. More concerned with persuading the unconverted than with painting a subtle portrait, McNamara tends to put his case in black-and-white terms that draw frowns from many professionals. Said an Indonesian finance minister after one typical McNamara appeal, "One cannot more equitably redistribute nothing."

Nonetheless, McNamara has not shrunk from pursuing his cause. His speech chastising Brazil for headlong pursuit of growth was given in a Latin setting, Santiago. He preached population control not only to the students of Notre Dame but to the president of Mexico, a country whose need for such a program was rivaled (at least in 1971) only by its reluctance to start officially down that path. No political slouch himself, McNamara uses Anthony Eden's former press chief, William Clark, as a kind of foreign secretary. One suspects he is less concerned with being singed by the controversies he kindles than with leaving a fire burning inside the borrowing country. More than once a government has denounced McNamara's

approach to a ticklish social problem, then has quietly begun adressing itself to it.

Sometimes McNamara expresses the belief that what is required is simply "political will," a decision to hitch up the world's "productive machine" for social purposes. But he has also conceded that inequities are rooted in "institutional frameworks, particularly in the distribution of political and economic power within the system." Finding it politically, if not temperamentally, out of the question to urge "redistribution" of political and economic power (i.e., revolution), McNamara argues instead that the *increments added by growth* should be distributed more fairly. He would not recut the existing pie; he would redistribute the new slices. If this logic seems strained, it must be remembered that McNamara is not a political theorist or a revolutionary or even an intellectual. He is a compassionate and calculating man whose conception of his role leads him to urge very controversial steps, even while he tries to limit disabling controversy about them.

McNamara religiously eschews intervention in local affairs. Yet discretion blinds no one involved to the fact that a government or minister or planner whose country, sector, or project gets a Bank loan thereby acquires additional power. The Bank cannot easily use loans as sticks, withholding money until, say, the government mends its social ways. It can, however, withhold loans on grounds that a country's economy is so poorly run as to make it not "credit worthy." "You are bankrupt, sir," he once told an African president, who subsequently shaped up. He told Chile's Marxist President, Salvador Allende, whose social policies are right down his alley, that the Bank could offer no new loans because his economic practices were unsound. Chileans, among others, suspected that McNamara was allowing the Bank to be misused as a collection agency for expropriated American firms.

The Bank can also use loans as carrots, rewarding "good" social policy or effective economic performance. Especially in very poor countries that lack alternative sources of development capital, the Bank can bring to bear considerable influence to induce better financial and administrative practices and more rigorous planning. Staffers concede that at times the Bank's leverage in these matters is weakened by their chief's determination to push out loans rapidly and by local nationalistic pride. But being prestigious, being multinational, being a development institution and not a sovereign state—and being rich—the Bank can usually get away with wielding power. Within the Bank, income redistribution reports are now routinely cranked into annual country surveys and loan applications. When the Bank staff forgot, apparently inadvertently, to crank income into a proposal for a loan to prosperous cattle farmers in Brazil last year, some bank directors protested. Though reportedly not so instructed by his superiors in the U.S. Treasury, the American executive director, Robert Wieczorowski, went along with the protest, and, partly for this reason, lost his job. (The Treasury Department denies this tale.)

McNamara has become known for preaching an international social gospel, which holds that between nations as well as within nations, the problems of the poor must become ever more central to the policies of the rich. The special object of his fervor is the International Development Association, the Bank's "soft-loan window" opened in 1960 to offer easy money (fifty-year loans, ten years' grace, ¾ percent interest) to countries that couldn't afford the usual Bank loans put out at (currently) 7¼ percent. Money for IDA is deeply "political": It comes not from central or commercial banks, source of Bank funds, but from subscriptions by the developed countries—in the United States, from appropriated funds. IDA credits are indeed "aid," and the United States has become increasingly reluctant to furnish them. Right now, Western Europe and Japan seem ready to have the rich countries put in $1.6 billion a year for the next three years, but the United States speaks of $1.2 billion and of reducing its share of the total from two-fifths to one-third. Says Congressman Otto Passman, key man in this matter on Capitol Hill, "IDA takes from the poor in rich countries and gives to the rich in poor countries. I hope Mr. McNamara's judgment on IDA is better than his judgment on Vietnam."

For every two dollars committed by the Bank, IDA commits only one. But because IDA credits go to the poorest of the poor—countries that otherwise would be swamped by their old debts and would get only crumbs—McNamara has invested enormous energy in that branch. His theory that the level of violence and the level of poverty are related leads him to plead for IDA with the security-oriented argument that global social justice is a Western, or rich-country, political imperative. It is undeniable, however, that for McNamara personally, the more telling argument is that aiding one's fellow man is a moral imperative. It gnaws at him that his fellow Americans, and others as well, do not feel the same compulsion to minister to the world family. The statistics speed from his tongue—the United States diverted 2.79 percent of GNP to aid in Marshall Plan days, against only .24 percent now—occasionally belying the passion behind the figures. If such appeals embarrass some audiences, they have made McNamara's one of the weightiest and widest heard moral voices in the world. Quite literally, he speaks for the disinherited of the earth.

To hear this former captain of industry and defense denouncing the world's profligate spending on consumer goods and arms is to be in the presence of an astonishingly complex and compelling man. It is a stunning thing McNamara has attempted: to turn a rich nation's bank into an instrument of massive and real deliverance for the world's poor. To be sure, the Bank's hand is not the only one at this task. But a great deal more than McNamara's pride and the Bank's position hangs on the ultimate results.

ADDRESS TO THE BOARD OF GOVERNORS

(By Robert S. McNamara, President, World Bank Group)

I. INTRODUCTION

Last year I began a discussion with you of the critical relationship of social equity to economic growth. I emphasized the need to design development strategies that would bring greater benefits to the poorest groups in the developing countries—particularly to the approximately 40% of their populations who are neither contributing significantly to economic growth nor sharing equitably in economic progress.

In the twelve months since our last meeting, we in the Bank have given high priority to further analysis of the problems of poverty in the developing countries and to an evaluation of the policies available for dealing with them. On the basis of these studies, I should like this morning to:

Discuss the nature of the poverty problem, particularly as it affects the rural areas.

Suggest some of the essential elements of a strategy for dealing with it.

And outline a plan for World Bank operations in support of this new strategy.

But before turning to these matters, I want to report to you on the results of the Bank's Five-Year Program for the fiscal years 1967–73—a program that concluded on June 30th of this year; and then to suggest the financial objectives for a second five-year plan for the years 1974–78.

II. THE BANK'S 5-YEAR PROGRAM FOR FISCAL YEARS 1969–73

It was in September of 1968 that I first met with you in this forum and outlined the goals of a Five-Year Program for the World Bank Group. You will recall what our objectives were. We stated that we were "formulating a 'development plan' for each developing country to see what the Bank Group could invest if there were no shortage of funds, and if the only limit on our activities were the capacity of our member countries to use our assistance effectively and to repay our loans on the terms on which they were lent."

Based on these analyses, we proposed to double the Bank's operations in the fiscal period 1969–73 as compared with the previous five-year period 1964–1968. That objective has been met: total financial commitments of the IBRD, IDA, and IFC, in current prices, in the 1964–1968 period, were $5.8 billion; in the 1969–1973 period, $13.4 billion. In real terms, the increase was 100%.

As indicated in the table below, in the five years we achieved a level of operations that exceeded the total of all the operations that the Bank had undertaken in the developing world in the 23 years from 1946 through 1968.

BANK GROUP FINANCIAL COMMITMENTS TO DEVELOPING COUNTRIES BY REGION

[Dollars in millions]

Region	Number of projects		Amount of commitments (current prices)	
	1946–68	1969–73	1946–68	1969–73
East Africa	78	104	$834	$1,099
West Africa	35	102	522	891
Europe, Middle East, North Africa	113	168	1,785	3,198
Latin America and Caribbean	281	176	3,554	3,734
Asia	201	210	3,927	4,496
Total	708	760	10,622	13,418

In addition to the Population Projects Department—to which has now been added the responsibility for nutritional projects—we launched other initiatives within the Bank. Among them are new departments for Industrial Projects, Urban Projects, and Tourism Projects; an Office of Environmental Affairs; an Operations Evaluation Unit; and a new program of comprehensive country economic reporting.

To achieve the doubled level of our operations, it was necessary, of course, to strengthen the Bank both organizationally and financially. Worldwide recruitment was increased and the staff was expanded by 120% during the period. We were determined in this effort to broaden its international character to the maximum degree feasible. In 1968 the staff represented 52 nationalities. It now represents 92. In 1968 the proportion of staff from our developing member countries was 19%. The proportion is now 29%, and continues to grow.

Lending more has of course meant borrowing more, and that in turn has depended on governments granting us access to their capital markets. This they have continued to do, despite unsettled conditions and monetary fluctuations. It is a mark of confidence in the Bank's financial structure that we have been able to borrow not only in our more traditional markets, but in altogether new ones, and to utilize new borrowing instruments and new channels of distribution.

Net borrowing for the five-year period has been approximately four times that of the earlier period, and our liquid reserves have risen to $3.8 billion, an increase of 170%.

Neither the increase in operations, nor the

shift in emphasis toward more socially oriented sectors, has adversely affected net income. On the contrary, total net income for the five-year period was $965 million, 28% more than in the previous period, and this despite the fact that the bank's lending rate was held down to levels resulting in a substantially greater subsidy to the developing countries than in earlier years.

We have completed the Five-Year Program, then, by meeting the quantitative goals we had set for ourselves in 1968, and by making a sustained effort to improve the overall quality of our work.

But our task now is to move forward with a second Five-Year Program. Like the first, its goals and shifts in emphasis must be shaped by the evolving development situation itself.

I should like to give you my assessment of that situation.

III. THE BANK'S SECOND FIVE-YEAR PROGRAM: FY 1974–1978

Most of our developing member countries are faced with three interrelated difficulties:

An insufficiency of foreign exchange earnings from trade.

An inadequate flow of Official Development Assistance.

And an increasingly severe burden of external debt.

Each of these problems is serious in itself. But together they threaten the outcome of the entire development effort.

Let me examine each of them briefly.

The trade problem

The core of the trade problem for the bulk of the developing countries is that they cannot expand their exports rapidly enough to pay for their essential imports. These imports are themselves often the key to greater export capability—and higher foreign exchange earnings—and thus the dilemma of trade imbalances in these countries tends to become self-perpetuating.

The problem is compounded by the delay of the wealthy nations in dismantling discriminatory trade barriers against the poor countries. Our studies indicate, for example, that if the affluent nations were gradually to reduce their present protectionist trade restrictions against agricultural imports from the developing world, the poorer nations could, by 1980, increase their annual export earnings by at least $4 billion.

An acute shortage of development assistance

Secondly, the current flow of Official Development Assistance (ODA)—financial aid on concessionary terms—is acutely inadequate. Not only is it far below what the developing nations need and what the affluent nations can readily afford, but, as the attached table indicates, it is only half the modest target prescribed by the internationally accepted United Nations Strategy for the Second Development Decade.

That target called for reaching ODA levels of .7% of gross national product (GNP) by 1975. In fact, by 1975 ODA will not exceed .35%. And yet achievement of the target neither requires the people of the developed nations to reduce their already high standards of living, not to neglect their domestic priorities. It asks them to dedicate a tiny fraction of the *incremental* income—income over and above that which they already enjoy—that will accrue to them in the decade of the 70s.

During the decade, the annual GNP of these affluent nations will grow, in constant prices, from $2 trillion in 1970 to approximately $3.5 trillion in 1980: an increase in output virtually beyond one's capacity to comprehend.

In order to double the ODA flows, and thereby raises them to the targeted .7%, the developed countries would need to devote to that end less than 2% of the amount by which they themselves will grow richer during the period. The remaining 98% of their incremental income would provide them with more than sufficient funds to meet their domestic priorities.

I have heard it said in the developed countries—in the United States and elsewhere—that their domestic problems are so pressing that they require an exclusive claim on the immense incremental wealth which will accrue to their societies in future years, and that not even the 2% of this additional income which we suggest should be diverted to the developing countries, can be spared. But I believe that such critics of additional assistance to the poorer nations, when citing the needs of their own cities and countryside, fail to distinguish between two kinds of poverty: what might be termed relative poverty and absolute poverty.

Relative poverty means simply that some countries are less affluent than other countries, or that some citizens of a given country have less personal abundance than their neighbors. That has always been the case, and granted the realities of difference between regions and between individuals, will continue to be the case for decades to come.

But absolute poverty is a condition of life so degraded by disease, illiteracy, malnutrition, and squalor as to deny its victims basic human necessities.

It is a condition of life suffered by relatively few in the developed nations but by hundreds of millions of the citizens of the developing countries represented in this room. Many of you have cause to know far better than I that:

One-third to one-half of the two billion human beings in those countries suffer from hunger or malnutrition.

20% to 25% of their children die before their fifth birthdays. And millions of those who do not die lead impeded lives because their brains have been damaged, their bodies stunted, and their vitality sapped by nutritional deficiencies.

The life expectancy of the average person is 20 years less than in the affluent world. They are denied 30% of the lives those of us from developed nations enjoy. In effect, they are condemned at birth to an early death.

800 million of them are illiterate and, despite the continuing expansion of education in the years ahead, even more of their children are likely to be so.

This is absolute poverty: a condition of life so limited as to prevent realization of the potential of the genes with which one is born; a condition of life so degrading as to insult human dignity—and yet a condition of life so common as to be the lot of some 40% of the peoples of the developing countries. And are not we who tolerate such poverty, when it is within our power to reduce the number afflicted by it, failing to fulfill the fundamental obligations accepted by civilized men since the beginning of time?

I do not wish you to interpret my remarks as those of a zealot. But you have hired me to examine the problems of the developing world and to report to you the facts. These are the facts.

It is true that some citizens of the developed countries protest against increasing their assistance to the developing countries because of poverty in their own societies. They do so either because they are unacquainted with these facts; or because they fail to distinguish between relative and absolute poverty; or perhaps because they are obscuring the truth even from themselves—unwilling to admit that the principal pressure on the incremental incomes of their economies comes not from a legitimate concern for the less fortunate in their societies, but from the endless spiral of their own demands for additional consumer goods.

There are of course many grounds for development assistance: among others the expansion of trade the strengthening of international stability and the reduction of social tensions.

But in my view the fundamental case for development assistance is the moral one. The whole of human history has recognized the principle—at least in the abstract—that the rich and the powerful have a moral obligation to assist the poor and the weak. That is what the sense of community is all about—any community: the community of the family the community of nations itself.

I for one cannot believe that once the gross deficiency in the flow of Official Development Assistance is better understood; that once the degree of deprivation in the developing nations is more fully grasped; that once the true dimensions of poverty in the less privileged world are more realistically compared with the vast abundance in the affluent world (that once the people of the United States for example understand that they with 6% of the world's population consume about 35% of the world's total resources and yet in terms of economic assistance as a percent of GNP rank fourteenth among the sixteen developed nations)—I cannot believe that in the face of all this the people and governments of the rich nations will turn away in cynicism and indifference.

I should digress at this point to report briefly on progress in the negotiations of the 4th Replenishment of IDA. You are all aware that the funds of the 3rd Replenishment will be fully committed next July 1. In anticipation of that at the last annual meeting of the Governors, it was proposed that the 4th Replenishment negotiations begin in the fall of 1972 and be completed by mid-year 1973, leaving 12 months for the necessary legislative action.

That schedule has not been met. Based on meetings held here in Nairobi during the past two days, it appears that representatives of donor governments may now reach agreement on a three-year replenishment at the rate of $1,500 million per year which they would be prepared to recommend to their legislatures. However, I am bound to say to you that it is most unlikely that the necessary legislative action will be completed by June 30 or by any date soon thereafter.

As a result, there is now danger of a complete termination of IDA's activities next July 1.

The effect of such a breakdown would be devastating for the nations that depend on IDA for major support of their development programs: the countries of the Sahelian zone now suffering from the worst drought in their history; the other "least-developed" nations, designated by the United Nations as deserving of increased levels of support; Pakistan, which requires huge sums of external aid for its recovery from massive flood damage; the heavily populated nations of India, Indonesia, and Bangladesh, a total of 750 million people with incomes averaging less than $100 per capita per year; and a score of other nations.

I cannot believe that governments will permit IDA's operations to terminate. If that disaster is to be avoided, not only must governments press for the earliest possible legislative approval on the full replenishment, but an emergency plan of action to both minimize and bridge the gap must be developed and agreed upon promptly.

The growing burden of debt

Finally, there is the growing burden of external debt in the developing world. Publicly guaranteed debt currently stands at about $80 billion, with annual debt service of approximately $7 billion.

It is important to understand what the essence of the debt problem is. It is not the fact that there is debt, nor even the size of the debt. It is, rather, the composition and dynamics of the debt; the fact that debt, and debt payments, are growing faster than the revenues required to service them.

Restricted trading opportunities, exacerbated in inadequate flows of ODA, tend to drive developing countries to over-reliance

on export credits and other short-term, high-cost loans. It is these factors that threaten to increase the debt burden beyond reasonable limits. Already, since 1970, the situation in several countries—Ghana, Chile, Pakistan, India, Indonesia, and Sri Lanka among others—has led either to debt rescheduling or to unilateral defaults.

The Bank's program for fiscal years 1974–78

Given the nature of this interrelated set of problems in our developing member countries—an insufficiency in foreign exchange due to trade difficulties, the inadequate flow of ODA, and the growing debt burden—the Bank, far from relaxing the momentum of our operations over the next five years, must increase it. And that is what we intend to do.

We plan to expand both our IBRD and IDA lending at a cumulative annual rate, in real terms of 8%.[1]

For the five-year period FY 1974–78, our lending—in 1973 dollars—should total $22 billion for almost 1000 projects.

The total cost of these projects will approach $55 billion.

Our $22 billion in new commitments will constitute, in real terms, a 40% increase over the 1969–1973 period, and a 175% increase over the 1964–1968 period.

This, then, in financial terms is our plan for the Second Five-Year Program. It will represent the largest program of technical and financial assistance to developing countries ever undertaken by a single agency.

But the qualitative changes in the program will be of even greater significance than the increase in its size. We plan to place far greater emphasis on policies and projects which will begin to attack the problems of absolute poverty to which I referred earlier—far greater emphasis on assistance designed to increase the productivity of that approximately 40% of the population of our developing member countries who have neither been able to contribute significantly to national economic growth, nor to share equitably in economic progress.

In the remaining sections of this statement I would like to discuss the nature of this poverty problem, consider what means are at hand to alleviate it, and indicate what part the Bank can play.

IV. POVERTY IN THE DEVELOPING WORLD

Poverty and growth

The basic problem of poverty and growth in the developing world can be stated very simply. The growth is not equitably reaching the poor. And the poor are not significantly contributing to growth.

Despite a decade of unprecedented increase in the gross national product of the developing countries, the poorest segments of their population have received relatively little benefit. Nearly 800 million individuals—40% out of a total of two billion—survive on incomes estimated (in U.S. purchasing power) at 30 cents per day in conditions of malnutrition, illiteracy, and squalor. They are suffering poverty in the absolute sense.

Although the collection of statistics on income distribution in the developing world is a relatively recent effort, and is still quite incomplete, the data point to what is happening. Among 40 developing countries for which data are available, the upper 20% of the population receives 55% of national income in the typical country, while the lowest 20% of the population receives 5%. That is a very severe degree of inequality—considerably greater than in most of the advanced countries.

The data suggest that the decade of rapid growth has been accompanied by greater maldistribution of income in many developing countries, and that the problem is most severe in the countryside. There has been an increase in the output of mining, industry, and government—and in the incomes of the people dependent on these sectors—but the productivity and income of the small farmer have stagnated.

One can conclude that policies aimed primarily at accelerating economic growth, in most developing countries, have benefitted mainly the upper 40% of the population and the allocation of public services and investment funds has tended to strengthen rather than to offset this trend.

Reorienting development policy

The need to reorient development policies in order to provide a more equitable distribution of the benefits of economic growth is beginning to be widely discussed. But very few countries have actually made serious moves in this direction. And I should stress that unless national governments redirect their policies toward better distribution, there is very little that international agencies such as the World Bank can do to accomplish this objective.

Without intruding into matters that are the proper concern of individual governments, I would like to discuss an important first step that could lead to a more rapid acceptance of the required policy changes. This step would be to redefine the objectives and measurement of development in more operational terms. While most countries have broadened the statements of their development goals to include references to reducing unemployment and increasing the income of the poor—as well as emphasizing traditional growth in output—they still measure progress toward these complex objectives with a single measuring rod: the growth of GNP.

But the fact is that we can no more measure the achievement of multiple development objectives by the GNP alone than we can describe the quality of life in a city exclusively by its size. The Gross National Product is an index of the total value of goods and services produced by an economy; it was never intended to be a measure of their distribution.

It is important to remember that indices of the increase in gross national product implicitly weight the growth of each income group according to its existing share of total national income. Since in the developing countries the upper 40% of the population typically receive 75% of all income, the growth of GNP is essentially an index of the welfare of these upper income groups. It is quite insensitive to what happens to the poorest 40%, who collectively receive only 10–15% of the total national income.

Were we to fashion a new index which gave at least the same weight to a 1% increase in the incomes of the poorest groups in society as it gave to a 1% increase in the incomes of the well-to-do, we would get a much different picture of development in the past decade. The growth of total income in several of the largest countries in Latin America and Asia, for example, would be significantly lower than the growth as measured by the GNP.

But, in a number of cases—including for instance, Sri Lanka and Colombia—the opposite would be true. In these countries, giving equal weight to the growth of income of each citizen, regardless of his income level, would result in a more accurate assessment of development performance than does GNP because it would give credit for some redistribution of the benefits of growth toward the lower income groups.

Adopting this kind of a socially oriented measure of economic performance would be an important step in the redesign of development policies. It would require governments, and their planning and finance ministries, to look at the allocation of resources in a much more comprehensive way. For they would have to consider not only the total output of an investment but also how the benefits would be distributed. This would give practical, operational significance to the rhetorical statements of social objectives now embodied in most development plans. And it would insure that important questions of equity became an integral part of project evaluation procedures both within the developing countries and the lending agencies. We are, in fact, beginning to develop this approach in the World Bank.

Identifying the concentrations of poverty

This proposed reorientation of development strategy would require far greater precision in identifying the main concentration of the poorest people in a given society and examining much more intensively the policies and investments through which they can be reached.

Clearly, the bulk of the poor today are in the rural areas. All of our analysis indicates that this is likely to continue to be the case during the next two or three decades.[2]

At present, 70% of the population of our developing member countries and an equivalent percentage of the poor live in the countryside.

Although demographic projects indicate that 60% of the population increase in these countries (an increase of two billion people by the end of the century) is expected to take place in the urban areas—largely through internal migration—in the year 2000 more than half of the people in the developing world will still reside in the countryside.

Rapid urbanization is already creating very serious problems. Under present policies, per capita public expenditures in urban areas are typically three to four times as great as they are in rural areas. Thus, efforts to relieve rural poverty by still greater migration to the cities will result in an even more inequitable division of public expenditures and only exacerbate the existing inequalities of income.

Within the rural areas the poverty problem revolves primarily around the low productivity of the millions of small subsistence farms. The truth is that despite all the growth of the GNP, the increase in the productivity of these small family farms in the past decade has been so small as to be virtually imperceptible.

But despite the magnitude of the problem in the countryside, focusing on rural poverty raises a very fundamental question: is it a really sound strategy to devote a significant part of the world's resources to increasing the productivity of small-scale subsistence agriculture? Would it not be wiser to concentrate on the modern sector in the hope that its high rate of growth would filter down to the rural poor?

The answer, I believe, is no.

Experience demonstrates that in the short run there is only a limited transfer of benefits from the modern to the traditional sector. Disparities in income will simply widen unless action is taken which will directly benefit the poorest. In my view, therefore, there

[1] In last year's address, I stated that our plan, in terms of current prices, was to increase financial commitments 11% per year. The "real terms" equivalent was 8%. Today, because of changes in exchange rates and accelerated price increases, a growth rate of 8% per annum in real terms, for the period FY 74–78 vs. FY 69–73, will probably require an increase in financial commitments of approximately 14% per year in current prices.

[2] It is true, of course, that millions of the victims of poverty in the developing world live in the slums of the urban areas and that their social and economic advance depends on an acceleration of the pace of industrialization. I have discussed this subject with you before and will do so again, but today I want to concentrate on the problem of poverty in the countryside where the overwhelming majority of the people live.

is no viable alternative to increasing the productivity of small-scale agriculture if any significant advance is to be made in solving the problems of absolute poverty in the rural areas.

But that does not mean there need be an irreconcilable conflict between that objective and the growth of the rest of the economy. On the contrary, it is obvious that no attempt to increase the productivity of subsistence agriculture can succeed in an environment of overall economic stagnation. The small farmers cannot prosper unless there is significant growth in other sectors, both to provide the development resources they will require, and to create the demand for their additional output.

The point is that the reverse is also true—and it is time we recognized it. Without rapid progress in smallholder agriculture throughout the developing world, there is little hope either of achieving long-term stable economic growth or of significantly reducing the levels of absolute poverty.[3]

The fact is that very little has been done over the past two decades specifically designed to increase the productivity of subsistence agriculture. Neither political programs, nor economic plans, nor international assistance—bilateral or multilateral—have given the problem serious and sustained attention. The World Bank is no exception. In our more than a quarter century of operations, less than $1 billion out of our $25 billion of lending has been devoted directly to this problem.

It is time for all of us to confront this issue head-on.

V. A STRAGETY FOR RURAL DEVELOPMENT

In presenting a strategy for rural development I should like: first, to analyze the scope of the problem; second, to set a feasible goal in order to deal with it; and third, to identify the measures required to meet that goal.

The scope of the problem

Let me begin by outlining the scope of the problem in the developing countries which are members of the Bank. It is immense:

There are well over 100 million families involved—more than 700 million individuals.

The size of the average holding is small and often fragmented: more than 100 million farms are less than 5 hectares; of these, more than 50 million are less than 1 hectare.

The possession of land, and hence of political and economic power in the rural areas, is concentrated in the hands of a small minority. According to a recent FAO survey, the wealthiest 20% of the landowners in most developing countries own between 50 and 60% of the cropland. In Venezuela they own 82%; in Colombia 56%; in Brazil 53%; in the Philippines, India, and Pakistan about 50%. Conversely, the 100 million holdings of less than 5 hectares are concentrated on only 20% of the cropland.

Even the use of the land which the small farmer does have is uncertain. Tenancy arrangements are generally insecure and often extortionate. In many countries tenants have to hand over to the landlord 50–60% of their crop as rent, and yet in spite of this are faced with the constant threat of eviction. The result is that their incentive to become more productive is severely eroded.

It has often been suggested that the productivity of small-scale holdings is inherently low. But that is simply not true. Not only do we have the overwhelming evidence of Japan to disprove that proposition, but a number of recent studies on developing countries also demonstrate that, given the proper conditions, small farms can be as productive as large farms. For example, output per hectare in Guatemala, the Republic of China, India, and Brazil was substantially greater on smaller farms than on larger ones. And it is, of course, output per hectare which is the relevant measure of agricultural productivity in land-scarce, labor-surplus economies; not output per worker.

There is ample evidence that modern agricultural technology is divisible, and that small-scale operations need be no barrier to raising agricultural yields.

The question, then, is what can the developing countries do to increase the productivity of the small farmer. How can they duplicate the conditions which have led to very rapid agricultural growth in a few experimental areas and in a few countries so as to stimulate agricultural growth and combat rural poverty on a broad scale?

The first step is to set a goal. A goal is necessary both so that we can better estimate the amount of financial resources required, and so that we can have a firm basis for measuring progress.

Setting the goal

I suggest that the goal be to increase production on small farms so that by 1985 their output will be growing at the rate of 5% per year. If the goal is met, and smallholders maintain that momentum, they can double their annual output between 1985 and the end of the century.

Clearly this is an ambitious objective. A 5% rate of growth has never been achieved on a sustained basis among smallholders in any extensive areas of the developing world. Smallholder production has risen on average only about 2.5% per year in the past decade.

But if Japan in 1970 could produce 6720 kg. of grain per ha. on very small farms, then Africa with its 1270 kg. per ha., Asia with 1750 kg., and Latin America with 2060 kg. have an enormous potential for expanding productivity.

Thus, I believe the goal is feasible. It recognizes that progress will be slow during the next five to ten years while new institutions evolve, new policies take hold, and new investments are implemented. But after this initial period, the average pace of growth in smallholder agricultural productivity can be more than double today's rate and thereby benefit the lives of hundreds of millions of people.

Now, what are the means necessary to accomplish this goal?

Neither we at the Bank, nor anyone else, have very clear answers on how to bring the improved technology and other inputs to over 100 million small farmers—especially to those in dry-land areas. Nor can we be fully precise about the costs. But we do understand enough to get started. Admittedly, we will have to take some risks. We will have to improvise and experiment. And if some of the experiments fail, we will have to learn from them and start anew.

What, then, can we begin to do now?

Measures necessary to meet the goals

Though the strategy for increasing the productivity of smallholder agriculture is necessarily tentative, the following are essential elements of any comprehensive program:

Acceleration in the rate of land and tenancy reform.

Better access to credit.

Assured availability of water.

Expended extension facilites backed by intensified agricultural research.

Greater access to public services.

And most critical of all: new forms of rural institutions and organizations that will give as much attention to promoting the inherent potential and productivity of the poor as is generally given to protecting the power of the privileged.

These elements are not new. The need for them has been recognized before. But they will continue to remain little more than pious hopes unless we develop a framework of implementation, and agree to a commitment of resources commensurate with their necessity. That is what I propose.

Organizational changes

The organized structure for supporting smallholder agriculture is without doubt the most difficult problem. Let me examine this subject first and then turn to the others in sequence.

Obviously, it is not possible for governments to deal directly with over 100 million small farm families. What is required is the organization of local farm groups, which will service millions of farmers at low cost, and the creation of intermediate institutions through which governments and commercial institutions can provide the necessary technical assistance and financial resources for them.

Such institutions and organizations can take any number of forms: smallholder associations, county or district level cooperatives, various types of communes. There are, of course, many experiments already going on in different parts of the world. What is imperative is that at each organizational level financial discipline be rigorously required, and that the entire structure be oriented toward initiative and self-reliance. Experience shows that there is a greater chance of success if the institutions provide for popular participation, local leadership, and decentralization of authority.

The reorganization of government services and institutions is equally important. No program will help small farmers if it is designed by those who have no knowledge of their problems and operated by those who have no interest in their future.

The sad truth is that in most countries, the centralized administration of scarce resources—both money and skills—has usually resulted in most of them being allocated to a small group of the rich and powerful. This is not surprising since economic rationalizing, political pressure, and selfish interest often conspire to the detriment of the poor. It will clearly require courageous political leadership to make the bureaucracy more responsive to the needs of the subsistence farmers.

The ablest administrators, for example, should no longer be reserved exclusively for the urban sectors. Top engineering talent must be devoted to designing low-cost solutions to the problems of small-farm irrigation. Young graduates can be motivated to take on the problems of the rural poor, and be adequately rewarded for solving them. Educational institutions should recognize that the training in practical skills is as important as the accumulation of theoretical knowledge. In short, national managerial and intellectual resources must be redirected to serve the many instead of the few, the deprived instead of the privileged.

Acceleration of land and tenancy reform

But there are other structural changes necessary as well. And the most urgent among these is land and tenancy reform. Legislation dealing with such reform has been passed—or at least been promised—in virtually every developing country. But the rhetoric of these laws has far outdistanced their results. They have produced little re-

[3] It is not my purpose today to discuss the food crisis presently affecting wide areas of the globe. However, any long-term solution of the food shortage, in a world in which population will increase for at least a century to come, clearly requires substantial increases in smallholder productivity. In addition, to provide insurance against the vagaries of the weather, some coordinated system of national food reserves must be established. I strongly support the efforts of the Director-General of the FAO to organize such a program, and I am fully prepared to recommend that the World Bank participate in its financing.

distribution of land, little improvement in the security of the tenant, and little consolidation of small holdings.

That is extremely regrettable. No one can pretend that genuine land and tenancy reform is easy. It is hardly surprising that members of the political power structure, who own large holdings, should resist reform. But the real issue is not whether land reform is politically easy. The real issue is whether indefinite procrastination is politically prudent. An increasingly inequitable situation will pose a growing threat to political stability.

But land and tenancy reform programs—involving reasonable land ceilings, just compensation, sensible tenancy security, and adequate incentives for land consolidation—are possible. What they require are sound policies, translated into strong laws which are neither enervated by exceptions nor riddled by loopholes. And most important of all, the laws have to incorporate effective sanctions, and be vigorously and impartially enforced.

What we must recognize is that land reform is not exclusively about land. It is about the uses—and abuses—of power, and the social structure through which it is exercised.

Better access to credit

But realistic land and tenancy reform—as essential as it is—is not enough. It is one thing to own land; it is another to make it productive. For the smallholder, operating with virtually no capital, access to credit is crucial. No matter how knowledgeable or well motivated he may be, without such credit he cannot buy improved seeds, apply the necessary fertilizer and pesticides, rent equipment, or develop his water resources. Small farmers, generally, spend less than 20% of what is required on such inputs because they simply do not have the resources.

In Asia, for example, the cost of fertilizer and pesticides required to make optimum use of the new high-yielding varieties of wheat and rice ranges from $20 to $80 per hectare. But the small farmer there is spending only $6 per hectare because that is all he can finance. And most of that $6 does not come from government or institutional sources, but from local landlords or village money lenders at usurious rates of interest.

The present institutions in the rural areas are simply not geared to meeting the needs of smallholder agriculture. In countries as disparate as Bangladesh and Iran, less than 10% of institutional credit is available to rural areas; in Thailand, the Philippines, and Mexico less than 15%; in India less than 25%. And only a fraction of this is available to the small farmer. Even then it is accompanied by stringent tests of creditworthiness, complicated application procedures, and lengthy waiting periods.

Existing commercial institutions are reluctant to make credit available to the small farmers because the administrative and supervisory costs of small loans are high. Further, the subsistence farmer is operating so close to the margin of survival that he is simply not as creditworthy as his more wealthy neighbors.

Nor do governmental credit policies always help the small farmer, even though the intention may have been to shape them for that purpose. The fact is that concern over the usurious rates the farmer pays the money lender has led to unrealistically low rates for institutional credit. The smallholder does not need credit subsidized at an annual interest rate of 6% for projects which will yield 20% or more per year. He would be much better off if he had to pay a realistic rate of interest but could actually get the money.

In reviewing their financial policies for agriculture, governments should take care that good intentions do not have self-defeating consequences. In many of our member countries, radical restructuring of interest rates is long overdue.

Assured availability of water

No less essential than credit—indeed even more so—is an assured supply of water for the smallholder. Without it, seeds, fertilizer, and pesticides are useless. This means continued research into the most productive uses of water, as well as substantial investment in irrigation and increased attention to on-farm irrigation methods.

It is estimated that the presently irrigated area in the developing world of 85 million hectares can be expanded by another 90 million hectares, but the additional cost would be high: over $130 billion. And not only is expansion of irrigated land expensive, it is a slow process. No major irrigation dam which is not already in the active design stage is likely to yield significant on-farm benefits before the mid-1980s. Although investments in major irrigation projects will continue to be an important part of national investment plans, and of Bank financing, they must be supplemented by more quick-yielding programs designed to benefit the small farmer.

This calls for much greater emphasis in on-farm investment which can take advantage of existing large irrigation projects. There are too many cases—in our experience and that of others—in which it has taken ten years or more after the dam was completed for the water actually to reach the farmers. Major irrigation schemes often preempt necessary resources for on-farm improvement. The drama of harnessing a major river may be more exciting than the prosaic task of getting a steady trickle of water to a parched hectare, but to millions of smallholders that is what is going to make the difference between success and failure. The allocation of scarce budgetary resources should reflect this reality.

Thus, development of major irrigation works, though necessary, is not enough. Too many small farmers would be left unaffected. These programs need to be supplemented by others which can bring water to farms outside major irrigation projects—and do so cheaply. Tubewells, low-lift pumps, and small dams can make major contributions to productivity. Moreover, these investments—while not always within the reach of individual poor farmers—can often be afforded by organized smallholders.

Expansion of extension services and applied research

The small farmer needs credit and water, but he needs technical information as well. And he is not getting nearly enough of it. The projected number of trained personnel who will graduate annually from existing agricultural educational institutions can at best satisfy less than half the total needs of the developing world. In the developed countries, the ratio of government agricultural agents to farm families is about 1 to 400. In developing countries, it is on average 1 to 8000. And only a small fraction of even these limited services is available to the small farmer.

It is not primarily the deficiency of funds that is delaying the necessary expansion of extension services. It is the deficiency of resolve to do more for the small farmer who desperately requires them. There is scarcely a single developing country which does not produce too many lawyers, but there is no developing country which produces enough extension agents. Governments cannot control personal career objectives, but they can offer appropriate incentives, and promote vocational choices which will contribute more directly to economic development and social modernization.

Thus the annual cost of training the required extension personnel would be modest as a percentage of GNP or budgetary resources. The net cost—after deducting savings from changed allocations—would be even less. As long as the supply of extension workers is grossly inadequate, only the large farmers will benefit and the needs of the poor will be ignored.

Behind extension services, of course, lies applied research. In a sample of five major developed countries, the governments are allocating annually from $20 to $50 per farm family for such research. The comparable figures for five major developing countries are only 50 cents to $2 per farm family.

The international network of agricultural research has grown impressively. The Bank, for example, chairs the Consultative Group on International Agricultural Research, and contributes to the financing of the research institutes including the financing of the new institute for the semi-arid tropics. But very much more needs to be done at the national level to explore the special-equipment needs of the small operator, to develop new technologies for the non-cereal crops, and to help the farmer in non-irrigated areas.

General expenditures on research and development in the developing countries are notoriously low and must be increased substantially. In doing this, governments should give very high priority to strengthening that type of research which will benefit the small farmer—research to produce low-risk, inexpensive technology that he can put to immediate use.

Greater access to public services

In other areas too, public services are grossly inadequate. The income of the small farmer could be substantially increased if he were supported by better physical infrastructure. Because of the costs involved, it is not within the power of the developing countries to provide all of this infrastructure quickly to the millions who need it. But governments can provide much of it by organizing rural works programs to construct small feeder roads, small-scale irrigation and drainage systems, storage and market facilities, community schools and health centers, and other facilities which make extensive use of local labor and relatively simple skills.

There is no mystery about designing these programs. They have worked successfully at various times in experimental projects in Bangladesh, Tunisia, Indonesia, and other countries. The major handicap has been their limited scale and inadequate management. The task for governments is gradually to extend these projects to a national scale.

Basic changes are also necessary in the distribution of other public services. In the rural areas these services are not only deplorably deficient, they are often not geared to the needs of the people they are supposed to serve.

Educational systems should stress practical information in agriculture, nutrition, and family planning for those both within and outside of the formal school program. Health services should be developed which can assist in eradicating the common enervating diseases that afflict the rural poor. Electricity for rural areas should not be considered a luxury, nor should its purpose be merely to place a lightbulb in every dwelling. One of its most important uses is to supply power for production appliances, such as water pumps. Power is admittedly almost always in short supply, but urban lighting and air conditioning

should no longer be given such a disproportionate priority in the national systems.

Every country must examine why it can afford to invest in higher education, but fails to offer incentives to attract teachers to rural areas; why it can staff urban medical centers and export its doctors abroad, but fails to provide doctors for the countryside; why it can build urban roads for the private automobile, but cannot build feeder roads to bring produce to market.

Resources are scarce in the developing countries, and their redistribution cannot provide enough for everyone's needs. But a major redistribution of public services is required if the small farmer is to have at least the necessary minimum of economic and social infrastructure.

The programs I have discussed above can all be initiated quickly by governments, and will make a major contribution to the goal of a 5% growth rate in the output of small-scale agriculture by 1985. And all of these programs deserve, and will have, the full support of the Bank Group.

But the fact remains that the measures I have outlined are primarily the responsibility of the developing countries. It would be a great disservice if the aid agencies were to try to convince either these countries or themselves that policies for alleviating rural poverty can be fashioned and delivered from abroad. The problem must be perceived and dealt with by the countries themselves.

But the international community can, and must, help. The resources required to achieve a 5% growth rate in the yields on small farms by 1985 are very large. One estimate would place the annual cost of on-farm investment, land and water resource development, additional training facilities, and minimum working capital requirements for smallholder agriculture at $20–25 billion by 1985. This would be about 3.5% of the combined annual GNP of the developing countries.

Part of these resources must come from additional savings generated by the farmers themselves, and part must come from redirecting resources from other sectors in the developing countries.

But some of these resources must come from the international community—in the form of services and financing which the small farmer needs.

An action program in the Bank

What can the Bank do to assist in this effort?

First of all, we expect to lend $4.4 billion in agriculture during our next five-year program (1974–78), as compared to $3.1 billion in the first five-year program (1969–73), and $872 million in the 1964–68 period.[4]

This in itself is a formidable target, but more importantly we intend to direct an increasing share of our lending to programs which directly assist the small farmer to become more productive. In the next five years we expect that about 70% of our agricultural loans will contain a component for the smallholder. We are now preparing these programs in consultation with member governments.

But we recognize that at best our lending can finance only a small portion of the total credit and investment needs of smallholder agriculture. That is why we intend to give particular attention in our economic advice to governments to those sectoral and financial policies which most affect the rural poor so that the resources to be invested by governments will have a maximum impact.

And though experimentation and innovation will remain essential, the broad policies governing the Bank's program are clear:

We are prepared to do much more to assist governments in the reform of their agricultural financial structure, and to support institutions designed to bring credit to the small farmer.

We intend to continue to invest in large irrigation projects and in the recovery of saline lands, but we will emphasize on-farm development incorporating a maximum of self-financing so that the benefits of irrigation can reach small farmers more quickly.

We will support non-irrigated agriculture, including the financing of livestock production, and in particular small-scale dairy farming in milk-deficient areas.

We are prepared to finance the expansion of training facilities for extension agents who can help raise the productivity of the rural poor.

We are prepared to finance rural works programs as well as multi-purpose rural development projects.

We are ready to assist land and tenancy reform programs by providing the follow-up logistical support required by the small farmer, and to help in the technical and financial aspects of land purchase and consolidation.

We have financed agricultural research institutions in the past and are fully prepared to do more in the future, particularly in the development of an appropriate technology for semi-arid agriculture. We propose to support investigation into the most effective uses of water at the farm level, especially in water-deficient areas. We are already assisting one such investigation in Mexico.

We will, in our lending for infrastructure, strongly urge that accounts be taken of the pressing needs of the rural areas.

VI. SUMMARY AND CONCLUSIONS

Let me now summarize and conclude the central points I have made this morning.

If we look objectively at the world today, we must agree that it is characterized by a massive degree of inequality.

The difference in living standards between the rich nations and the poor nations is a gap of gigantic proportions.

The industrial base of the wealthy nations is so great, their technological capacity so advanced, and their consequent advantages so immense that it is unrealistic to expect that the gap will narrow by the end of the century. Every indication is that it will continue to grow.

Nothing we can do is likely to prevent this. But what we can do is begin to move now to insure that absolute poverty—utter degradation—is ended.

We can contribute to this by expanding the wholly inadequate flow of Official Development Assistance.

The flow of ODA can be increased, by 1980, to the target of .7% of GNP—a target originally accepted within the United Nations for completion by 1975.

This is feasible, but it will require renewed efforts by many nations, particularly the very richest.

Further, we must recognize that a high degree of inequality exists not only between developed and developing nations but within the developing nations themselves. Studies in the Bank during this past year reinforce the preliminary conclusions I indicated to you last year: income distribution patterns are severely skewed within developing countries—more so than within developed countries—and the problem requires accelerated action by the governments of virtually all developing nations.

A minimum objective should be that the distortion in income distribution within these nations should at least stop increasing by 1975, and begin to narrow within the last half of the decade.

A major part of the program to accomplish this objective must be designed to attack the absolute poverty which exists to a totally unacceptable degree in almost all of our developing member countries: a poverty so extreme that it degrades the lives of individuals below the minimal norms of human decency. The absolute poor are not merely a tiny minority of unfortunates—a miscellaneous collection of the losers in life—a regrettable but insignificant exception to the rule. On the contrary, they constitute roughly 40% of the nearly two billion individuals living in the developing nations.

Some of the absolute poor are in urban slums, but the vast bulk of them are in the rural areas. And it is there—in the countryside—that we must confront their poverty.

We would strive to eradicate absolute poverty by the end of this century. That means in practice the elimination of malnutrition and illiteracy, the reduction of infant mortality, and the raising of life-expectancy standards to those of the developed nations.

Essential to the accomplishment of this objective is an increase in the productivity of small-scale agriculture.

Is it a realistic goal?

The answer is yes, *if* governments in the developing countries are prepared to exercise the requisite political will to make it realistic.

It is they who must decide.

As for the Bank, increased productivity of the small, subsistence farmer will be a major goal of our program of expanded activity in the FY 1974–78 period.

But no amount of outside assistance can substitute for the developing member governments' resolve to take on the task.

It will call for immense courage, for political risk is involved. The politically privileged among the landed elite are rarely enthusiastic over the steps necessary to advance rural development. This is short-sighted, of course, for in the long term they, as well as the poor, can benefit.

But if the governments of the developing world—who must measure the risks of reform against the risks of revolution—are prepared to exercise the requisite political will to assault the problem of poverty in the countryside, then the governments of the wealthy nations must display equal courage. They must be prepared to help them by removing discriminatory trade barriers and by substantially expanding Official Development Assistance.

What is at stake in these decisions is the fundamental decency of the lives of 40% of the people in the 100 developing nations which are members of this institution.

We must hope that the decisions will be the courageous ones.

If they are not, the outlook is dark.

But if the courageous decisions are made, then the pace of development can accelerate.

I believe it will. I believe it will because I believe that during the remainder of this century people everywhere will become increasingly intolerant of the inhuman inequalities which exist today.

All of the great religions teach the value of each human life. In a way that was never true in the past, we now have the power to create a decent life for all men and women. Should we not make the moral precept our guide to action? The extremes of privilege and deprivation are simply no longer acceptable.

It is development's task to deal with them.

You and I—and all of us in the international community—share that responsibility.

[4] Figures for all three periods are in 1973 dollars.

PROJECTED FLOW OF OFFICIAL DEVELOPMENT ASSISTANCE MEASURED AS A PERCENT OF GROSS NATIONAL PRODUCT[1]

	1960	1965	1970	1971	1972	1973	1974	1975	1976
Australia	0.38	0.53	0.59	0.53	0.61	0.58	0.59	0.60	0.62
Austria		.11	.07	.07	.09	.19	.22	.25	.26
Belgium	.88	.60	.46	.50	.55	.58	.65	.70	.70
Canada	.19	.19	.42	.42	.47	.49	.50	.52	.53
Denmark	.09	.13	.38	.43	.45	.52	.56	.61	.63
France	1.38	.76	.66	.66	.67	.65	.65	.65	.65
Germany	.31	.40	.32	.34	.31	.32	.34	.36	.38
Italy	.22	.10	.16	.18	.09	.16	.16	.16	.17
Japan	.24	.27	.23	.23	.21	.28	.34	.40	.40
Netherlands	0.31	0.36	0.61	0.58	0.67	0.66	0.70	0.72	0.76
Norway	.11	.16	.32	.33	.41	.56	.67	.75	.82
Portugal	1.45	.59	.67	1.42	1.51	.45	.45	.45	.45
Sweden	.05	.19	.38	.44	.48	.56	.65	.71	.75
Switzerland	.04	.09	.15	.11	.21	.26	.30	.32	.34
United Kingdom	.56	.47	.37	.41	.40	.37	.40	.40	.40
United States[2]	.53	.49	.31	.32	.29	.25	.22	.22	.21
Total	.52	.44	.34	.35	.34	.34	.34	.35	.36

[1] Countries included are members of OECD development assistance committee, accounting for more than 95 percent of total official development assistance. Figures for 1972 and earlier years are actual data. The projections for later years are based on World Bank estimates of growth of GNP, on information on budget appropriations for aid, and on aid policy statements made by governments. Because of the relatively long period of time required to translate legislative authorizations first into commitments and later into disbursements, it is possible to project today, with reasonable accuracy, ODA flows (which by definition represent disbursements) through 1976.

[2] In 1949, at the beginning of the Marshall plan, U.S. official development assistance amounted to 2.79 percent of GNP.

A RESPONSIBLE FOREIGN AID POLICY

Mr. PERCY. Mr. President, recently this body was engrossed in debate over the Foreign Assistance Act. In the coming months it will face legislation dealing with the international financial insitutions—the IBRD, the IDB, the ADB, and the various special funds associated with these development banks. The separation into two bills of foreign aid, one dealing with bilateral economic and military aid and the other dealing with multilateral aid, has a tendency to obscure and confuse the issues associated with foreign aid. The choice is not between bilateral aid or multilateral aid. Each of these programs serves different objectives and the bills should be viewed as a package, not as separate entities. This administration does not help itself or Congress in coming to this body with different bills for what is in essence a single program with multiple objectives.

Nevertheless, Congress need not abdicate its responsibility for providing funds and guidance for these programs. They form a critical segment of our foreign policy toward those countries where the great mass of humanity is concentrated. In the long run it is not in our interest to allow these people to grow poorer while we grow richer. The world cannot forever stand the tension generated by one-fifth of the world's population holding four-fifths of its wealth. In the short run, it is necessary to realize that these poorer countries are becoming very important to our own economy. They supply us with a large portion of our energy and raw materials while purchasing 25 percent of our exports.

The Washington Post on September 23, 1973, stated well the responsibility of the United States and the American people to economic development in less-developed countries in a well-reasoned editorial. I ask unanimous consent that this editorial be printed in the RECORD.

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

A RESPONSIBLE FOREIGN AID POLICY

The United States may never have been better situated to conduct responsible and effective foreign-aid policy. For one thing, very few people have illusions left about what marvels can be performed; experience has produced at last an appropriate modesty and realism, on the part of recipients as well as contributors. Secondly, a broader understanding has taken root in the United States of the part which development assistance plays in improving the atmosphere in which issues of trade, money and investments are worked out with the poorer countries. Finally, the agencies and methods of aid have been subjected to hard scrutiny and, although the process of modernization is inherently as political as it is scientific, these agencies and methods have been continuously refined.

In practical terms, what this means is that the Congress is well justified in looking at the various requests for development assistance which are before it now with some substantial confidence. Of these requests, the foreign aid bill is especially interesting. It passed the House and goes to the Senate floor shortly—though, regrettably, with a good bit less money than was voted in the House. The bill incorporates a "new look" meant to steer spending away from capital projects toward programs more directly affecting people's lives—in farming, family planning and the like. This change in emphasis emerged from a deep feeling on the part of many congressmen that aid was not reaching down adequately to improve the living standards of the very poor. Whether the aid agency, which would be renamed the Mutual Development and Cooperation Agency, can in fact carry out the changes directed in the pending legislation is, of course, crucial. The agency's new director-designate, Daniel Parker, who replaced the able and conscientious John Hannah, has yet to be confirmed. He did not have a hand in devising the new approach he will be expected to implement. The agency will be on clear notice, however, that the Congress expects results.

It is through the multilateral development banks, to be sure, that most American development assistance now flows. These banks are not without their special weaknesses, not the least of which is their vulnerability to American political pressure. But they have become essential to the process of transferring capital and technology to the countries least able to generate these resources on their own. Adequate participation in the work of these banks has become, in turn, essential to the world standing of the United States. This has very little to do with the old and simplistic cold-war notion of winning friends and influencing people abroad. It has a great deal to do with creating the mutual confidence in international relations which is required in a time of detente.

The United States is a year behind in putting up its fair share—a share now reduced, by the way, from 40 per cent to one-third—of the World Bank's soft-loan outlet, the International Development Association. The Congress last year approved only half the funds pledged to the Inter-American Development Bank, and it left the Asian Development Bank some $100 million in the lurch. (The Asian Bank and the World Bank, according to Treasury Secretary George Shultz, "are prepared to head a group of member nations to mobile resources from many capital-exporting countries for reconstruction aid to Indochina.") Of $15 million previously pledged to the African Development Bank, not a nickel has yet been forwarded.

This is an embarrassing and disturbing record. These banks represent not only a good part of the future for the countries which borrow from them. They represent essential strands in the web which ties the United States increasingly tightly to the poor nations of the world. For markets, for investment opportunities, for their resources and in many other ways involving international economic and political cooperation, the United States needs firm relations with these nations. Support for the development banks is an investment in our own self-interest.

THE NEED FOR FUTURES TRADING REGULATION

Mr. McGOVERN. Mr. President, recently I introduced legislation designed to strengthen Federal regulation of America's multi-billion-dollar commodity futures exchanges.

In his weekly news bulletin of October 23, sent to farmers in Pennsylvania, the secretary of agriculture of Pennsylvania, Mr. Jim McHale, commented on my bill and other congressional moves for commodity trading reform.

Because Mr. McHale is one of the outstanding State secretaries of agriculture in the Nation, I wanted to share his views with my colleagues, and I ask unanimous consent that his comments be printed in the RECORD.

There being no objection, the news bulletin is ordered to be printed in the RECORD, as follows:

LOOKING AHEAD FOR AGRICULTURE

(By Jim McHale)

The prices of soybeans, corn, wheat, live cattle, hogs and other commodities continue to fluctuate dangerously for farmers and consumers on the commodity futures markets.

Recently, live cattle prices took a nose dive from a high of $56.25 in mid-August to about $38.50 per hundred pounds. Cattlemen took a beating because their expensive feeder calves were fattened on extremely high priced feed.

The United States Department of Agriculture heralded the drop in live prices as a boon to consumers. This is a lot of flak. Meat prices to the consumer have not dropped in proportion to the crash on the live cattle market. Nor should anyone expect them to drop appreciably. Processors and supermarkets are very able to protect their expanding profits.

Instead of giving false promises to consumers and condoning a loss of income for livestock farmers—which, incidentally, could discourage feeder operations and trigger a future shortage and higher consumer prices—USDA would have done better to

initiate strong action to control the commodity exchange markets.

Commodity prices have a way of gyrating so that the speculators gain at the expense of farmers and consumers.

This year's winter wheat harvest brought decent prices for farmers. But once the grain was cornered by a few dealers the price jumped $2 a bushel, or two-thirds what the price was a few weeks before.

The past year has seen soybeans move out of farmers hands at $4 a bushel and into the hands of just three dealers who controlled the market sufficiently to drive the price up to $10 a bushel in a few months. Dairy and livestock farmers dependent on soybean meal have been paying through their nose ever since.

Congress has awakened to the dangers the uncontrolled commodity exchange markets pose to the economy of the country. Sen. George McGovern (D-S. Dakota) and Rep. John Melcher (D-Montana) and others are preparing legislation to curb the jungle atmosphere of the commodity markets.

It should be understood that the commodity markets are not like the stock market. The buying and selling of Ford stock, for example, may move the price of that stock up or down a few points, but that will not determine the price of a Ford car.

On the other hand, the buying and selling of wheat or other commodities does determine the price of that commodity. Wheat, beef, soybeans and so forth will cost more or less, depending on the activities of speculators. You cannot control inflation unless you do something about the commodity exchanges.

USDA's Commodity Exchange Authority is supposed to maintain fair and honest trading prices and prevent price manipulation and wild speculation. But Sen. Herman Talmadge (D-Georgia) has said in the Senate: "It is an understatement to say that the Commodity Exchange Authority has not been able to carry out this function in the past year."

McGovern told his colleagues recently: "It is good that many members of Congress and the committees thereof are beginning to look in depth at the regulation of commodities markets. I believe that the time is ripe for complete overhaul of the system by which commodities markets have been regulated—or not been regulated according to one's viewpoint."

Melcher observed on the floor of the House that "the recent gyrations of soybean, wheat, corn, pork belly and cattle futures markets" have made it "obvious to an increasing number of people" that extreme reforms are needed.

Indeed, reforms have been recommended by Alex C. Caldwell, administrator of the Commodity Exchange Authority. His proposals include prevention of any trader acquiring sufficient control over a commodity futures contract to restrain trading in it. He also wants to extend fitness checks to traders and give the CEA greater emergency powers.

As Melcher says, "That is all right for a start but not near enough to do the right kind of job."

Instead of a tune-up job, says Melcher, commodity trading needs rigid regulations and continuous oversight to protect ordinary investors and the producers whose markets are being affected.

THE CHANCES FOR A 20-YEAR PEACE WITH RUSSIA

Mr. SPARKMAN. Mr. President, on October 17, 1973, the Huntsville, Ala. News carried a column by John Chamberlain entitled 'The Chances for a 20-Year Peace With Russia." It seems to me a very fine discussion of some of the things that are being done and can be done to further our détente with the Soviet Union. I ask unanimous consent to have it printed in the RECORD.

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

THE CHANCES FOR A 20-YEAR PEACE WITH RUSSIA

(By John Chamberlain)

In facing the Russians, Secretary of State Henry Kissinger is taking a gamble. His desire for a detente with the Soviets may be based on an accurate assessment of their own need. On the other hand, an equally good case can be made that Dictator Brezhnev is setting Kissinger up.

The minority view in CIA, Pentagon, and State Department circles, as leaked to our more pessimistic journalists, favors the setting-up theory. The Soviet Minister of Defense, Marshal Andrei Grechko, no lover of the West, sits on the Politburo. He represents the younger element in the Soviet military establishment, a group described as not at all adverse to using military means to gain results that elude the diplomats. Brezhnev supposedly put Grechko on the Politburo over a detente-minded opposition.

DR. HAMMER'S ARGUMENTS

The argument against the theory that the Soviets are using detente as a smoke screen to hide preparations for a preventive war on Red China or some sudden intervention in the Middle East rests on the application of horse sense to what the Kremlin is trying to do to woo capitalist participation in the exploitation of Russian natural resources. I have always been distrustful of Soviet promises, but Dr. Armand Hammer, the president of the Occidental Petroleum Company, who has several deals now cooking with the Communists, makes a most persuasive argument that the Russians need 20 years of peace with the West in order to move forward with their natural gas reserves, their agriculture, and their foreign trade prospects.

There is little possibility, as Dr. Hammer outlined in an interview with this columnist, of the Soviets gaining anything very ponderable by breaking off in the middle of their complex deals with the West. In conjunction with the El Paso Natural Gas Company, Occidental Oil plans to supply the pipe and the exploratory expertise needed to bring ten to fifteen trillion cubic feet of gas from the Irkutsk region of Siberia to tidewater at Olga, a Pacific port near Vladivostock. The gas will be going in the wrong direction to serve Soviet manufacturing installations; it can only bring the Soviets a good return by shipping it in liquefied form to Japan and the West Coast of the U.S.

Another Occidental deal with the Soviets will take phosphates from Florida to Russian ports to be used as fertilizer. Occidental has a new process that reduces bulky phosphate rock to a concentrate that enables one freighter to do the work of four. The deal is taking $500 million in financing that is shared by the Ex-Im Bank, the Bank of America, and the Soviets themselves. The pay-back to the U.S. will come in the form of Soviet shipments of nitrogenous fertilizer made from Soviet natural gas. Twenty years are needed for the Soviets to get full advantage of the phosphate-for-nitrogen trade-off.

A third Occidental project is the building of a $110 million trade center in Moscow, with the Soviets putting up the money and the Bechtel Corporation helping an Occidental subsidiary with the construction. There will be office space for 400 firms, plus apartments for their employees and a 600-room hotel in the trade center. Why, if Moscow intends to go to war with the West, should they be spending money on a center for foreign businessmen?

EXTRACTING OIL FROM GARBAGE

A fourth deal contemplates the bartering of metal plating equipment made by Occidental's Hooker Chemical subsidiary for Soviet nickel. This involves an $80 million contract covering five years. Finally, Occidental plans to teach the Soviets to extract oil from garbage by a new process scheduled for unveiling in San Diego.

If the Soviets are consciously using the five deals with Occidental as a smokescreen behind which they are plotting something sinister, it would represent the most elaborate hoax ever perpetrated. Potemkin's false-front villages, used to delude Catherine the Great into thinking she was Queen of a prosperous country, would pale into utter insignificance by comparison. With N. G. Osipov, the Soviet Deputy Minister for Foreign Trade, coming to the U.S. with a 21-man delegation to talk reciprocity, Dr. Hammer's theory of 20 years of peace sounds plausible. But the Kremlin still has two options, one for peace and one for a quick military strike, and not even the most knowledgeable of experts can know whether Henry Kissinger is going to succeed with his gamble.

THOMAS E. DRUMM, JR., HONORED BY GOVERNMENT AND BUSINESS LEADERS

Mr. HUGH SCOTT. Mr. President, Thomas E. Drumm, Jr., who retired recently after 32 years of Government service was honored by 150 Government and business leaders at the Army Navy Club on October 1. His versatile and illustrious career can serve as an inspiration to those who aspire to high Federal service.

I ask unanimous consent that a brief summary of the highlights of this outstanding civil servant's career be printed in the RECORD.

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

More than 150 leaders in Government, business, and trade-related organizations as well as members of the Diplomatic Corps gathered at the Army & Navy Club on October 1, 1973 for a reception in honor of Thomas E. Drumm, Jr. Mr. Drumm recently retired from the Federal Government after 32 years of service.

Mr. Drumm has served with distinction in a number of senior positions in the Federal Government both here and abroad.

General James E. Gavin, Honorary Chairman of the reception and former Ambassador to France, recalled Mr. Drumm's service as Commercial Counsellor in the U.S. Embassy in Paris. He described the succsesful work of Mr. Drumm in promoting sales of U.S. products from coal to consumer goods. He recounted Mr. Drumm's visits to French firms and importers to promote American products and of his help to the French business community.

The Wall Street Journal in a front-page article described Mr. Drumm in his Commercial Counselor's role as a new breed of diplomat—"a diplomat with a sample case" and outlined Mr. Drumm's successful efforts to promote trade with France. General Gavin, whose firm is extensively engaged in foreign trade, stated that he had had contacts with some 27 U.S. Commercial Attachés and that "Tom Drumm was far and away the best of them all."

Undersecretary of Commerce John Taber, representing Secretary Dent who was in Europe, commented on Mr. Drumm's outstanding record in the Department of Commerce.

Secretary Tabor read and presented to the honoree a plaque inscribed with the following tribute:

THOMAS E. DRUMM, JR.
OMBUDSMAN EMERITUS
Presented to Thomas E. Drumm, Jr.
for
Distinguished Service to the
Business, Government and Social Community
as the first Ombudsman for Business
U.S. Department of Commerce 1971–1973

In recognition of his efforts to encourage better communications between Government, business, and the community, and to make the Federal Government more responsive to the people as well as his successful contribution to the betterment of all mankind.

Signed: John Tabor, Gary Cook, Paul Crouch, Alcoa, Walter Lloyd, Deere & Co., Robert Mahaney, Tenneco, U.S. Department of Commerce.

WILLIAM RASPBERRY ON IMPEACHMENT

Mr. McGOVERN. Mr. President, in a series of superb articles, Mr. William Raspberry of the Washington Post has forced us to look squarely at the central issues raised in the Watergate scandals.

In a column in yesterday's Post, Mr. Raspberry says:

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.

He concludes on this note:

The cataclysm has happened and the only reasonable questions now are those that deal with the mechanics of impeachment.

Mr. President, I ask unanimous consent that Mr. Raspberry's article in the October 29, 1973, issue of the Washington Post, entitled "Corruption Without Precedent," be printed in the RECORD.

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

CORRUPTION WITHOUT PRECEDENT
(By William Raspberry)

They've 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 politicans 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 history books as a sort of low-water mark 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 incidentlly, from you and me.

Political hanky-panky and a little money changing hands? No, sir. No, m'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.

VETERANS DAY RITES AT ARLINGTON CEMETERY

Mr. HANSEN. Mr. President, on October 22, the traditional Veterans Day ceremonies were held at Arlington National Cemetery.

For this occasion, the Disabled American Veterans were the hosts, and the DAV's distinguished national commander, John T. Soave, gave the principal address. He was introduced by the Administrator of Veterans' Affairs, the Honorable Donald E. Johnson.

Both Administrator Johnson and Commander Soave delivered inspiring remarks on this occasion.

For the benefit of my colleagues who did not have a chance to hear Administrator Johnson and Commander Soave, I ask unanimous consent that their speeches appear in the CONGRESSIONAL RECORD.

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

INTRODUCTORY REMARKS, VA ADMINISTRATOR DONALD E. JOHNSON

My fellow Americans.

It will be my honor, today, to present our distinguished speaker and some of the special guests of our Veterans Day National Committee.

As you know, Veterans Day, distinguished from Memorial Day, is a national observance in which we honor the living veteran. But, certainly, it is fitting that we do so in the memory of those who gave their lives. For "in that breath twixt life and death" as poet Berton Braley called it, the difference between living and dying for one's country is measured in heartbeats.

Before making my introductions, I'd like to pause for a moment or two and consider the paradox in which a nation of peace-loving people have found themselves involved in all too many wars. Surely it must be a baffling perplexity to these young guests of ours as it was to all of us when we, too, first thought about the ugly realism of mortal combat.

We stand here, today, in the presence of awesome greatness.

I speak, not of the overwhelming presence of our beloved dead whose ultimate gift of love hallows this earth.

Their lives, their deeds and their final sacrifice have ennobled them far beyond the platitudes of mortal speech.

The greatness I see, and of which I speak, is the presence, here, of these young Americans, representing all American children who have inherited this free land, which those we honor today, willed to them in glorious legacy.

It is to you, the young people here today, that I address myself—not as a father, though ten Johnson children call me that—but as one who has shared some of the experiences, the dreams and the hopes of those Americans of my own childhood who later answered their nation's call to arms.

In Carl Sandburg's great work called: "The People, Yes" he speaks of a little girl watching the new recruits from her village marching off to the battlefield. She turns to her mother and says: "I think that someday they're going to give a War and nobody will come!"

The men and women we honor today had no special gift of the gods. They had no magic potions to protect them like the folklore heroes of fantasy and fable.

We honor them, not because they welcomed war, but because it was the last thing they wanted—and they went, anyway.

On Veteran's Day, as we recall that act of heroism, we honor the mothers and the fathers—the sisters and the brothers like yourselves—the wives and beloved ones who saw them off to war, though surely none of us would will such a thing for anyone we love.

As you go on in school, your history books will provide you with detailed accounts of the situations and the problems that motivated human beings of reasoned intelligence to take up arms against their neighbors.

You will also come to realize that your history books—even the more sophisticated ones

that you'll study in high school and college—cannot possibly reach into the secret heart of the one who heard the call and answered "yes."

On patriotic occasions, such as this, they might talk of God and Country—honor—integrity—but, in the end—I can say from my own experience and close observation—it all boils down to one great ideal.

For, what "God and Country" really means to a fighting man is "Home and Family."

It is in that final test—as in the first act of heroism when he joined our nation's Service—that the Veteran found his "extra ounce of courage" to face the very fate he wanted the least.

Statesmen call it "Love of Country."

Churchmen call it "Love of God."

History calls it "Patriotism."

And, surely, it is all three.

But what was in the *Veteran's* mind, and deeply in his heart?

The chances are, if you ask, he'll call it: "You!"

It is *you*, my young Americans—and your brothers and sisters all over this land—who gave our Veterans that final ounce of courage.

It is you to whom they turned for strength in answering their country's call and bearing its battle.

It is you for whom they held high the torch of freedom and honor—to whom they willed their hearts and hands in love and peace.

And now, it is you who carry their sacred trust—their precious legacy of everlasting peace.

This is the greatness of which I speak.

For in your young hands and hearts is the will and the way to achieve that great goal, toward which President Nixon has dedicated his whole administration:

A full generation of Peace!

NATIONAL COMMANDER'S VETERANS DAY SPEECH

My Fellow Americans: The Disabled American Veterans are honored this year to be hosts of this traditional Veterans Day ceremony . . . and I am privileged, as National Commander of the DAV, to be my organization's spokesman today.

I come before you at a time when American involvement in the wars in Indo-China has finally, after many long, hard and bitter years, been wound down and out, as the present administration promised to do before it was elected.

We of the DAV fervently pray that we have seen not just the end of one long, unwanted war . . . but the beginning of the end of all war; that a new epoch of peace with honor is at hand; that future administrations will continue the efforts at defusing world tensions now being carried out by President Nixon.

One way Americans can assure this goal is by remembering the veterans of the U.S. Armed Forces and honoring the significant contributions to our National Security by the millions of these citizens whose military service has had a profound effect on history.

America has a proud tradition of both remembering and honoring its veterans and the families and dependents of its veterans.

But whether or not the veteran will continue to be honored over a period of prolonged peace-time is problematical. The present system of veterans benefits and compensation is expensive, and it must be enlarged to be truly equitable to all of those who served their country in time of crisis.

And the expense must be borne over a long period of time. It takes several generations for a nation to close its ledgers on a war. The Civil War ended 108 years ago, yet as of December 31, 1972, 331 widows and 275 children of Civil War veterans were still being carried on Veterans Administration benefit rolls. The last dependent of an American Revolutionary War Veteran didn't die until 1911.

So we of the DAV, and our fellow veterans organizations fully realize that there will be those who might want to renege on their obligation to the veteran and to relinquish a grateful Nation's pledge of faith to him, as Abraham Lincoln phrased it, "who shall have borne the battle."

We fully intend to see to it that this nation will never abandon its defenders; will never cease to care for those who left part of themselves on the field of battle as the price they paid to prove their trust; will ever honor the most shining hero of the legend that is America . . . The American Veteran.

Of the total U.S. Population of some two-hundred and nine million civilians, twenty-nine million are veterans, including over three-million disabled veterans of all wars.

The average age of the 28.8 million veterans living on June 30, 1968 was nearly 45. Two-million of these veterans were 65 or older. During the next 20 years, this age group will grow more than threefold, to seven-million aged veterans by 1992. Programs related to the problems of the aging veteran must be readied now to meet the projected need.

Actually, however, it is the problems of the younger veteran that most concern us at this time. Studies indicate that the Vietnam era veteran is having a harder time fitting himself back into our civilian culture than any veteran generation that preceded him.

While the rate of participation in the labor force during fiscal year 1972 for all male veterans was 89 per cent compared to 72 per cent for male non-veterans, the unemployment rate for Vietnam veterans has been substantially higher in recent years than that of non-veterans in the same age group.

The gap between the unemployment rate for veterans and the lower rate for non-veterans has been narrowing for some months now, but it is still too high to be of comfort to those of us concerned with veterans problems.

The very low job placement rate of disabled Vietnam era veterans has been extremely disconcerting, and, while strenuous efforts by the Administration and Department of Labor have seen to it that more and more disabled veterans find suitable employment every year, this battle is far from over.

Finding a job has been especially hard for the ex-infantryman. At the height of the Vietnam war, military admissions standards were lowered and thousands of young Americans enlisted without finishing high school. Thousands more were drafted before they could attend or finish college or technical training in civilian life. Then they were taught just one skill—how to be a combat infantryman—and this skill is all they have brought back to civilian life.

Slowly these men are being assimilated back into our society, but for them, "Peace with Honor" will not truly be here until they are fully contributing members of the civilian world around them. We must all pledge ourselves to see that this day comes soon.

Standing here among the peaceful green glades of Arlington National Cemetery in the Memorial Amphitheater at the Tomb of the Unknown Soldier—one of this Nation's most hallowed shrines—it occurs to me that we will not have done justice to those patriot-heroes who lie buried here until we have finally done justice to their living comrades.

The best way to honor the dead is to honor the living. The precious freedoms we Americans cherish today was paid for in large part through the lives of our fighting men who lie buried here and in other cemeteries around the world. They would not have it that we ignore their living comrades, our veterans, who took the same risks and made the same sacrifices for the same cause . . . yet who were so fortunate as to survive.

The American veteran is the living symbol of those characteristics of courage and determination that have made this nation the strongest and freest in the history of the world.

He has willingly and proudly served his nation in time of mortal strife, and he has returned again to civilian life, determined that the freedoms and privileges granted to him by the Constitution he served to defend should never be lost nor denied to anyone.

Until such time as war has forever been banished from the face of the earth and the last veteran has been borne on Columbia's wings to this Nation's own Valhalla, I urge you, my Fellow Americans, never to forget the contributions the American veteran has made to the cause of World Peace with Honor and to faithfully honor the men and women who made these contributions.

THE CRISIS OF THE PRESIDENCY

Mr. McGOVERN. Mr. President, the newspapers of my State are publishing commendable editorials questioning the actions of the President of a weekend ago and pointing out their disturbing implications for our political system.

One of the fine weekly newspapers in South Dakota, the Freeman Courier, carried on October 25 a commendable editorial written by its editor, Mr. Tim Waltner, which said:

> The impeachment process would be a dark time for the nation. However, if the well-being of the country and its people are put first, impeachment should be looked upon as a step towards restoring confidence and trust.

Mr. Waltner also made clear what impeachment does and does not mean, pointing out that it does not necessarily mean that the President would be removed from office, but only that investigations would be made to determine if there is cause for action of that kind.

The leading daily newspaper of western South Dakota, the Rapid City Journal, observed on October 23:

> Impeachment proceedings would further fray the fiber of America, but if it is the only way to arrive at the truth, then it is the course that should be followed.

Making a case for the appointment of a fully independent prosecutor, the Sioux Falls Argus-Leader said:

> An investigation that is not independent of the White House . . . is not an investigation that will satisfy the American public. The saddest thing about the constitutional crisis in Washington is that it need not have developed, unless the President is hiding something.

In an editorial entitled "Shocking Washington Weekend," the Aberdeen American-News said the President's actions could lead to two avenues of speculation, first that he has extraordinarily strong convictions that executive privilege will be irreparably damaged by releasing the tapes, or second that their release could damage the case that the President had no knowledge of the Watergate coverup.

I ask unanimous consent, Mr. President, that the texts of these perceptive editorials, and one from the October 22 edition of the Nashville Tennesseean, be printed in the RECORD.

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

THE CRISIS OF THE PRESIDENCY

(By Tim Waltner)

In the July 5 issue of the Courier, we wrote an editorial entitled "Thunderstorms and Watergate." We compared the entire Watergate mess with a thunderstorm, and expressed a desire that the end result of the Watergate scandal would be a more forthright, honest, and responsible government. In the 14 weeks which have followed, events have taken place which have brought more storms, one after another.

The failure by the President to release the tapes as evidence, the use of tax money for the remodeling of his southern and western white houses, the fact that he has surrounded himself with men who have no qualms about practicing deception and breaking laws, and the changing of procedures and men to best suit his needs, give us an indication of how much corruption and decay have crept into the office of the president.

However the latest developments, the conflict over the release of the tapes, the refusal to reach an understanding with the Senate Committee and the Special Prosecutor, and the firing of that special appointed prosecutor, Archibald Cox, present an extremely serious crisis. President Nixon has set himself up as the supreme ruler, the highest authority of this nation. There is now a concept, coming from the President down through the former Vice President to former aides to former cabinet officers. That concept is, "We Are Above the Law." That concept has taken the rights and the power out of the hands of the people and given it to a select few.

While we have entrusted the leaders of government with responsibilities, we have not given them the right to do whatever they choose. They are citizens as we are and they cannot be allowed to be above the law. The action taken in the past six months seriously jeopardizes the future of the democratic process this country was founded upon.

It is now a question of how much power the President has. The more ultimate power the office of the President has, the less power the people will have. This crisis has been building with strong feelings between the Executive branch and the Congress and Courts going back to the pre-Watergate era. There is no way to resolve the issue without some major steps being taken.

While President Nixon announced Tuesday, that he would release the tapes relevant to Watergate, it seems that this has come about partly because of the overwhelming public sentiment against the President. There is also some question as to whether or not a full scale investigation of the Watergate breakin will continue. If an impeachment hearing were brought forth against the President, an indication from the country could be given. An impeachment process does not necessarily mean that Richard Nixon be ousted. It would however mean that the people would have the power of recall, and it would be possible to see if confidence has indeed been restored to the presidency.

The impeachment process would be a dark time for the nation. However, if the well being of the country and its people are put first, impeachment should be looked upon as a step towards restoring confidence and trust. In my opinion, we need a man who has integrity and the confidence of the congress and the people. If impeachment hearings show that a new man is needed, so be it. Under a man whom the people trust, we can then move, as a nation "of the people, by the people, and for the people."

NATION MUST HAVE TRUTH WHICH NIXON CAN PROVIDE

Public trust in government, at a low ebb in the wake of Watergate and the Agnew affair, suffered another shattering blow over the weekend.

By firing special prosecutor Archibald Cox for refusing to abandon a court quest of the Watergate tapes, President Nixon appears to be setting himself above the law and the courts.

Faced with a choice of complying with a Court of Appeals decision to turn over tapes concerning Watergate or appealing that decision to the Supreme Court, Nixon attempted an end run. He offered to provide a summary of the tapes to the Senate Watergate committee and to the courts. He maintained a review of the tape controversy by the Supreme Court would leave the matter unresolved for some time and this would not be in the national interest.

The national interest would best be served by the truth. The American public is crying for it. The tapes themselves supposedly contain the evidence as to whether Nixon was involved in Watergate and the ensuing cover-up.

Cox refused to obey the presidential directive to halt the court proceedings on the grounds it would violate Cox's pledge to the Senate and the country to carry out the task entrusted to him. In doing so he demonstrated an awareness that his ultimate accountability was to the American people. Richard Nixon is ignoring his accountability to the same American public.

That accountability includes heading a government of laws, not of men.

Cox maintained the summary of the tapes pertaining to Watergate would not be admissible evidence in a criminal proceeding. Nixon maintained the summary would give Cox the information he needed to present to a grand jury. Clearly that was a difference of opinion. The courts are the proper place to resolve such differences. By ordering Cox to abandon all legal proceedings, Nixon sought to avert the confrontation. Cox called it a move to deprive prosecutors of admissable evidence in prosecuting wrongdoers who abused high government office.

The compromise proposal and the firing of Cox does not set aside the appeals court ruling that the tapes be turned over to the court. Since the President chose not to appeal the ruling it would appear the decision is final and that Nixon is in violation of the court order.

Yet to be determined is if and how the President can be forced to obey the court order. Impeachment proceedings would further fray the fiber of America, but if it is the only way to arrive at the truth, then it is the course that should be followed.

If there was a bright spot in the dismal weekend mess, it was the decision of Atty. Gen. Elliot L. Richardson to resign. Richardson stood tall in his relentless pursuit of the Agnew investigation regardless of the effects on the administration. This weekend he placed his commitment to Cox, the U.S. Senate and the American people above his loyalty to Nixon.

Morality and public trust in government can only be restored from the top down. The events of the weekend cast grave doubt that Richard Nixon is the man who can accomplish it.

NIXON HANDS UNITED STATES UNDESERVED CRISIS

President Richard M. Nixon again has plunged the country into a crisis it didn't need, at perhaps the worst possible time: during attempts to resolve the Arab-Israeli conflict.

Why doesn't President Nixon hand over the Watergate tapes and let them tell whatever story is inscribed on them about the actions of himself or his former aides?

Is his reason for withholding the tapes the prerogative of his office, or the fear that the tapes will implicate himself or his former White House aides in the Watergate matter? Neither reason is sufficient cause to withhold the tapes, if criminal implication of White House aides is involved. American citizens are justified in thinking the worst—that the tapes do implicate someone.

A MAN OF PRINCIPLE

Former Atty. Gen. Elliot L. Richardson is regarded as a high-principled individual. He quit rather than fire special Watergate prosecutor Archibald Cox, because he felt Nixon's actions broke a promise to Cox for an independent investigation. How could Cox, partisan though he may be, conduct an independent investigtaion if his commander-in-chief tells him not to press for the White House tapes?

Nixon then fired Deputy Atty. Gen. William P. Ruckelshaus, another decent official, because he wouldn't fire Cox. Now, the Department of Justice is in turmoil again. Solicitor General Robert H. Bork is the acting attorney general. His orders from Nixon are to take over the Watergate investigation and proceed "with full vigor." Thus, the investigation is back in the hands of the Department of Justice, where it began.

By his actions, Nixon has invited Congress to question his judgment and to consider impeachment proceedings. Perhaps, just perhaps, Nixon's compromise offer to have Sen. John C. Stennis compare the tapes with a White House summary would meet the requirements. But, the better way would have been to make the tapes available.

An investigation that is not independent of the White House, still powerful despite the Watergate affair, is not an investigation that will satisfy the American public.

The saddest thing about the constitutional crisis in Washington is that it need not have developed, unless the President is hiding something. The latest action has jeopardized the confirmation of U.S. Rep. Gerald Ford as vice president of the United States.

To Speaker Carl Albert of the House and other House leaders will fall the sad task of trying to determine what to do next about the man in the White House. Although Albert has been discounted as being a man of presidential timber, he was smart enough to refuse former Vice President Spiro Agnew's offer to have the House, rather than the courts hear the latter's case. Albert is next in line of succession to President Nixon. In this connection, it should be recalled that the late President Harry S Truman had his detractors, too, when he succeeded President Franklin D. Roosevelt upon the latter's death in 1945.

FORCING A POLITICAL SOLUTION

In hindsight, it could be said that the special Watergate prosecution task force should have been commissioned not by the executive branch but by Congress. The legislative branch is now put in a position, by possible impeachment proceedings which are essentially political, of trying to clean up something that required a judicial approach through a special commission which Nixon unwisely wiped out.

SHOCKING WASHINGTON WEEKEND

A review of the unprecedented developments during the weekend growing out of the Watergate misadventure would lead to one of two obvious trends of speculation.

One. President Nixon has extraordinarily strong convictions that executive privilege will be irreparably damaged if he yields to the court decision that the tapes containing confidential conversations of the President shall be released according to the court ruling.

Two. The tapes contain information that could damage the case that has been presented by President Nixon's defenders to prove that he had no knowledge of the cover

up of the part played in the burglary of the Democratic National Committee headquarters in the Watergate complex by the members of the committee directing the 1972 reelection campaign of the President.

Speculation No. one would be supported by the fact President Nixon did offer a plan, not recognizing the court's authority over the Executive Department, that would give access to the Watergate prosecutor to the contents of the tapes.

Speculation No. two would be given some credence because of the desperate steps taken by the President to assure that his plan on the release of information contained in the tapes would not be altered.

One fact emphasized in the President's decision to fire Archibald Cox, the special Watergate prosecutor who refused to accept Mr. Nixon's compromise plan for examining the tapes, is that he is a determined man who will take drastic steps to enforce the rights and power of the presidency.

Saturday's events were dramatic and there could be suspicion that decisions were made in haste rather than in the deliberative atmosphere we like to believe influences government leaders in Washington.

The crises that have occurred during the recent days of the Nixon administration have resulted in an element of shock.

There is need now for more conscientious effort by all leaders in governmnt to conduct themselves in a manner to inspire confidence. The problems are great, but historically America has proved its competence in solving problems.

THE NATION IS IN A SHAMBLES AND ITS SURVIVAL A QUESTION

No administration in the history of the Republic has dealt so many hammer blows to the spirit and well being of the American people than that of President Nixon.

His latest blow is unprecedented as it is incredible. In one sweep, Mr. Nixon has forced the resignation of Atty. Gen. Elliot L. Richardson, fired Deputy Atty. Gen. William P. Ruckelshaus and had Special Watergate Prosecutor Archibald Cox fired.

Thus the man who pleaded that Watergate be left up to the courts and the legal processes has sought to take the issue out of the courts and has derailed the legal processes.

In a nutshell, Mr. Nixon has had the Special Prosecutor fired for doing his job of prosecuting. And having long denied any connection with the Watergate coverup, the President may have contributed to the ultimate step in that coverup by making it impossible for the guilty ever to be brought to justice.

For who in the now-demoralized Justice Department can pick up the threads of evidence? And where will there be the needed degree of credibility of prosecution where a President can simply order the Justice Department not to press too hard and be obeyed?

Mr. Cox called a news conference to explain his situation. And shortly afterward, Mr. Nixon called on the Justice Department to fire him. Mr. Richardson could not honorably do so, and he resigned. Mr. Ruckelshaus felt he could not do so, and was fired. Finally, Mr. Robert Bork, the solicitor general, was designated acting attorney general and he fired Mr. Cox.

The White House immediately defended these moves with the suggestions that Mr. Cox was becoming partisan and insubordinate and that this was somehow more of the plot by Democrats to "get Mr. Nixon." Only the incredibly naive could believe this.

If Mr. Cox was biased, it was in favor of the law and the processes of justice and in his belief this is a nation of laws and not men. In firing him, Mr. Nixon manifested his contempt for laws and the process of justice.

It was not the Democrats who opened the door on the most massive scandal of all times, but a Republican judge. It was not the Democrats who picked Mr. Nixon's staff or members of the Committee to Re-elect him, a number of whom were responsible for Watergate and the cover up. It was not the Democrats who got the goods on Mr. Agnew and built an air-tight case against him. It was a Republican prosecutor in Maryland, supported by Mr. Nixon's own attorney general.

It was Richard Nixon who pledged to the American people that Mr. Richardson and the special prosecutor "will have the total cooperation of the executive branch. They will get to the bottom of this thing. They will see to it that all of those who are guilty are prosecuted and are brought to justice. That is the pledge I make tonight, and that I think the American people are entitled to it."

Mr. Richardson had pledged to the Senate that Mr. Cox would have complete freedom and independence as special prosecutor. The ground rules were written and the White House by its silence gave assent.

Mr. Nixon also pledged that executive privilege "will not be invoked." So far, he has broken all his pledges and dishonored his word. He has not cooperated with Mr. Cox. He has pressured Mr. Richardson to the extreme. He had, in effect, defied the courts and offered a "compromise" on the disputed tapes that is no compromise at all.

Having lost in the appeals court and facing the prospect of a Supreme Court decision against him, Mr. Nixon has taken his latest stratagem. He agreed to turn over, not the tapes, but a written summary of them and chose a one-man juror—Sen. John Stennis of Mississippi—to hear them and verify their accuracy.

That might satisfy the Senate Watergate committee, but it didn't and couldn't satisfy Mr. Cox, who could not take such superficial evidence into the courts and who expressed doubts the courts would accept such evidence or that the criminal defendants could use this in their own defense.

And what of the separation of powers that Mr. Nixon so piously espoused once? He has chosen a Senator, albeit a sympathetic one, to hear the tapes instead of Mr. Cox—who represented the executive—and instead of Judge John Sirica of the courts. The plain language of the court orders was that the tapes be turned over to Judge Sirica.

It has not been the Democrats who have directed the harshest criticism at Mr. Nixon, but Republicans such as Goldwater, Weicker, Percy, and Brooke. And it has not been the Democrats in the forefront in calling for impeachment proceedings against Mr. Nixon.

It was a Republican House member—Rep. Paul McCloskey—who first raised such talk on June 6. On Saturday, it was Rep. John B. Anderson (R–Ill.), chairman of the House Republican conference, who said the President "has precipitated a constitutional crisis" by his irresponsible actions and predicted impeachment resolutions would be filed this week.

It was Sen. Edward Brooke (R.–Mass.) who said, "This action on the part of the President under the circumstances is sufficient evidence which the House of Representatives should consider to begin impeachment proceedings."

Mr. Nixon cannot call all these men enemies, for they are of his own party. But their loyalty to party is not such they can overlook the slow poisoning of the constitutional system with the attendant mistrust and cynicism that is already mountainous.

Mr. Hugh Sidey, an essayist for Time magazine, wrote the other day that, "The country has been morally ravaged." It can also be added that it also has been constitutionally and economically ravaged.

In sum, this nation is in a shambles and the chief wrecker is Richard Nixon, who is fighting for his life with a cunning that discounts the rule of law and the integrity of the highest office in the land.

The burning question for Congress and the American people is no longer whether President Nixon can survive politically amid his troubles, but whether the nation can survive Richard Nixon for three more years.

PROPOSED FOREIGN INVESTMENT INSURANCE PLAN

Mr. JAVITS. Mr. President, I ask unanimous consent that an article entitled "Insurers Not Too Keen on New Plan," printed in the Journal of Commerce of October 19, 1973, be printed in the RECORD. The article points out that the private insurance industry is unwilling to commit itself to the plan proposed by the Subcommittee on Multinational Corporations of the Committee on Foreign Relations to turn over investment insurance from Overseas Private Investment Corporation to a private syndicate.

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

INSURERS NOT TOO KEEN ON NEW PLAN

WASHINGTON.—Four insurance industry executives have indicated that the industry could not commit itself to a foreign investment insurance plan proposed yesterday by a Senate foreign relations committee subcommittee.

At a meeting here early this month, the four officials agreed that a "predetermined schedule" by which the U.S. Government would withdraw from investment insurance activity "could only discourage" many U.S. insurance firms from immediately entering the investment sector.

The four executives—Fireman's Fund Chairman Louis Niggemen, Nationwide Vice-President Donald Johnson, INA Vice-President Harry Richter and Arthur Mayes, president, American Foreign Insurance Assn.—met with the Overseas Private Investment Corp. (OPIC), the government investment insurance agency.

The four said that private insurers are not "prepared to enter into such a new, high-risk field (foreign investment underwriting) except cautiously with a period of experimentation." A three to four year "trial period" would be needed for U.S. insurance firms to "become familiar with the nature of the insurance," they said.

The insurance executives also reported that the industry would not "at this time" consider insuring land-based war risks of the kind covered by OPIC, nor, they added, is it expected that the industry would do so in the "foreseeable future."

They further pointed out that the industry currently lacks "the capability" to manage the underwriting and claims functions of a syndicate covering U.S. investors against foreign expropriation or currency inconvertibility. OPIC, the four agreed, would have to manage the program, for at least three years.

FERTILIZER PRICES SOAR

Mr. EAGLETON. Mr. President, in an effort to stem export sales of U.S. fertilizer, the Cost of Living Council last week removed all price controls from that product. The Council's hope was that with modest price increases here at home,

manufacturers would forego the higher profits to be made in foreign markets and continue to provide American farmers with the fertilizer they need.

I am disturbed by the industry's first response to that action. This morning's Washington Post reports that two major fertilizer manufacturers have determined to increase prices by as much as 40 percent, while a third company is contemplating a 60 percent hike. Further increases seem likely if world prices react as expected and continue to push upward.

I am seriously concerned about the ability of American farmers to compete for this scarce commodity against foreigners well heeled with devalued U.S. dollars. If they choose instead to get by with less fertilizer or to switch to low fertilizer crops, our hopes for expanded farm production and lower food costs could go up in smoke.

Mr. President, I have called on the Cost of Living Council to reconsider its action of last week and to adopt a policy of across-the-board controls which treat export and domestic sales alike.

That is the only way, in my opinion, that we can assure adequate supplies for our farmers at prices they can afford.

Mr. President, I ask that the Washington Post news article to which I referred be printed in my remarks.

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

FERTILIZER FIRM UPS PRICES BY 20 TO 40 PERCENT

W. R. Grace & Co., one of the nation's largest manufacturers of fertilizer, yesterday announced price increases of 20 to 40 per cent on its various fertilizer products effective immediately.

Other fertilizer giants, no longer under price controls, indicated they will follow suit in the next few days with prices of some products increasing as much as 60 per cent.

The Cost of Living Council last week exempted fertilizers and their chemical components from price controls in an effort to increase the availability of fertilizer for domestic crop use by allowing it to rise to a level competitive with the much higher world price.

A COLC spokesman said the controls agency did not expect fertilizer prices to rise more than 20 to 30 per cent when they took their action.

He said that the initial increase might be higher but "we wouldn't expect it to maintain that level." He expressed the hope that efforts to increase marginal fertilizer production capacity and divert the commodity from foreign to domestic sales would increase supply enough to eventually bring prices down.

However, an official of a major fertilizer company which expects to announce price increases of about 40 per cent for all of its products said he sees "no possibility of any weakening of these prices."

In fact, he noted the "possibility that these prices may continue to escalate," adding that he did not know how world prices would react to domestic decontrol and could continue to be pushed upward. He also said the fertilizer industry was not assured of adequate supplies of natural gas to manufacture nitrogen fertilizer because of the competing need for gas as a heating fuel.

Edward Vrablik, the president of Swift Chemical Co., one of the biggest independent fertilizer producers, said his company would implement price increases of up to 60 per cent as early as today.

BALANCING HUMAN POPULATIONS WITH LIFE SUPPORT SYSTEMS

Mr. PACKWOOD. Mr. President, one of my outstanding Oregon constituents and member of the Oregon House of Representatives, Patricia Dee Carpio Whiting, has been actively involved in environmental and population matters for some time, and has made several excellent contributions in these areas both within Oregon and on the national scene. She recently delivered a perceptive and thought-provoking speech before the North American Wildlife and Natural Resources Conference on the subject "Balancing Human Populations With Life Support Systems."

Mr. President, nearly every decision made by this body bears in one way or another on the intricate relationship between humans and their environment, and the delicate balance which exists on our small planet, Earth. I therefore commend Patricia Whiting's statement to all my colleagues for their careful reading and thoughtful review, and ask unanimous consent that it be printed in the RECORD.

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

BALANCING HUMAN POPULATIONS WITH LIFE SUPPORT SYSTEMS

(By Patricia Dee Carpio Whiting)

(NOTE.—Any tables and figures mentioned in text, are not shown in this reprint.)

(Zero Population Growth, Inc., Friends of Earth, and Oregon Environmental Council, Tigard, Oregon.)

The innate consequences within a system of excessive human population numbers correlated to an equitable ratio of decreasing natural resources such as water, air, wildlife, and wilderness, brings into focus the assault on the life support systems needed for human life continuance at present levels of demand.

In illustrating a demographic correlation between excessive human propagation and diminishing life support systems, it becomes necessary to establish foundations for ideological change toward a balanced ecoexistence of all life forms.

My proposal is simple. Pollution is a human effluence. It is not air pollution, it is not water pollution. It is human pollution put into air and water that causes chemical imbalance and collapse of life support systems. We must recognize that man, in all his glory, is the basic confuser in the world scheme of natural balance supply and interdependence.

People—too many people—without regard for other species, have altered the freshness in a breath of air; people—too many people—have altered the free-running stream through rapids wild; people—too many people—are plugging up the heart of nature.

We, as a species, are continuously reproducing our own numbers and concurrently condemning hundreds of animal and plant species to extinction while at the same time we immaturely cling to the standing ovation of more, more, more.

We don't have a task here, we have a monumental immediate necessity—the balancing of our own human numbers with the remaining capacities of the life support systems. It is folly to ignore these systems and the interdependency of all species. If we continue to label a coyote a villain while we belch chemical concentrates into the air and water, any proposed solutions or rhetoric today won't be worth a damn. Where did we lose the nature ethic? When did we become a species unconcerned for the systems with which we once lived in harmony? A suggestion is that early in history human demand for supply manifested a philosophy of "subdue and multiply." The "subdue" attitude established disregard for natural limitations while the "multiply" concept, previously necessary for survival, has today contributed to degradation of the "quality perspective" of life. To exemplify the magnitude of past acceptance of this archaic "subdue and multiply" theory, we must examine aspects of world demography.

It has been estimated that in 8,000 B.C. the total world population was 5 million people. In 1650 A.D., a span of 9,000 years, the world population had increased to 500 million. However, in 1850, only two hundred years later, world population levels had increased to 1 billion people; and by 1930 "subdue and multiply" was heralded by 2 billion separate individuals, an increase of 1 billion people or a doubling of total world human populations within only 80 years. Demographically, this phenomena of population doubling will again occur in just 35 years.[1]

In other words, of all the people who have existed on this planet, one out of twenty-five is currently alive and demanding resource allocations. This rapid accumulation of human bodies and living demands persists. In fact, according to mid-1971 estimates there were 34 new births per every 1,000 individuals occupying this planet which aggravates an already imbalanced situation.

Of the world's current 3.7 billion people, 37 percent are under 15 years of age and the majority are still dedicated to the philosophy of eons past—"subdue and multiply." The very simple equation of increased birth numbers in ratio to decreased death numbers within a closed eco-system results in unpleasant decreases in commodities available per capita in ratio to the increased demand.

The impact and consequences of the current people-pollution assault on a closed and limited bio-sphere, directs the necessity of reviewing current priorities and trends. These trends can be examined by considering facts about two of our representative nations, namely, the United States, a technically advanced and affluent nation using 54 percent of the world's natural resources with a population of 6 percent of the world population, and Mexico, a young industrial nation with a 3.4 percent annual population growth rate, are both faced with the need to curb the human population rate of growth for the sake of survival and quality life within each nation.

In 1900 the United States population was 76 million. By 1950 there were 152 million. In 1970, twenty years later, population numbers had increased to 205 million. (Population Reference Bureau, 1971b) However, it has been expressed that due to the United States' currently low population growth rate of 1.1 percent annually, the problem is being resolved. This is a fallacy. ". . . if present fertility and mortality trends continue, a long-range projection by the National Academy of Sciences foresees that in about 650 years there will be one person per square foot throughout the United States . . ."[2]

Despite the fact that the current 1.1 percent growth rate of the United States is a record low; comparatively speaking, it has not approached the annual death rate, which is only nine per thousand of population. There are other contributing factors to such population explosions; but, the prime factor is the number of youths and the ratio of males to females. One out of three North Americans is under 15 years of age with a larger percentage female than male. This suggests predictable population surge in the United States within the coming decades. Since we have established the current predictable,

Footnotes at end of article.

status of the United States, what is the population of Mexico in Central America?

Mexico has also begun to realize the pressure asserted by human expansion. In 1940 there were 19.0 million people in Mexico. By 1960 Mexico's population had soared to 35 million. Today, Mexico has 52.5 million people with a growth rate of 3.4 percent annually. Forty-six percent of her population is under 15 years of age. It is quite plausible to estimate that with Mexico's amazing new medical and social health programs, which have decreased death rates 300 percent in the last 42 years, she must prepare and provide for 70 million people in 1980.[3] At this current rate of population growth, there will be a doubling of population within just 21 years. (PRB, 1971d)

Current available resources and limited untapped resources can not accommodate the staggering demand asserted by the populations of either the United States or Mexico. Nor can the limited life support systems of air, water, and land continue to cope with our growing populations, given the present level of growing effluence as a result of increased numbers of people and technical advancement.

THE SOIL

The most recent failure of man to understand his adverse influence in nature's scheme is related to our extensive reliance upon artificial chemical fertilizers. The nitrogen, phosphorus and potassium that are removed by plant growth have successfully been replaced into the soil by the use of commercial fertilizers. And, consequently, the introduction of artificial fertilization of soils has immensely stimulated crop production. Concurrently, it has also stimulated the growth of millions of people who are reliant upon this new productivity. Utopia! No.

Investigations have now shown that "Heavy fertilization of soils with phosphates and nitrogens have contributed greatly to zinc deficiency of soils and thus to crops."[4] What significance does a loss of zinc in the soil have to us? Following World War II, animal study investigations have proven that lack of adequate zinc levels manifested in animals ". . . poor growth, loss of fertility, disorders of bones and joints and spontaneous skin lesions."[5]

In October, 1971, the International Symposium on Zinc Metabolism took place in the United States. Representatives from diverse scientific fields have concluded that: ". . . the average zinc intake from a mixed American diet is only little more than the minimum required to maintain balance under ideal conditions."[6] It was also established that zinc is essential in protein synthesis, DNA, RNA and basic polymer formation—the process basic to the regulation and formation of all animal cellular growth. Basically, no zinc, no growth. Zinc deficiency now occurs commonly in man and inhibits the ability for tissue to heal. It is most frequently observed in ". . . growing children, pregnant women, the aged, the poor, and hospital patients . . ."[7] We now know that United States soils are deficient in zinc; what else is deficient in our soils? Man must understand that not everything accomplished artificially provides instant solutions.

AIR AND WATER

Just as we are depleting our agricultural soils, we are assaulting the air and water with chemical concentrates by overloading their capacity to absorb and transport away pollutant waste. Pollution is not transported away because there is no such place as "away." We merely "replace" it into our neighbor's backyard, into wildlife's stream, and into the bird's path of flight.

Currently, in the United States, there are efforts for air pollution abatement being considered and formulated into laws; but, what laws and by whom?

In August, 1971, the U.S. Office of Management and Budget, under the directive of the President with the blessings of the Defense Department and the Federal Power Commission, rearranged the proposed *1970 Clean Air Act* guidelines originally proposed by the U.S. Environmental Protection Agency. In just two months the OMB rewrote, without public review, the 1970 Clean Air guidelines and eliminated the "Appendix B Clause" which discouraged deterioration of air; established sample regulations dealing with permit systems, emissions, monitoring and air pollution emergencies and compliance schedules; and, also eliminated was the previously outlined requirements for permit systems governing construction and operation of pollution sources.[8]

Just what effect this new action will have on promotion of more air pollution in the United States is yet to be seen. One thing is clear, man is faced with unsurmountable health problems within the next 50 years if, for example, the ongoing nuclear power plant development is carried through without adequate environmental and health hazard studies, because, it has been found, exposure to certain amounts of nuclear radiation over a period of time can alter life patterns and interrupt cellular activity.

Radiation and chemical waste leakage have already seeped into our air, land, and water, from nuclear energy activity in the United States and other countries. The U.S. Atomic Energy Commission by 1963 had reported 47 accidents in radiation waste shipments by public transport, 18 spills, and 15 severe impact accidents in the United States. "In 1966 there were 42 accidents at nuclear plants around the world, 37 of them in the United States."[9]

It is no wonder that in the last two years, Tamplin and Gofman, scientists at the California Lawrence Radiation Laboratory, using evidence from exposures to higher doses of radiation, specified that, after 30 years of continuous exposure to the maximum levels of radiation in our environment now permitted by the AEC, there will be 32,000 additional cases of leukemia and cancer each year and over 150,000 additional deaths each year from chromosome changes caused by radiation. They urge that emissions of man-made radiation to our air and water be reduced to zero, if possible, and that standards be made ten times more strict.[10] Such precaution would be for the health of the people and the protection of life support systems in the United States but they would also establish international concern for neighboring nations. Yet, at the same time, air quality problems experienced in the United States have counterparts in other nations.

For example, according to the "Epidemiological aspects of air pollution" by Blanca Raquel Ordonez, serious air pollution situations in Mexico in 1970 were located in Mexico City, Guadalajara, Monterey and Tepic. But, particularly important is the situation in Mexico City (Ordonez, 1970).

Mexico City, which is at an altitude of 7,100 feet, surrounded by mountains and which has many sunny days, has a natural air flow that is at a minimum. Result: photochemical smog, the product of radiant energy from the sun acting upon various concentrated polluting substances.

The Pan American Bureau of Health in 1967 to 1968 compared pollution measurements in Mexico City and other Latin American cities. "Dust measurement indicated that Mexico has the most serious problem compared to Argentina, Brazil, Colombia, Chile, and Peru; and Mexico City has the highest sulfur dioxide rate for Latin America. Chronic bronchitis, emphysema, and asthma in 1970 increased 12.7 percent in urban Mexico, 18.9 percent in rural Mexico, and 34.8 percent in Distrito Federal."[11]

This is not just Mexico's problem, it is our problem collectively. The growing demand for supply and energy around the world is tremendously increasing. If we must have higher standards of living, if we must have higher energy levels for technology and national development, then we are going to have to recognize that if we disrupt the natural balance of this closed biosphere in which we live, we must begin now to limit our own numbers to the amounts that the life support systems available can carry without such systems being further assaulted by man-generated pollution.

Conservation and industry can not afford to continue to sit at opposite ends of the discussion table. We as individuals and as representative nations must for our survival develop international cooperation if we are going to curb this assault on our common interests. The GNP economic index of advancement can no longer be the sole measurement by which we gauge our advancement and standard of living.

We have at this conference many proposals to explore. Many of the proposals could enhance man's condition on this planet. But, actually, will they if basic limitations are not given consideration? Any proposal, therefore, must incorporate into its directive the understanding that human overpopulation can cancel any effective benefits over a given period of time.

HUMAN POPULATION ETHIC PROPOSAL

It is still possible to establish a quality living environment in the United States and in Mexico. However, internationally speaking, civic and governmental recognition as well as educational and parental recognition of our mutual over-population dilemma is an immediate necessity. If the United States and Mexico, as two leading nations, would incorporate a "humane living ethic" into their laws and social patterns, we could, as representative nations in the world, project a sensible image for other nations who will be experiencing similar environmental problems.

In conjunction with the goals of this conference, concern with the quality of the environment, and directives to be considered, I propose a "Human Population Ethic" be seriously integrated into the charters and declarations of the organizations in attendance here today.

A "Human Population Ethic" recognized as a responsibility and a necessity should acknowledge the following elective processes of achieving national and international living quality for all people, rich and poor, for the very survival of our species and the continuation of life support systems upon which we depend:

1. *Family planning service*—nationally financed and sponsored—designed to increase parental responsibility and to provide counseling with the purpose of decreasing unwanted births and child abuse, as well as to establish ideal family relations.

2. *Public medical clinics* for counseling and public display and distribution of contraceptives as well as in-care facilities for pregnancy termination upon elective choice of the pregnant female.

3. *Repeal of abortion laws* which are discriminatory against the poor and uninformed by placing pregnancy termination in the care of medicine and out of criminal code jurisdiction.

4. *Population dynamics in education* to allow the children of each nation their civic right to quality life information based on an understanding of the environment in which they live and to allow them to explore, by analytical reasoning, attitudes of the past regarding pronatalist policies and contemporary methods of health and family planning.

At the current rate of population growth the human species will double its numbers within 35 years. Can the United States and Mexico provide for demands of double the human population currently inhabiting these nations? Do we have and can we al-

Footnotes at end of article.

locate double the resources currently converted to meet demand in just 35 years?

But, more important, is the destruction of life support systems worth the pleasure of knowing that we can support 7 billion people on this earth at half the current levels of affluency and twice as much effluency?

Advancement must now take on a new perspective—the theory of population stabilization within a closed living system—a "Humane Population Ethic."

ACKNOWLEDGMENTS

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FOOTNOTES

[1] Paul & Anne Ehrlich. *Population, Resources, Environment.* Freeman & Co. (San Francisco, 1970) pg. 6.

[2] David E. Lilienthal, "300,000,000 Americans would be wrong," *New York Times Magazine.* (New York, 1966) pg. 13.

[3] Population Reference Bureau, "Mexico the problem of people," *PRB Bulletin,* Vol. 20, no. 7. (Washington, D.C., 1964) pp. 173–180.

[4] William J. Pories, M.D. & William H. Strain "Once upon a trace metal: the zinc story," *Medical Opinion,* Vol 7, no. 5. (1971) pg. 2.

[5] Ibid. pg. 1.

[6] Walter Mertz, M.D., "Possible causes of zinc deficiency," *Clinical Applications of Zinc Metabolism,* International Symposium, Case Western Reserve University Medical School. (Ohio, 1971) 1:30 p.m.

[7] Pories, *Medical Opinion* pg. 3.

[8] Environmental Action, "Clean air—dirty politics," *Environmental Action Bulletin.* Vol. 3, no. 11. (Washington, D.C., 1971) pp. 3–5.

[9] "Nuclear threat inside America," *Look Magazine.* Vol. 34, no. 25. (December 15, 1970) pp. 24–27.

[10] Arthur R. Tamplin & John Gofman, *Population Control through Nuclear Pollution.* (Chicago, 1970) 242 pp.

[11] Blanca Raquel Ordonez, "Epidemiological aspects of air pollution," *Air Pollution Abstract.* Vol. 2, no. 1. (Washington, D.C., 1970) pg. 92.

LAW PROFESSORS SUPPORT S. 2611

Mr. ERVIN. Mr. President, on October 26, 1973, I joined 52 other Senators in introducing S. 2611, a bill which directs the Chief Judge of the District Court for the District of Columbia to appoint a special prosecutor to continue the work which Archibald Cox began.

In view of recent developments connected with the investigation of alleged wrongdoing on the part of high-level executive branch officials, it is essential that the Congress establish a truly independent special prosecutor to proceed with the investigation. In my opinion S. 2611 is a reasonable and constitutionally sound means of accomplishing this purpose.

The Senate Judiciary Committee is currently holding hearings on the dismissal of former Special Prosecutor Cox. In the course of these hearings there has already been much discussion of S. 2611. While this legislation proposes an unprecedented manner of proceeding with an investigation, I believe the Congress has ample constitutional power to adopt this approach.

I have received a communication of support for the constitutionality of S. 2611 from three outstanding professors of law from Harvard University. Mr. President, I ask unanimous consent that a copy of this statement be printed in the RECORD.

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

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., October 25, 1973.

It is our judgment that Congress, in the exercise of its constitutional powers under Article I, Section 8 in conjunction with Article III, and under Article II, Section 2, can responsibly enact legislation creating an independent prosecutor to be named by an appropriate agent of the federal judiciary and not controllable or removable by any official within the Executive Branch. While constitutional doubts about this proposal may be advanced, in the present extraordinary circumstances the need to facilitate the work of the Judicial Branch in adjudicating the innocence or guilt of persons who are or have been high within the Executive Branch powerfully supports the constitutional propriety of having a prosecutor wholly independent of the Executive. Because the constitutional arguments in support of this step are highly persuasive, it would be entirely appropriate for the Congress to enact it.

PAUL A. FREUND,
Loeb University Professor.
ANDREW KAUFMAN,
Professor of Law.
LAURENCE H. TRIBE,
Professor of Law.

COTTON AND INFLATION

Mr. JAVITS. Mr. President, I ask unanimous consent that an editorial entitled "Cotton and Inflation," printed in the Washington Post of October 16, 1973, be printed in the RECORD.

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

[From the Washington Post, Oct. 16, 1973]

COTTON AND INFLATION

The price of cotton has tripled over the past year, and the textile industry's shrieks of anguish and despair grow steadily more audible. The sudden, shocking leap in cotton prices is owed partly to the Agriculture Department's misguided decision last winter to reduce acreage allotments to keep prices from falling. It is also partly owed to a massive and unprecedented flow of exports that, it turns out, the Treasury Department is subsidizing. The case of cotton sharply illustrates the obsolete policies and official evasions that are grievously aggravating the inflation in farm products.

The price of cotton was 27 cents a pound a year ago. It had sunk a bit over the course of the summer, and the Agriculture Department decided to cut this year's acreage. Perhaps the department was also trying to save a little money. It had promised the White House to cut down the farm subsidy outlays, as its contribution to reducing Mr. Nixon's budget deficit. In any event, the acreage planted in cotton last spring was well below the 1972 level.

Then the export boom got under way, led by tremendous purchases from Japan. In early September, Sen. Herman Talmadge (D-Ga.) called on the administration to impose export controls on cotton. In response, that invaluable organization, Tax Analysts and Advocates, pointed out that the Treasury Department is actually subsidizing the cotton exports under a provision that, in the very different circumstances of previous years, Senator Talmadge himself had forced upon it. The subsidy operates through a device known as the Domestic International Sales Corporation (DISC) which, to put it briefly, is a tax dodge intended to induce manufacturers not to move their factories abroad. Applying DISC to agriculture is, of course, ludicrous. When did you last hear of a runaway cotton field being shipped to Taiwan?

The farmers who sell cotton are not, at the moment, complaining. But it is another matter for the manufacturers who buy it. The textile industry's trade association bitterly denounces the shortages and warns that "the enormous raw material cost increases, unless moderated, inevitably will result in hundreds of millions of dollars of price increases to consumers." The latest Wholesale Price Index, published a few days ago, shows that from August to September the prices of cotton textiles and clothing were rising at the brisk annual rate of 50 per cent.

The sudden export boom is related to the turmoil in the world's monetary system which, as the Wholesale Price Index suggests, has a certain relevance to the way things are going here at home. In the days when the United States kept the value of the dollar artificially high and Japan kept the yen artificially low, a huge amount of dollars accumulated in Tokyo banks. By the time the dollar was devalued in late 1971, Japan's dollar reserves were larger than the U.S. government's. The then Secretary of the Treasury, John Connally, declared that those reserves could not be converted into gold and, in his customary engaging manner, told the rest of the world that they could like it or lump it. The Japanese, it develops, did neither. Like most other holders of dollars abroad, they began converting their dollars into such com-

modities as cotton. The world is now off the gold standard and on what you might call the cotton-soybean-copper standard. If we could design a mechanism to protect the commodities against sudden speculative swoops and pounces, it would be quite a good system.

The Japanese in particular are old and valued customers of the United States. What they are doing in our cotton market is both legitimate and prudent; they are using our markets precisely as our government urged them to do. But their actions are causing great disruptions in our economy. The blame lies chiefly with the Nixon administration, which has committed itself to excessive reliance on agricultural exports to balance our foreign trade accounts. The administration seems incapable of looking more than three weeks ahead into the chains of highly inflationary cause-and-effect that it has started.

The proper policy, in cotton as in all major farm products, would be to publish at the beginning of each crop's year the share of the harvest that we will sell abroad. The administration keeps saying that it will never invoke export controls again. But it is obvious that another crisis like last June's soybean shortage will compel another last-minute reaction like the soybean embargo. It would be more sensible, as well as healthier for our relations with other nations, if we could summon up the courage to set export limits before, rather than after, those limits become necessary.

THE U.N. STUDIES THE MULTINATIONAL FIRM

Mr. HARTKE. Mr. President, the United Nations is currently in the process of studying the effects of multinational corporations on the community of nation-states, with special focus on the developing areas. Because these giant companies transcend the authority of individual sovereign states, their growth is virtually uncontrolled. Although executives of multinational firms claim they only benefit the countries in which they invest, the national spokesmen of these host countries tell a different story of imperialistic adventure and exploitation.

I ask that my colleagues in the Senate pay close attention to the findings and recommendatons of the ongoing U.N. study.

In his testimony before the study group, Ralph Nader pointed out what he considers the present abuses perpetrated by the multinational firms. Disruption of the monetary system, exploitation of cheap labor, and the pollution of underdeveloped countries are just a few. The most frustrating aspect of the problem is the lack of information available. Neither the corporations themselves nor the U.S. Government is willing to supply the public with accurate and in-depth information. For instance, how much foreign tax credit do U.S. firms receive for investing abroad? How much do they legally save by the use of the deferral—that is, not paying U.S. taxes on profits until these gains are repatriated to the United States? The Department of the Treasury as well as the transnational firms refuse to release such figures. I myself have requested this information from the Department of the Treasury months ago and have as yet received no reply.

As stated by Mr. Nader, this type of basic information is necessary for any accurate evaluation.

Mr. President, I ask unanimous consent that a recent article which appeared in the Washington Post be printed in the RECORD following my remarks. The article explains the present activity of the U.N. study group on multinational corporations.

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

MULTINATIONALS CRITICIZED BEFORE U.N. PANEL

(By Anthony Astrachan)

UNITED NATIONS.—A number of witnesses, among them Ralph Nader, made broadside attacks on multinational corporations before a U.N. study group last week.

But the radical of American consumer advocates was not radical enough in his proposals for controlling the giant firms, in the view of two men from opposite poles—a Dutch spokesman for international capitalism and a Chilean who thinks multinationals are hurting the underdeveloped world.

The paradox was typical of the difficulties that characterize any attempt to study, let alone regulate, multinational corporations—companies which now produce at least $330 billion a year in countries other than their home states.

Nader was one of 14 witnesses before a U.N. panel of "eminent persons" that is making a year-long study of the impact of the multinationals in the hope that it will produce new ideas on how to make these giant companies fit into a system that was not designed for them because it was based on nation-states.

Nader accused the multinationals of disrupting the world monetary system by shifting funds among their subsidiaries in different countries, exploiting the labor and "perverting the politics" of developing nations, shifting industrial pollution from their home countries to other states and running "snakepit" mining operations in Asia, Africa and America.

His list of abuses was dramatic, but his proposed solutions were not. Many of them were anticipated in the 195-page U.N. report on which the current study is based. That prompted Sicco Mansholt of the Netherlands, a former head of the European Economic Community's Executive-Commission, to tell Nader that his ideas were not strong enough.

Nader gave highest priority to collecting information about the multinationals. Their power, he said, depends heavily on their ability to conceal or disguise their resources and their actions.

He said that prying out vital information could have an international effect equivalent to the way American consumers forced automakers to recall cars. He urged the United Nations to send questionnaires to all states and to the more than 200 multinationals that have annual sales of more than $1 billion.

Nader suggested 13 questions, among them who owns what land, mineral and other resources in each country, the amount of taxes paid in each country, wage and benefit levels by country and environmental pollution data. He also urged that the United Nations investigate and publicize abuses by the multinationals alleged by "nations or peoples."

Nader gave second priority to individual and collective action by countries to impose conditions on the entry of foreign capital. Such conditions can and do work, according to two witnesses who preceded Nader.

Jose Campillo Saenz, a Mexican official, described his country's new regulations on foreign investment, including a limit of 49 per cent or less by foreign companies in Mexican corporations and rules for the transfer of technology.

Ernst Keller, the Swiss president of ADELA, an investment company headquartered in Peru but owned by 240 shareholders in 23 countries, said that his company accepts a minority holding, creates new enterprises rather than buying existing ones, sells out to local interests after recovering its initial investment and tries to develop indigenous savings, personnel and management.

Some of the U.N. panel members expressed regret that Nader had not been present the first day of the hearings to engage in a face-to-face debate with the five executives of American corporations who testified then.

In fact, the executives tended to support most of the ideas on regulation that Nader later endorsed, although they differed with him on enforcement procedures and denied that multinationals commit the kind of sins he charged them with.

Thomas A. Murphy, vice chairman of General Motors, and Irving S. Shapiro, vice chairman of Du Pont, for instance, both supported an equivalent to the General Agreement on Tariffs and Trade (GATT) that would "harmonize" national policies on investment, taxes, pollution control and the like.

The executives insisted, however, that their companies already contributed to economic and technological development and the health and welfare of the countries where they operate.

Osvaldo Sunkel, a distinguished Chilean social scientist, disagreed. "I get scared, really scared," he said, "when I hear such individuals speak of social responsibility. Who has appointed a small group of individuals to decide the fate of so many?"

Sunkel charged that the basic U.N. report "is unable to see the forest for the trees." The forest which he thought deserved more attention was the way multinationals concentrate so much power that they not only change economies but transform social structures and cultures as well. He called the aggregate of multinationals the "dynamic kernel" of a new "transnational capitalistic system."

Sunkel quoted the U.N. report charge that multinationals follow policies which do not suit the interest of either home or host countries and are in effect transnational. He went much further than the report, however, and said these policies are designed to insure the survival and growth of a transnational segment of the world economy.

This segment, he said, is oligopolistic—tending toward concentration in the hands of a few companies.

The few men who determine the policies of this transnational segment may carry national passports, Sunkel added, but they have transnational functions and transnational cultures and ideologies. These were among the forces he saw transforming societies and cultures around the world.

Sunkel claimed that the multinationals keep themselves growing by innovating products and processes regardless of real consumer need and by tapping potential markets in as many host countries as possible. Both home and host countries encourage this, he said, with research and export subsidies, tax concessions and the like to insure their own economic growth.

He questioned the validity of that growth, however, saying that the multinational corporation "is the most efficient instrument so far developed by capitalism to siphon off resources from where they are most urgently needed, but where there are no commercially profitable possibilities, to where they are least necessary, but where the most commercially profitable possibilities exist."

It is the process, he said, "we get new products and processes, but not the capacity to develop new products and processes."

Sunkel said Thursday that the government of the late President Salvador Allende

of Chile "may have had many failings and committed many errors, but nobody can deny that it attempted to redress this economic and social structure by fundamentally democratic means."

Allende was unable to get the international help that Sunkel thought his effort deserved, and his experiment ended in "a catastrophic collapse of its economic and political systems," he added.

He drew the conclusion that "it is not possible to try to restructure relations of dependence between underdeveloped countries and the transnational capitalist system in a peaceful way."

The U.N. group is charged with finding just such peaceful ways to restructure a system that now seems weighted against the underdeveloped states. Its members did not all share Sunkel's pessimism. But his testimony was moving because the U.N. study had its origins in charges by Allende that the International Telephone and Telegraph Company had intervened in Chilean politics.

After three days of public hearings and five days of closed meetings here, the group will hold public meetings in Geneva in October and a further session in New York in March. Its 18 members do not represent their nations but serve as individuals. The chairman is L. K. Jha, former Indian ambassador in Washington.

TIMBER EXPORT CONTROLS

Mr. PACKWOOD. Mr. President, earlier this year, I introduced legislation designed to counter developments of recent years by which we have witnessed increasingly large volumes of our Nation's timber resources being exported in unprocessed form.

I have felt for some time that, in instances where we have adequate productive capacity domestically to utilize raw materials, we should not, as a matter of national policy, allow the export of that raw material. This is particularly so in the case of timber, a product which requires years to produce and which benefits—either directly or indirectly—from governmental assistance at all levels of Government.

An article in the October 29 Washington Post very capably points out the conflicts inherent in continuing to allow the unrestricted flow of our Nation's timber resources into export. As the author points out, the prevailing condition of our timber export market and the associated problem of domestic supply "seems to be a race between man's industry and his greed."

As is also pointed out in the article, events have conspired against those of us who have urged that we adopt legislation such as that I introduced earlier this year in the form of the Timber Export Administration Act, S. 1033. But, as sure as we are sitting here today, the severe crunch which contributed to—did not cause, but was simply the proverbial final straw—the activity undertaken earlier this year by myself and several of my colleagues will be repeated at some unknown point in the future. So long as this unresolved anomaly—unrestricted exports of raw materials at a time when domestic producers desperately needed additional supplies of raw material to maintain production at necessary levels to meet domestic demand—remains, the controversy will be ever-present. The very real questions of national policy which are contained in the debate over timber export restrictions have not been resolved, they have merely entered a period of dormancy.

All parties which have an interest in resolving this matter will continue to monitor developments closely. As the occasion warrants, recommendations for action will be forthcoming.

I ask unanimous consent that the article to which I have referred be printed in its entirety in the RECORD.

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

LOG EXPORTS STIR DEBATE—WASHINGTON STATE: "TREE FARM" FOR JAPAN?

(By Shelby Scates)

PORT TOWNSEND, WASH.—A bull-dozer's roar and the crash of falling hemlock mingled on a recent day with the morning fog and heavy sea-smell on a bluff above Discovery Bay where Capt. George Vancouver came in 1792 in search of a Northern Passage.

Vancouver had sized it up quickly. There was no Northwest Passage, so the explorer turned his attention to the landscape, "the abundant fertility that unassisted nature puts forth, that requires only to be enriched by the industry of man." It was, he wrote, a land worth claiming for Great Britain as a colony.

Now, a near-convoy of flatbed diesel trucks carries the slender, fallen hemlocks to a ship about 25 miles away for the start of a long and controversial journey across the North Pacific to Japan.

What Great Britain failed to retain, the Japanese, say some, are now claiming. An apparently insatiable Japanese demand and a bullish domestic housing market are consuming this abundant national resource almost as fast as industrious men here can enrich it.

Since Vancouver's explorations, the forests of the Pacific Northwest have seemed as inexhaustible as the waters that tumble out of the surrounding Olympic and Cascade mountain ranges.

But good men are now in sharp dispute or deep puzzlement over the effect of intensive tree cutting on the region's, if not the nation's timber supply.

"Every expert I talk with tells me otherwise," said Rogers Morton on a recent Seattle visit. "But every time I fly out over the Northwest I have a fear in my heart that we are overharvesting our timber.

"No. I'm not convinced of the figures—anybody's figures on the supply situation."

Morton talks about it in a tone of exasperation, and there is little wonder. The statistics on timber supply for the next 25 years—the framework for this dispute—are themselves disputed.

"I have to be honest about it," says Gary Reid, the fourth-generation head of the Simpson Timber Co., "I have to acknowledge how few facts we have about this situation."

The bitter edge of this timber supply debate centers on the export of logs to Japan, which increased from 522 million board feet in 1962 to 2.8 billion feet in 1972, running log prices many times over their appraised value and scores of marginal mill operators out of business.

Those 1972 exports, most of them from Washington forests, would build about 300,000 average-sized American homes, but they also pad our balance of payments and keep the Japanese looking eastward for their economic ties rather than to the abundant forests of Siberia.

To the U.S. State Department, those are enormous considerations, a fact they've made known by word of mouth, if not letter, to interested parties here.

CAN'T FILL BUCKETS

Mill workers can't fill their lunch-buckets on Japanese good will, and they are sharply aware that logs passing through their saws create about four times more work days than than raw longs passing through longshoremen on the way to Japan.

"There's no doubt," says Reid, a lean, thoughtful man who would seem as much at home in a college economics seminar, "that some jobs have been lost, even in recent years, because of the log exports."

He supports those exports, nevertheless, and officials of nearly every other major forest products firm do too. Their common reason is the severely cyclical nature of their industry and the hope —so far justified—that when the domestic market is down, the Japanese market is up.

Their affirmation of log exports is based on the faith, however shaky, that we are not cutting ourselves out of trees, even as we are beginning to burn ourselves out of oil, gas, and in the Northwest—electric energy.

That conviction, however, is not shared by the Western Forest Industries Association, whose members are small mill owners dependent on the federal and state lands for their log supply.

RUN AT CAPACITY

"The mills aren't down yet," says Joe McCracken, of Portland the association's director. "They're running at capacity. But one day there won't be a tree left. All we'll have around here is a sea of stumps."

Rep. Lloyd Meeds (D-Wash.), whose district includes the great Douglas fir forests of the Cascades and Olympics, likens it to the present energy crisis:

"Unless we change our ways, we're going to wake up one day almost out of lumber—and the day isn't long coming."

These men want to stop log exports and start funneling money into the National Forest Service so that it can begin growing trees with the expertise and intensity of a Simpson or Weyerhaeuser.

At the other extreme of this argument is the Weyerhaeuser Co., headquartered, like Simpson, in Washington State. Weyerhaeuser is a timber giant with a staggering $1.67 billion in net sales last year.

Weyerhaeuser's spokesman, the Marshal Foch of the costly campaign for continuing log exports is Bernie Orell, a combative vice president who declares there is no way the United States will run out of timber.

"We're staying within a sustained yield," he said, "The Forest Service has been raising that phantom for more than 50 years. Joe McCracken needs controversy to justify his existence. He's made a living attacking Weyerhaeuser."

Behind this polarization are the timber supply estimates, and the latest are from a U.S. Forest Service report last December.

The most hair-raising projection is based on a continuation of saw-wood prices at 1970 levels. It would make the timber demand 20.4 billion board feet greater than the available supply by the year 2000—clearly a "timber crisis" to match the looming energy shortage.

But even the man who prepared this projection, Don Gedney, a resource analyst for the Forest Service office in Portland, admits it's "unreal" not to expect an increase in those prices.

Given a 50 per cent to 60 per cent price increase, the out look for the year 2000 is for 6.9 billion board feet in available supply over the timber demand.

The gross statistics of timber supply strongly indicate too much consumption. In 1970, the total of all softwood removals in this country was 47.7 billion board feet,

while net annual growth was 40.2 billion board feet.

But these forest service figures for "annual growth" do not include timbers of less than 11 inches in diameter—a considerable portion of the timber harvest in the Southern United States.

What they do reflect is a heavy harvest of old-growth timber, timber past its 30-year to 70-year maturity.

Old growth, by all accounts, is falling fast in the Northwest, but it's of no matter, say the Weyerhaeuser experts, as long as timber is being grown to replace it on a sustained basis.

"My feeling is, yes, we can avoid a timber supply shortage and toss in exports, if there's adequate tree farming on the state and national forest lands," said Dr. Bruce Bare of the University of Washington's School of Forestry.

"But we have to be very careful about keeping the proper balance between the old growth and the sustained yield, or we could wind up with a big timber supply gap."

That gap would occur, for example, if all of the old growth were harvested in a single year, leaving the nation dependent strictly on the timber from new or sustained yield forests. It's not likely to happen.

"The next 25 years will be extremely fascinating," said Gedney. "The old growth will go and the nation will depend on sustained yield.

"I'm not going to argue with Bernie's (Orell) flat prediction that we won't have a serious timber shortage. Frankly, nobody has an absolute handle on the data that goes into these projections.

"My honest opinion is that the truth lies somewhere between Bernie and myself."

But Gedney is certain in one assertion:

"We're not going to have all the wood we want at present prices. There is going to be less wood available to us."

Of more immediate and passionate concern in the Northwest is the effect of this transition and the log exports on jobs.

"I know Weyerhaeuser owns all that timber in Washington state (about 2 million acres)," said Hugh Bannister of the Western Pulp and Paper Workers Union, "but to some extent it also belongs to the people of Washington.

"They deserve to have jobs made out of it. We've seen Weyerhaeuser move its plants to British Columbia and the South. If Washington becomes a tree farm, Weyerhaeuser makes a lot of profit. But when it does that, a lot of people are going down the tube."

The Forest Service employment figures back up Bannister's contention.

With the anticipated increase in mill productivity and the decreasing log supply, the Forest Service figures the number of jobs in lumber, paper and woods products will decline from 121,000 in 1970 to 67,000 in the year 2,000. During the same period, Gedney says jobs stemming from log exports will increase from 1,822 to 2,626.

Gedney attributes about 32,000 of these mill job losses to increased productivity, about 11,000 to decreased timber supply and 7,000 to Japanese exports.

His projections are based on the assumption that the Japanese will increase their demand for logs from the Washington "tree farm."

WOULD SAVE JOBS

"Of course," he noted, "if you ban the exports, you increase the timber supply, so that more than the 7,000 jobs would be saved."

As much as anything, these Forest Service figures set off last summer a battle in the Congress. The main aim was to stop log exports, and the Home building lobby joined McCracken's small mill owners.

Weyerhaeuser rushed full-force to head them off in the House and Senate committee rooms, and won eventualy on skill and strength.

Weyerhaeuser is the General Motors of the timber companies, the leader in the substance, if not the style, of its industry.

Its rape-and-run forest practices are as far behind it as the crosscut saw and double-bit ax.

George Weyerhaeuser, like Reid a fourth generation chairman, is a progressive who sometimes exchanges views with Brock Evans, the Sierra Club lobbyist in Washington, D.C.

"If all the forests were managed like Weyerhaeuser's there be no worry about the timber supply situation," said McCracken. "They are the best."

"George is very smart—and very aggressive," says Gary Reid. "I wouldn't want to cross him."

What giant Weyerhaeuser Corporation wants it usually gets. Two years ago, it wanted a fundamental change in the way Washington State taxes its timber and got its way.

Weyerhaeuser wants to export logs for a reason that is implicit in its 1972 annual report: Log exporting is big, easy, money.

Japanese demand last year resulted in Weyerhaeuser's sale of $250.5 million worth of logs, the heart of a record-high operating cash flow of $301 million. (By contrast, the cash flow of another well-known Northwest timber company was $10 million. It doesn't export, however.)

REGENERATION CAPITAL

The company is quick to note that this cash flow provided the capital for maximum utilization of the logs and regeneration of their millions of acres of forests.

It also financed completion of a containerboard plant in Oklahoma, where labor is cheap, and a pulp mill in Kamloops, B.C. As union leaders are quick to note, this is an erosion of the industrial base in the Northwest.

But, the company's managers and bookkeepers argue that it would not be profitable for the firm (or any other) to retool with finer cutting saws needed to process the odd sized lumber consumed in the Japanese market.

Besides, they argue without blinking an eye at the irony that the Japanese want to protect their sawmill industry.

Nor would it be profitable, they say, to expand newsprint facilities, despite the current shortage.

Something else, however, makes log exports all the sweeter for Weyerhaeuser and other companies. It is the 50 per cent tax break on corporate profits a firm can get by setting up a Domestic International Sales Corporation.

The idea, of course, is to beef up U.S. balance of payments, one of the international considerations that play in this controversy along with the lunch-bucket and the value of timber company stock.

When Sen. Robert Packwood, (R-Ore.,) presented his bill restricting log exports and banning them from federally owned land, Weyerhaeuser went to war. A House bill by Rep. Meeds to limit the annual export to 1.5 billion board feet and to require equal value in the export of finished forest products provided an additional spur.

A kind of war between the lobbyists mercenaries of Weyerhaeuser, led by Orell, and the small mill owners, led by McCracken, ensued in the corridors and committee rooms of the Old Senate Office Building where John Dean, John Ehrlichman and H. R. Haldeman played to millions before the Senate Watergate Committee.

BILL SLIPPED AROUND

Anti-export forces struck first. Helped by McCracken and their Washington lobbyist Joe Miller, Packwood slipped his bill around the powerful committee chairmen from Washington state, where Weyerhaeuser's political influence is mighty, and into the Senate Banking Committee where Packwood sits.

That meant avoiding the Charybdis of Jackson's Interior Committee, and the Scylla of Magnuson's Commerce Committee—a very tidy trick for a bill so heavily tied to commerce and federal lands.

Both Magnuson and Jackson are Democrats. Weyerhaeuser's relationship with Republican Gov. Dan Evans is no less comfortable.

Orell's counterattack pinned its hopes on stalling the bill until a projected late summer drop in housing starts could cool the enthusiasm and the muscle of the home builders, McCracken's allies of expediency.

Weyerhaeuser moved fast, hiring Hugh Smith, an attorney associated politically with Sen. John Sparkman (D-Ala.), a ranking member of the Banking Committee.

They also retained Charls Walker, a former Assistant Secretary of the Treasury, and a one-time (1961–69) executive vice president of the American Bankers Association, which has paid long and careful court to the Banking Committee.

Orell hotly denies Walker was hired strictly to gun down the Packwood bill, but he did recollect that the former Nixon administration official "did some work" on the measure. Others say Walker did a lot.

The battle turned, however, on Sen. Hubert Humphrey's agreement to have a hearing on the bill before his foreign agricultural policy subcommittee—but not until July 11.

Larry Merthan, the Washington vice president of Hill and Knowlton public relations firm and a former legislative aide to Humphrey's fellow Minnesotan, Sen. Gene McCarthy, made the pitch to Humphrey for the July 11 hearing, according to Miller.

It worked. By July 11, housing starts had dropped and the Home Builders were quietly withdrawing from the warfare.

"We don't view Hill and Knowlton as a lobbying organization," said Orell of the public relations firm, which Weyerhaeuser, like several other giant firms with critical business on Capitol Hill, has on retainer.

"If we could have gotten it to the (Senate) floor before July 1, it would have passed," said Miller. "But after the drop in housing starts too many people had an excuse to vote against it. There wasn't any point in bringing it to the floor after that."

SEES FIGHT DOOMED

McCracken agrees. He thinks the coalition Weyerhaeuser worked out with the export-conscious farm bloc during their battle dooms any fight in the immediate future to get a total ban on log exports.

There is a ban on exports of logs cut on federal lands. Significantly, it's placed in the annual omnibus farm bill and subject to year-to-year renewal.

But it is a questionable prohibition, given the Forest Service's limited funds for tracing the ultimate fate of the logs they sell. They could, for instance, be traded several times before reaching a Japanese logship. More likely, they could replace at the sawmill the privately owned timber that's being exported.

There is a common ground among all these lobbyists. At least they pay lip-service to the idea that more money is needed by the Forest Service to apply to regeneration of the forests, if not for police work.

"That is the real key to the timber supply question," said Reid. "It's regeneration—how much land we are able to keep in timber production and how well we use that land.

"I hate to see the old forest go. But if we can get new trees in their place, there'll be more profit—and no shortage of timber."

As Vancouver suggested, it seems to be a race between man's industry and his greed.

THE GENOCIDE CONVENTION: TIME FOR THE UNITED STATES TO REAFFIRM HER COMMITMENT TO HUMANITARIAN PRINCIPLES

Mr. PROXMIRE. Mr. President, the time has come for America to reaffirm her commitment to humanitarian prin-

ciples and to stand by those international treaties which serve to protect basic human rights. One treaty which the United States should immediately endorse is the International Treaty for the Prevention and Punishment of Genocide.

Genocide has been defined as any act designed to destroy a national, ethnic, racial or religious group. Member nations who are parties to the convention agree to punish any person committing an act of genocide, committing an act inciting genocide or engaging in complicity to commit genocide.

The convention also makes provision for the punishment of any person, be he public official or private citizen, who commits an act of genocide. The convention intends for each member country to bring to trial individuals who have committed acts of genocide within their territory. It does not establish a world court, as some have maintained. It does allow for an international penal tribunal, whose jurisdiction has been accepted by the involved parties, to examine cases of genocide. Such a court would not, however, supersede the authorized courts of any nation.

From this brief survey of the basic points of the Genocide Convention it is clear that it would be in the best interest of the United States for us to ratify this human rights document. We must go on record as completely opposed to the monstrous crime of genocide.

INDIANA SMALL BUSINESS OFFICE HONORED

Mr. HARTKE. Mr. President, it is with great pleasure that I offer my congratulations to the director and staff of the Indiana office of the Small Business Administration. Under the able direction of William F. Miller, the Indiana office was named "District Office of the Year" for 1973, by the U.S. Small Business Administration. The annual award is presented to the office which is considered the top office nationwide.

I am especially proud, because this marks the first time that any office in the midwestern region has won the top national award.

Mr. Miller, noted for his efficiency, said that all credit "belongs to the employees of my district office." Their slogan is "Public servants should serve," and in winning this honor they have finally been recognized for their service. I wish that more Government agencies would adopt this motto and follow it as faithfully as Mr. Miller and his staff.

AMERICAN DENTAL HYGIENISTS CELEBRATE GOLDEN ANNIVERSARY

Mr. PACKWOOD. Mr. President, I would like to call the attention of my colleagues to the 50th anniversary of the American Dental Hygienists' Association, being celebrated this month at their annual meeting in Houston. Some 2,000 dental hygienists from across the United States will gather to commemorate the association's golden anniversary, marking 50 years of professional growth and service to the Nation.

The American Dental Hygienists' Association, now some 12,000 members strong, has grown from the original nucleus of 46 dental hygienists who first met in September 1923, to organize and promote the professional concerns of dental hygiene. Since that first meeting, the profession has attained a significant role in maintaining the oral health of the Nation, as well as assumed the basic responsibilities fundamental to every professional organization.

The ADHA, whose headquarters were established first in Washington, D.C., and moved to Chicago in 1958, has fostered organizational growth and dental hygiene educational programs toward the primary goal of providing effective oral hygiene care and education to the Nation. In doing so, the association has developed on various levels: producing its own publications and maintaining working relations with the communications media; sponsoring a loan and scholarship program for students, along with an Office of Educational Services—the ADHA currently counts some 8,100 junior members—student status—among its members; and establishing a Washington office in 1971 to maintain liaison with Federal health programs and monitor legislative concerns.

The association's efforts to affect developing dental hygiene curriculums in educational institutions have resulted in more than 140 dental hygiene education programs being accredited today, with all States having licensed dental hygienists since 1951.

Working with other dental and health-related organizations, such as the American Dental Association, the American Association of Dental Examiners, and the American Dental Assistants' Association, the ADHA has developed various testing procedures and a national board examination in dental hygiene to strengthen the role of the dental hygienist as a member of the professional oral health care team and insure the highest standards of education and training.

The benefits of the dental hygiene profession's efforts have been multiplied by the increased productivity of dentists, who are assisted by specially qualified dental hygienists assuming the responsibility of educating patients in preventive oral health practices. The concept of preventive dentistry is not a new one. Dentists have long advocated and taught proper methods of cleaning and caring for teeth and gums, but the idea of turning over to a dental assistant the primary responsibility for oral hygiene maintenance and instruction was not formalized until the early 1900's.

The dental hygienist of today is engaged in much more than the polishing and cleaning of teeth, although this remains one of the primary functions. With additional training beyond the minimum 2 years required for licensure, many dental hygienists are expanding their functions to include administration of anesthesia and such periodontal disease treatments as curettage, and root-planning—all performed under the supervision of a dentist.

Oral health education to the public continues to be a major concern of the profession, and one of the special efforts in this area is the association's annual participation in the observance of National Children's Dental Health Week, usually occurring in February. Dental hygienists are involved as well in community public health activities year-round to promote better oral hygiene and teach preventive dental care techniques.

One cannot fail to see the evidence of the dental hygiene profession's continuing efforts to improve oral health care delivery and education. While the profession has achieved a significant level of identity on the dental health team, dental hygienists are by no means relaxing their efforts to make the public more aware of their specialized function. They continue to be involved with dental health concerns at all levels—local, State, national—and to strive to better serve the Nation's oral health needs.

It is with great pleasure that I bring to the attention of all Senators, and join with the ADHA and dental hygienists all across the Nation in marking this golden anniversary of professional service. I applaud your efforts to promote good oral health as an integral component of total physical well-being.

NEW ATTORNEY GENERAL AND VICE PRESIDENT SHOULD BE QUESTIONED ON PRESIDENT'S SUBORDINATION TO LAW

Mr. PROXMIRE. Mr. President, does the President have the power to terminate by executive fiat a criminal investigation or a prosecution involving himself? If the President commits a crime—and I want to stress the if part of this question—while in office, is he in effect immune from prosecution, because as Chief Executive he has the inherent power to control everything done within the executive branch?

If a court proceeded with a criminal trial of an incumbent President and he was found guilty, would the President have the power to pardon himself?

If a President resigned his office while under investigation, would his successor have the power to terminate the investigation? Would he do so?

Events are moving so swiftly, with scandals and hints of new scandals involving the White House tumbling over one another, that it is difficult and not pleasant to look ahead and try to anticipate new problems. But it is important that we do just that. Congress is now considering the nomination of a new Vice President and it is likely to be considering nominations of a new Attorney General and possibly a new special prosecutor for the Watergate affair in the near future.

On October 5, Robert H. Bork, as Solicitor General, filed a memorandum of law in response to the Vice President's court motion asserting immunity from criminal prosecution unless he was first impeached and removed from office. The Solicitor General properly opposed this motion, but in arguing that the Vice President does not have such immunity he advanced the dubious proposition that the President does.

Mr. Bork stated in his memorandum of law:

The Framers could not have contemplated prosecution of an incumbent President because they vested in him complete power over the execution of the laws, which includes, of course, the power to control prosecutions. And they gave him "Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment," a power that is consistent only with the conclusion that the President must be removed by impeachment and so deprived of the power to pardon, before criminal process can be instituted against him.

The implication of Mr. Bork's position, if I interpret it correctly, is that the President is immune from prosecution unless impeached and removed from office, because he has "the power to control prosecutions" and he also has the power to grant reprieves and pardons. Therefore, the President could simply shut down a prosecution directed against himself, or if he failed to do so and he was prosecuted and convicted of a crime, pardon himself.

In my judgment, this argument is nonsense. It places the President above the law, so long as he is President, and reads into the Constitution something that is not there.

Mr. Bork, of course, is now the Acting Attorney General and he is in the process of selecting a new special prosecutor to replace the one he fired on orders of the President.

I strongly urge the Senate Judiciary Committee to raise the questions I have posed at the appropriate times, when confirmation is sought for a new Attorney General or a new special prosecutor. I would also hope that similar questions would be put to the Vice President-designate when he testifies in his confirmation hearings. It is important to know at the outset, before Congress votes on his nomination, whether the man who might some day succeed to the Presidency adheres to Mr. Bork's view about Presidential immunity from criminal prosecution.

This line of reasoning would give to the President, in effect, a license to engage in criminal activities. He would have the assurance that he could stop any investigation or prosecution of himself so long as he was in office. The Justice Department would be barred from taking action even if the evidence that crimes were committed was overwhelming.

Members of Congress do not have such immunity, judges do not have such immunity, Cabinet members do not have such immunity, the Vice President does not have such immunity, and I do not believe it was ever intended that the President have such immunity.

I. F. Stone, with his usual perception and insight, explored some of these questions in an article printed in the November 1, 1973, issue of the New York Review of Books. I ask unanimous consent to print Mr. Stone's article in the RECORD at the conclusion of my remarks.

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

AGNEW'S SUCCESSOR: WHAT NIXON FEARS
(By I. F. Stone)

WASHINGTON.—Before Congress approves Agnew's successor, it ought to find out what commitments he may have made to protect Mr. Nixon from the law when the latter leaves office.

Everybody has been asking whether, in choosing a successor, Mr. Nixon would be swayed by the good of the country or the good of the Republican party. An altogether different consideration may outweigh either, and that is the good of Richard Nixon as the central figure in several ongoing criminal investigations, among them Watergate, the Ellsberg break-in, and the ITT affair.

The good of the country called for a caretaker nomination of unimpeachable character—how that phrase has changed overnight from a cliché to a painful need! The good of the Republican party called for an appointee who could be built up into a winning candidate by 1976. But Mr. Nixon's own interest is in a successor he can count on to use all the powers of the Presidency to protect him in any litigation or prosecution after Nixon leaves office. To put it plainly, Mr. Nixon needs to make sure that his successor will not treat him as he treated Agnew—as expendable.

There are at least three spheres in which the presidential powers of his successor can be exercised to Mr. Nixon's benefit. One is that of the tapes.

Let us suppose that the Supreme Court eventually upholds the subpoenas of Special Prosecutor Cox or the Ervin Committee, or both, and that Mr. Nixon refuses to hand the tapes over on the excuse that the decision is not "definitive," a word for which the Chief Executive refuses to supply a "definitive" definition.

These tapes are the property not of Mr. Nixon personally but of the White House. Their confidentiality, if any, is a function of the office and not of the man. When he leaves the White House, will his successor keep the tapes in custody or turn them over?

Mr. Nixon can decline to hand over the tapes even on trial by impeachment. Should he be removed by impeachment or resign or serve out his term he might still be prosecuted afterward for conspiracy to obstruct justice or for some other crime. Such prosecution might be facilitated if his successor decided that the Supreme Court had to be obeyed, and handed over the tapes.

The two other areas in which the new appointee could protect Mr. Nixon when he leaves office lie in the President's power as the country's chief law-enforcement officer and in his power of pardon. The former includes his control not only over the Department of Justice but also over the Internal Revenue Service. The latter is important because of the unexplained questions about Mr. Nixon's income taxes and the public funds expended on his private homes.

Mr. Nixon's view of these extensive powers can only be described as crass. This has just come to light in the Memorandum of Law which his solicitor general filed on October 5 with Judge Hoffman. This disputed the Vice President's claim that his office gave him constitutional immunity from prosecution for any crime unless first impeached and removed from office. Agnew's claim in this was exactly the same as Nixon's. The solicitor general had to walk the tight rope of rebutting the Vice President's argument without impairing the President's.

This called for quite a feat. There is nothing in the Constitution or in the debates of the Framers and of the ratifying Conventions that draws any distinction whatsoever between the two offices in this respect or indeed between the President's position and that of any other civil officer, including federal judges, several of whom have been convicted of crimes without first being impeached. The solicitor general did not cite a single specific authority for any such distinction.

What the solicitor general had to fall back upon can only be described as a naked cynicism. This finally appears as the culmination of a tortuous and tortured argument on page 20 of the twenty-three-page memorandum. Here is what it says:

"The Framers could not have contemplated prosecution of an incumbent President because they vested in him complete power over the execution of the laws, which includes, of course, the power to control prosecutions. And they gave him "Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment," a power that is consistent only with the conclusion that the President must be removed by impeachment and so deprived of the power to pardon, before criminal process can be instituted against him. A Vice President, of course, has no power either to control prosecutions or to grant pardons."

What this says, in other words, is that it is impossible in practice to prosecute a President for any crime he commits in office because he controls the prosecuting agency, the Department of Justice, and even if convicted could pardon himself. This fits the Nixonian jurisprudence perfectly, but it misreads the letter and the spirit of the Constitution.

Article II, section 1, does not simply give the President "power to control prosecutions." What it says is that "he [the President] shall take care that the laws be *faithfully* executed" (our italics). To use his power to prevent prosecution when he himself was accused would hardly be the *faithful* execution of the laws. Nor was "Power to grant Reprieves and Pardons" ever intended to be used by some future Chief Executive to pardon himself.

Three pages earlier the Memorandum of Law, in spelling out the awesome array of powers wielded by the President, included those of the commander in chief. The solicitor general might just as well have argued that it was impossible to remove a President even by impeachment since he could, if he chose, use his military force to dissolve Congress as Cromwell did Parliament, and rule by decree.

The solicitor general was talking not law but power; he was expounding Machiavelli not Madison. The only difference between the President and the Vice President in this respect is that the former, *if he chooses to be unscrupulous*, can get away with it. Get away with it, that is, as long as he remains in office and as long as he is firmly supported by his successor. This dictates a choice Nixon can not only control but hope to elect in 1976.

A President whose solicitor general bases his immunity from prosecution on doctrine so repugnant to constitutional government is a President who seems to be afraid of facing the normal processes of trial, as Agnew was when he resigned. Such a man in the White House must strive to be certain his successor will protect him when he leaves office, or at least stand by to pardon him if convicted. Governor Connally has already tried to qualify for the succession in a statement on September 10 launching a national speaking tour. He then declared even more baldly than Nixon that a President has the right to disobey the Supreme Court in such cases as that of the Watergate tapes.

It is the duty of Congress to question Nixon's nominee about whether he has discussed these contingencies with Nixon and to explore the questions raised by Connally's statement. Otherwise the new appointment may itself be another—and major—step in a continuing conspiracy to obstruct justice and to found a new line of presidents who like Nixon may feel free to place themselves above the law.

ADDRESS BY GEN. CREIGHTON W. ABRAMS

Mr. GOLDWATER. Mr. President, the Chief of Staff of the U.S. Army, Gen.

Creighton W. Abrams, spoke at the annual luncheon of the Association of the U.S. Army on Tuesday, October the 16. General Abrams is one of the most perceptive men we have in uniform whose long, broad experience makes it possible for him to speak on subjects which are of interest to the whole country. I found his discussion so vital and so to the point and so interesting that I want to make it available to my colleagues. Therefore, I ask unanimous consent that the general's speech be printed in the RECORD.

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

AMENITIES

It is a pleasure for me to be here, among so many friends and thoughtful critics of our Army. It is a rare opportunity indeed, for me—or for any officer in the United States Army—to be able to talk directly with so many of our Nation's business, civic and military leaders. And since you are the Army's most valuable friends—as much for your wise counsel as for your staunch support—I appreciate this chance to tell you how I see the Army today, and how it fits into the world picture.

The environment today is a difficult one for the country's security. The word "detente," which for some people evidently colors everything rose and turns their perceptions away from even obvious threat, has gained some currency.

"Detente" is expressed by some as a fact;
It is applauded by others as a policy;
It is saluted by still others as a new era;

And it provides the basis—at least the semantic basis—for some who would reduce military capabilities to what I believe would be a dangerous level, some who desire that we withdraw out of hand large numbers of troops deployed in Europe against very real and very capable opposing forces, and whose philosophies discourage young men and women from serving their country in its Armed Forces.

I think it's fair to say that we may have a period of the beginnings of detente—but we do not have world peace. For some people, the fact that we, ourselves, are not at war may be peace enough. But unless we can lessen the threat of war everywhere in the world, we cannot have a stable, durable peace on which we can depend. Detente means only that the tension between countries in the world may in some way have decreased. This is a matter of quality and degree.

Detente is also an idea, a perception of intentions among countries. As such, it is not an objective fact. It can change as quickly as perceptions change. But we must deal in facts—in the reality of power, of capability, of strength—when we are addressing the Nation's security. We should not cast off the dream of peace—God help us if we lose that vision. We should not ignore the hope that possible detente offers, and all the benefits it could bring. But neither should we lose sight of the real threats and the real dangers where they exist, and of our need to be prepared for them.

Our country can seek to reduce certain kinds of tension with other countries by various actions and efforts—diplomatic, economic, psychological, cultural, and so on—and it can seek to reduce these tensions by varying amounts. But an underlying assumption of detente is that the nations concerned can reach some agreement on how tensions will be reduced and by how much. What happens if a nation or group of nations is threatened and satisfactory agreements cannot be reached gets little attention in the enthusiasm of some for the perceived initial success of detente.

We have made progress in strengthening diplomatic communication with other countries which might have been considered potential enemies. We have increased cooperation and trade with them, as the result of diplomatic agreements. On their own fairly restrictive terms, the countries behind the Iron and Bamboo Curtains have become somewhat more open to us, though of course not nearly as open as our country always has been—so we're not exactly at parity on cooperation and openness.

We do not, however, have world peace. We do not have peace in any Utopian sense. Nor do we have peace in the down-to-earth sense of a greatly lessened need for our own military forces. What we find instead is that as our involvement in the war in Southeast Asia diminished, we cut back our forces, brought troops home, terminated the draft, and otherwise reduced our strength. Today, less than a year after the last U.S. ground combat forces were brought home from Southeast Asia, our Army is less than half the size it was at the peak of our effort there. We are many divisions smaller, and we have fewer weapons and less equipment. These are the facts and realities of our capability in this period of detente.

It is also interesting to observe that we are the only major power to have reduced our forces in Europe in the past decade. The Warsaw Pact nations, and the Soviet Union itself, have not reduced their forces. The fact is, in past years, the Warsaw Pact forces have grown steadily and at a rather impressive rate. On the other side of the world, I am not aware of any reduction in the size or effectiveness of the armed forces of the People's Republic of China, as trade and diplomacy continue. Their forces have become steadily larger and more capable, though in some ways their strength is harder to measure. Again, possible detente—but not assured peace. And again, the delicate balance of hope and reality.

In my period of service, which includes the span of three wars, I can tell you that I don't need or want any more war—but then I could have made the same statement a month after I arrived in Europe in 1944. Nobody in his right mind welcomes war, especially those who have seen it. The carnage, the destruction, the pain are beyond telling. But the less prepared we are, the more wishful our thinking, the greater the costs of war when it comes. I came into the Army in 1936.

We were a horseback and rifle Army in a country that was still largely convinced that we couldn't have another World War. The idea that we had ended the possibility of war at Versailles blinded many of us to reality. We had heard that there was a German Army, and that they had been building and maneuvering with tanks, and that the Luftwaffe was flying fighter aircraft far more capable than our Air Corps', but we ignored the facts in our desire for peace—until we were forced into action. And you know what happened. We did not prepare. When we could no longer avoid it, we got thrown into a huge war in Europe, unready, ill-trained in many respects, saved only by distance and the time our Allies' efforts bought for us. In the Pacific, we relentlessly avoided Japan's clear warnings of her capability, and even of her intent. We have Pearl Harbor and Bataan to remember for our complacent outlook. The cost was dreadful. In Europe, in Africa, in the Pacific we paid and paid and paid again—in lives and in blood—for our unpreparedness, for our insistence that because our shores were not under direct explosive attack, we were at peace.

When the war ended, we erased history again. We pretended that guaranteed peace was at hand. We were so anxious to achieve the dream of peace that we closed our eyes to the facts of capability, to the reality of threat. We cut back our Armed Forces to nearly nothing, and allowed our strength to dissipate. The United Nations had made war obsolete, some were convinced.

When the Korean War broke out, the situation was not much different than it had been in the opening days of the Second World War. We were not prepared. We were not adequately trained. We were not equipped. But we entered the war rapidly, throwing half-ready units in to buy time for the Army to get ready. And again, we paid dearly for our unpreparedness during those early days in Korea with our most precious currency: the lives of young men. The monuments we raised to their heroism and sacrifice are really surrogates for the monuments we owe ourselves for our blindness to reality, for our indifference to real threats to our security for our determination to deal in intentions and perceptions, and for our unsubstantiated wishful thinking about how war could not come.

These costs of our unreadiness, in just the years I have been in the Army—in the span of just one man's career—can be charged off to the desire for peace, the hope for detente, the faith in the good intentions of those who later became our enemies. The desire, the hope and the faith were accompanied by an unwillingness to face the facts, to grasp the reality of enemy capabilities, and a reluctance to invest the far lesser price for the preparedness, strength and clear resolve it would take to preserve that peace.

Here we are again.

The end of our involvement in Southeast Asia puts us back into a familiar frame of mind: "Ignore the threat, and it will go away"; "We can avoid war, if only we will stop arming ourselves for war"; "Nothing is worth the cost of another war."

In this period of possible detente—not real peace, but possible detente—we are opposed by formidable strength. We face, at various places around the world, strong and capable adversaries, becoming stronger all the time.

These are facts. As our relations throughout the world improve, we should consider that we have more and more to gain by preventing another war, and the only way I know how to do that, the only way that has worked in the past, is by maintaining our own strength, our own capability and our own resolve to defend our security, our freedom, and those of our Allies.

A credible and effective fighting force is not wasted if it is not actually called upon to fight. In fact, fighting may be interpreted as a failure of deterrence. Again and again in recent history, the fact that one nation had a credible force in being and the apparent will to employ that force against another were sufficient for that nation to protect its interests or obtain its goals without war. Our past enemies knew this, and gained great silent victories by forcing alliances, imposing neutrality, creating satellites—often by mere threat of force alone. The nations that were not prepared to fight, or which had advertised that they would not fight, did in fact avoid the fight—but they did so by gross accommodation, sometimes at the sacrifice of their freedom.

And so for the Army today, this means we must be ready, prepared to stand for the country. We must have effective, potent and credible strength to defend the Nation's security and its freedom. Insuring that the Army is prepared is my most fundamental duty and is the Army's primary mission at all times. It is the Army's mission today.

If the Army is to be prepared to meet the challenges it faces, it must consider not only the spirit of possible detente, but also the very real capabilities of potential enemies. If the arrangements of possible detente mean that forces on one or both sides can be reduced, thereby lessening the fact of mutual threat, so much the better. With an actual reduced threat comes the increased chance for the real peace we all desire. But to arbitrarily reduce our own capability—either intentionally or through unwillingness to invest in preparedness—because we think we know a potential adversary's intentions,

is the kind of head-in-the-sand posture that has cost this country so dearly so many times in the past.

For the Army to be prepared, we must, of course, have good people. We must have good leadership and a lean and effective fighting structure. We must have a high state of training and discipline, and the right kind of weapons and equipment—we must have all these things. There is something beyond these factors, however, beyond the countable, measurable indicators of preparedness. The intangible is spirit. A "ready" spirit is a precious commodity: in the individual soldier, it shows up in increased alertness, in a willingness to try harder; in a small unit, it brings improved coordination, teamwork and discipline; in the Army as a whole, it gives credibility to our strength. By our credible strength we assure our friends and deter our enemies in the interests of peace. So naturally we do everything we can to foster and develop this spirit.

We hold and nurture and support this precious spirit everywhere in the Army, and we anxiously look for it elsewhere in the country. For this spirit of readiness cannot be sustained by the Army alone.

It must have its roots in the rest of the country, or it cannot survive. There must be clear evidence throughout the country that we, as a Nation, are prepared, that we have the spirit and will to do what is necessary to defend the country, and to insure its well-being. We must hear the people express their determination to support the efforts of their Army to meet the needs of the country, and to avoid the terrible costs of being prepared too late or not at all. The spirit of preparedness must resound so that any potential enemy can discern it, and can see that he can set out on no cheap adventures at our expense.

Our country can avoid war only by showing clearly that, while anxious to avoid war, it is willing and able to fight, if necessary; that within this Nation abides the will to fight for its security and its interests. We must be able to demonstrate that we are prepared to defend ourselves and what we stand for, that we will fully honor our commitments, and that we will stand up to any enemies.

We cannot do this from the reclining position. We cannot say, "If you start something with us, we will spring to arms," for there will be too little time to begin to get ready. We must be far more committed, far more dedicated, far more prepared than that.

Each time we have faced major war unprepared, we have barely gotten ready in time. In World War II it was months before we could act; in Korea it was weeks. In future wars, we will have only days to get ready. The costs of our being unprepared in the past have been atrocious. The Army is doing everything in its power to see to it that we do not have to pay that exorbitant price in lives and treasure again. With your support, we should not have to pay that price again.

I have faith in this country, and in its people. And of course, I have faith in our Army. We have met challenge upon challenge, at home and overseas, in ways that only a Nation of great spirit could have met them. We can continue to meet these challenges if we are prepared for them, if we have the will to face them resolutely before they overtake us.

If we set ourselves to the task of preparing for war if it comes, of being ready to meet the challenge of war before it is upon us, we shall be achieving the real peace that men everywhere can understand, and that nations everywhere can respect.

PROPOSED OFFICE OF SPECIAL PROSECUTOR

Mr. STEVENSON. Mr. President, I am pleased that 10 Senators have cosponsored the legislation I introduced last Tuesday to provide a firm statutory basis for the Office of Special Prosecutor.

Nothing more convincingly demonstrates the need for immediate enactment of that legislation than certain remarks made by Gen. Alexander Haig and Prof. Charles Alan Wright on October 23, the very day on which Professor Wright had earlier advised Judge Sirica that the President would comply with the final, binding order issued by the court of appeals.

After leaving Judge Sirica's courtroom, but before arriving at the White House Briefing Room for the press conference, Professor Wright told the press that this President does not defy the law. The ensuing press conference sheds considerable light on the attitude of the President and his closest advisers toward the law. General Haig on two specific occasions during the press conference stated that the Stennis compromise constituted a "single exception" to the President's absolute policy of suppressing Presidential papers. There was no indication whatever that the President was prepared to comply with subsequent court orders.

General Haig also addressed himself to Mr. Cox's insistence on access to the court to secure Presidential papers that Mr. Cox considered relevant to his investigation. General Haig commented that Professor Cox's position "did not represent the kind of cooperative effort we hoped to receive from him." Referring to President Nixon's order that Mr. Cox cease further efforts to secure evidence through the established processes of law, General Haig noted that almost all Americans would agree that under those circumstances the President had "to fire the individual in the executive branch who refused to obey a legitimate order".

Why did the President decide to comply with the one order already entered? Both General Haig and Professor Wright make it clear that the reason was not because that was what the law required, but rather because public opinion had been turned against the President through a series of distortions.

Under these circumstances, Professor Wright's assertion that this President does not defy the law should be modified. It would, in my judgment, be more accurate to say that this President does not defy the law when the Attorney General, the Deputy Attorney General, and the special prosecutor leave the Government in protest over an attempted defiance of law, the public expresses its outrage in the strongest terms, and the White House Republican leaders inform the President that he cannot count on their further support if he persists in his defiance.

Mr. President, I ask unanimous consent that the full text of the Haig-Wright press conference be printed in the RECORD.

There being no objection, the text of the press conference was ordered to be printed in the RECORD, as follows:

PRESS CONFERENCE OF ALEXANDER M. HAIG, JR., ASSISTANT TO THE PRESIDENT, AND PROF. CHARLES ALAN WRIGHT

Mr. ZIEGLER. Ladies and gentlemen, in light of today's events, I thought it would be worthwhile to have Professor Charles Wright, who has been consulting with the White House Counsel's Office, to come before you today to make some remarks and take some of your questions, and also the Assistant to the President, Al Haig, who has participated in the events of the past week, together with other members of the White House staff.

First, before we go to their remarks and give them an opportunity to answer some of your questions, I would like to announce that tomorrow night at 9:00 p.m., Eastern Time, President Nixon will address the Nation on the recent events, including today's decision. The President's address will be carried on live television and radio.

I think we will begin with General Haig, who can outline for you, first of all, some of the events of the past week that led to this decision, and then Professor Wright can discuss some of the matters relating to the court procedures and then we can go to questions for a while. General Haig.

General HAIG. Ladies and gentlemen, what I thought I would try to do this afternoon is try to put some perspective on what one journalist has referred to as the fire storm, and try, to the degree I can, to present to you and the American people some of the considerations that led up to the events of this past weekend and culminated in today's Presidential decision, and in doing that I think it is quite important that we go back in time a bit to a period of the weekend before last.

It was at this juncture that the President, after very careful consideration and full consultation with his advisors, especially those on his legal staff, determined that he would make a herculean effort to resolve what had become a highly profiled and extremely controversial issue; that is, the issue surrounding the data and the information contained on the Presidential tapes of conversations which took place with various individuals in the President's office here in the White House and in the Executive Office Building.

Now, there were two factors that led the President to conclude that the time had come to resolve this very, very controversial issue. One of them involved the domestic scene itself, and the storm of controversy that raged around this issue.

I don't think it requires a blueprint for this group here to emphasize that the issue itself had progressively begun to polarize our body politic. Lines were clearly being drawn both within the Congress, within the media, and I think to a large extent within the viewpoint of the American people themselves.

There were such tales being bandied about that the recent nomination of a new Vice President would be held hostage to a Supreme Court decision on the tapes issue, and they wanted the President to defy the court, and we would move with an impeachment against the President, and with no Vice President there would be a turnover of the Government to a party which did not win November's election.

These kinds of considerations, and the realization on our part here that the period of time between the decision of the appellate court and the adjudication of this issue by the Supreme Court would result in even more intense political line-drawing, more intense

disunity and more intense doubt and conflict here at home, that was certainly a major consideration in the President's determination to try to find a solution in the interest of the overall good of the American people.

Now, there were also international implications of some gravity which led to this Presidential decision. I want to say this very carefully and very precisely, but certainly, certainly any foreign leader, whether he be friend or potential foe, must in a period of turmoil here at home make his calculations without the unity, the permanency, the strength and resilience of this Government in a way that had to take consideration of this tape issue into mind.

Now, what I am not saying, gentlemen and ladies, is that the tape issue brought about international crisis of any kind or was, perhaps, the cause for the Middle East tension which was resolved so happily in recent hours. But what I am saying is that any foreign leader who assesses this Government and its relationships with this Government, whether it be in negotiations or long-term assessments, has got to perceive that the degree of unity and effectiveness of this Government is a key factor in those calculations, and indeed it is; it always is.

So for these two fundamental reasons, and no others—no others—the President decided that he would make this effort last weekend. So on Monday we discussed, as the former Attorney General stated in his press conference today, a number of options, all designed to prevent a constitutional confrontation some three or four months down the road, with all of the debilitating bleeding and controversy that would have accompanied it in the interim.

This is precisely what resulted in the proposal that was presented on Friday night to the American people. It was at that time, on Monday, that the President decided that he would turn over the controversial tapes to an individual of his selection who was peculiarly qualified to perform this task and to permit him to listen to each and every syllable contained in those tapes as repeatedly and as long as that individual felt it was necessary to ascertain that a third-person transcript which would be prepared and in his hands was a precise, thorough and accurate reflection of the contents of those tapes.

Now, that proposal was discussed with the former Attorney General in detail, and met his criteria for a very reasonable solution to the dilemma.

On Monday afternoon we obtained the agreement in principle of Senator Stennis to take on the task of authenticator, if you will. Why Senator Stennis? There are really four fundamental reasons that he was selected by the President for this task.

First, no individual within or without the Government of the United States is more highly qualified than Senator Stennis to assess the national security implications of the contents of these tapes.

Secondly, Senator Stennis—and I am not setting these priorities in order of their merit—is an individual of impeccable reputation for objectivity, honesty and integrity.

Third, Senator Stennis is a former judge and is highly qualified in law.

And finally, those with partisan views would certainly welcome the selection of a Democrat, albeit a Southern one.

For all of these reasons, the President felt that Senator Stennis was highly qualified and, indeed, we were very grateful that the Senator, despite his recent physical problems, patriotically and selflessly agreed to take on this very difficult and tedious task.

Now, having gotten Senator Stennis' agreement, the Attorney General expressed a desire—we have attempted to negotiate a settlement with Professor Cox prior to the apellate court decision, through our White House counsel—the former Attorney General expressed a desire to take up the task of attempting to acquire Professor Cox's acquiescence in this compromise proposal.

He spent the period from Monday evening until Thursday evening at this task, but it became quite apparent to all of us involved by Thursday evening, upon the receipt of a written counter-proposal from Professor Cox, that this compromise did not meet the criteria he had set for himself.

I say this both in the context of the selection of Senator Stennis as the sole individual to authenticate, a number of other technical concerns that Professor Cox expressed in his written document, counter-proposal, and thirdly, the issue mentioned by the former Attorney General this morning in his press conference, and that being the issue of Professor Cox's strong desire to have the ability at some future date, as a result of his ongoing investigations, to pursue through juridical channels access to additional tapes and personal memoranda covering private conversations of the President.

Now, having viewed Professor Cox's request as one that did not represent the kind of cooperative effort we hoped to receive from him, and having made one more formal try on Friday morning through an exchange of memoranda between Professor Wright and Professor Cox, we then met—that is, the President's counsel, Mr. Garment, Mr. Buzhardt and Professor Wright, myself—with the Attorney General, and we concluded at that meeting that with or without Professor Cox, we should attempt to resolve this dreadfully controversial issue by proceeding with the proposal providing Senator Ervin and Senator Baker would agree. The result would be the turnover of the product of this effort to both the courts and to the Senate committee in the persons of Senators Ervin and Baker.

Having determined this, and it was the assessment of all of those involved here in the White House that general agreement had been arrived at Friday morning, we set in train the chain of events which brought us to Saturday evening's fire storm, and that is, we requested that both Senators proceed from out of town Friday afternoon to a meeting with the President where the compromise was discussed in detail and where both Senators, I think in a most selfless, patient and patriotic way, agreed to try to make this thing work.

And so, on Friday evening, this announcement was made concurrently and with the President's viewpoint that he was indeed departing in a fundamental way from a very strongly held conviction that he, as the President of the United States, has the obligation and responsibility to preserve the balance of power between the three coequal branches of the Government as it pertains to a protection of confidentiality of Presidential discussions. With the full realization that this was a single exception that he would make in the national interest, he instructed the Attorney General to inform Professor Cox that we were going to proceed, but that henceforth Professor Cox would refrain from requesting, through judicial channels, additional — additional — personal Presidential tapes and memoranda covering private discussions of the President himself.

Now, there was your substantive dilemma, gentlemen. Having received this instruction, and, in fact, somewhat earlier that afternoon the Attorney General did express some reservations about that aspect of the proposal.

Be that as it may, on Saturday morning we learned here in the White House that Professor Cox was convening a press conference for 1:00 o'clock Saturday afternoon. Now, on Friday night, when these events drew to a conclusion, we all assumed that Professor Cox had three options, or four, depending on the variance that you care to discuss.

First, he could have said, "I have acquired the information which I have subpoenaed which is necessary in my view to bring these cases to litigation."

Secondly, he could have determined that the prohibition which would not grant him carte blanche to request further tapes or personal Presidential memoranda was not acceptable. Had he chosen that option, he could have resigned, with all of the implications that that would have had for the participants and for the American people to digest and make their own judgment with respect to the validity of that course of action and the course of action pursued by the President.

An option of that is, he could have delayed. He could have waited, and perhaps waited until further justification developed for a resumption of his needs, should they have developed.

Or, as he finally selected to do, he could appear before the Washington press corps and directly rebut and challenge the President of the United States.

Having done that, I think few Americans will argue that any President faced with this kind of a dilemma can only act as President Nixon did, and that is to fire the individual in the Executive branch who refused to obey a legitimate order, and that is precisely what ensued.

Now, as Elliot Richardson said this morning, it was in the face of this action, and the personal dilemmas that he, himself, was then faced with—that is, being the instrument of the separation of Professor Cox—that he informed the President on Saturday afternoon that he could not serve as that instrument. A similar situation, with somewhat different background, justified Mr. Ruckelshaus' parallel decision.

Now, gentlemen, that is the sequence of events that led us to the fire storm of this weekend, and this morning, after assessing all of the considerations and the outcome of those actions, which were not pre-planned, not desired, and indeed, I think probably not very well visualized on Friday morning by all participants, this is the setting in which the President entered the Oval Office this morning.

I don't have to describe for you some of the backdrop of this morning's atmosphere, but that being true, and having experienced an additional week of some fairly high tensions in our international business, the President concluded, after very painful and anguishing discussion with me, with his counsel, that the circumstances were sufficiently grave in the context of our national attitudes on this issue, which I must say in my view have been subject to a great deal of misunderstanding, a great deal of misinformation over the past weekend, but in the light of this situation, the President decided that he would abandon, on this occasion, these very strongly held and long held convictions that he, as President of these United States, has the obligation, indeed, to protect the rights and prerogatives of this office, not only for himself but for subsequent Presidents in our upcoming history.

Having made that decision, he instructed Professor Wright, sometime around noon today, to inform Judge Sirica at 2:00 p.m. this afternoon, at Judge Sirica's hearing, that the President would indeed comply with Judge Sirica's decision, as modified by the appellate court, and turn over the tapes for in camera inspection to Judge Sirica.

Now, there have been a number of terms used to characterize the President's decision. I, for one, having worked very closely with him throughout this week's period—I know someone said to me before I came here, "You are going to miss the excite-

ment and danger of professional soldiering," and I would tell them today that if our maelstrom ever develops heroes, it is the politician and the political combatant who really deserve the medals.

Be that as it may, I would like to leave you with my conviction that what the President did today in a most painful and agonizing way is to make this single exception to his held conviction, and to do so in a way that in the very near future the truth of an issue which has long anguished all of you and many American people will be resolved. I am confident it will be resolved along the lines that the President has repeatedly articulated to the American people as factual.

Now, I think I have said enough and I will turn it over to Professor Wright.

Q. Are we going to get to question General Haig before he leaves?

Mr. ZIEGLER. Yes, we will proceed with questions as soon as Professor Wright finishes.

Professor WRIGHT. And I am not going to delay you unduly, Miss McClendon, I hope, in getting into questioning, but merely to add a very tiny bit from my own perspective of these traumatic events.

I spent the first half of last week, while these negotiations Al has talked about were going on, in Austin teaching my classes, preparing a petition for certiorari that I fully expected to file on Friday. Indeed, the petition was in print. It would be an interesting memento. I have actually not seen a copy, but the decision was not finally made until 6:30 Friday night that we weren't going to file it. We even had a check for $100 to the Clerk to pay the filing fee all ready to go.

I was not aware at that time of compromise negotiations, and when I was informed of them when I got up here at 2:00 o'clock Thursday afternoon, I was astonished that the President was willing to make such reasonable, indeed I think an extraordinarily generous proposal. Having been privy to the President's thinking throughout the summer, I know how very deeply he values the principle of confidentiality, and that only the most persuasive evidence to him that the national interest required a limited intrusion could have persuaded him to make that proposal. Clearly, we all did miscalculate Friday night.

I see in the room a former student of mine who dropped by my hotel room about 10:30 Friday night when I was about to collapse exhaustedly into bed, and as he can tell you, my mood was euphoric. I checked out of the Madison Saturday morning, thinking I was done with White House employment forever; that the American people would give a tremendous sigh of relief at the thought that now we are going to hear what is in these tapes and now we are not going to have a constitutional crisis.

Obviously that was a miscalculation. Saturday morning it still looked like a very good calculation. What we had miscalculated was that we had not thought that Mr. Cox would take the course of action that he did that led to further traumatic events.

As a result, by this morning it was apparent that, rather than a national sigh of relief and the end of a constitutional crisis that the crisis was simply heightened. Under those circumstances, the President thought that the wisest thing in the public interest, in an effort to really put an end to this crisis, was to take the action that I announced in his behalf in court at a little bit after 2:00 o'clock this afternoon.

We had very good hope that Judge Sirica would have accepted the proposal we made as complying, as I think it did, with the needs of the Grand Jury, and with the reasons that have persuaded both the District Court and the Court of Appeals to hold that Executive privilege should be overridden in this instance, but it was equally apparent that even if we were successful before Judge Sirica on that point, that there were people around the country who were saying, "The President is trying to defy the courts."

Now, the President, I am certain, has never at any time had in mind any thought of defying the courts. The one other time I appeared at this podium was on July 26th, and I know that an hour before I appeared here, Jerry Warren made the statement that, as the President has always done, he obeys the law; he will abide by a definitive decision.

We had thought that the proposal that we made on Friday was not defiance of the law, but a reasonable accommodation that the court, we hoped, would accept as satisfactory, but if the thought were abroad in the land that the President was not complying with court orders, if a constitutional crisis persisted, then a wound that has hurt the American country deeply would have continued to drain. We wanted to cure that, and so the President this morning, about noon, as Al has said, authorized us to make the announcement that we did.

We will comply in every particular with the order of the District Court as it is modified by the Court of Appeals.

Q. Mr. Wright, have you heard the tapes, the nine tapes?

Professor WRIGHT. I have never heard any tape.

Q. In other words, your projection here is against a great deal of ignorance as to what is on the tapes?

Professor WRIGHT. Of course.

Q. You have only the self-serving declarations of the President and Mr. Haldeman to support whatever position you are taking?

Professor WRIGHT. I don't quite see how that follows.

Q. Well, the President has told you he is innocent.

Professor WRIGHT. We are producing the tapes, and the tapes will speak for themselves. Judge Sirica will examine them under the procedures of the court.

Q. Now, what you have said here about the tapes supporting the President is based upon what the President told you, and not upon you hearing the tapes?

Professor WRIGHT. Exactly so. I have the old-fashioned American habit of believing Presidents of the United States.

Q. Will you produce the documents called for in the subpoena?

Professor WRIGHT. Everything called for in the subpoena will be produced.

Q. Professor Wright, can you say if the President will turn over additional documents requested for the prosecution of suspected wrongdoers in connection with the case?

Professor WRIGHT. I simply don't know the answer to that question.

Did you catch the question, Al?

General HAIG. I am not sure I got the question.

Professor WRIGHT. Would you repeat the question?

Q. Maybe I can get an answer in a different way. Does this, the President's decision to allow Judge Sirica to examine these tapes, does it mean that he will not furnish any additional information requested for prosecution in the case?

Professor WRIGHT. I am certain it does not mean that, no; not at all. We have been furnishing a great deal of information, as Attorney General Richardson made clear this morning, that has never been involved in the subpoena controversy.

Q. A question for General Haig.

General, did I understand you correctly to say that the President's order of Friday night to Mr. Cox referred only to desisting from attempting to obtain additional tapes and additional memoranda and did not bar him from trying to get the nine tapes he had subpoenaed? Was that the order?

General HAIG. I think the question even is a little difficult the way it is posed.

The decision to provide the third-party transcripts of the nine tapes, plus the tape requested by the Senate committee, the overlap tape, would have given Professor Cox the tapes he has requested. What the President's order was involved with was subsequent requests, through the judicial process, for Presidential tapes and memoranda and documents covering personal discussions, private discussions of the President, as distinct from the portrayal of that inhibition on Saturday during Professor Cox's press briefing.

Q. Are you saying that he was not barred from seeking the actual nine tape recordings beyond the summaries you were going to furnish?

Professor WRIGHT. The answer to that question is yes, he was barred by the compromise, not by the dicta, the memoranda, the compromise, but you will recall that the court itself had already deprived Professor Cox, in two rulings, of access to the tapes.

Q. Will national security information be withheld from the courts? Is there any part of these nine or ten tapes now which contains national security information and which will not be turned over to Judge Sirica?

Professor WRIGHT. I am informed that there is at least one tape, perhaps more, that contains national security information. The Court of Appeals order is, where we believe there is anything that regards national security, that we should make a submission to Judge Sirica in chambers as to why we believe this involves the national security; that if he accepts our decision on that, that portion of the tape is excised. If he does not, the relevant showing is sealed and we are allowed to take an appeal to the Court of Appeals on whether it truly was or was not national security.

Q. Does that one tape apply to the Ellsberg case?

Professor WRIGHT. I have no idea what it applies to.

Q. Are you saying you don't know or it does not?

Professor WRIGHT. I don't know.

Q. The same portion of that statement you referred to also provides for a Special Prosecutor to argue whether or not that statement you make is correct. Who will now argue for that?

Professor WRIGHT. I would assume that the Department of Justice would.

Q. General Haig and Mr. Wright, is it your understanding that the President's instructions to Mr. Cox, as the President stated it in his Friday statement, stand as instructions to the Acting Attorney General and to Mr. Petersen?

General HAIG. I think that is a question which I am not going to address here this afternoon. It will be addressed in the very near future, but I can assure you that the President's actions in this regard will be totally within the law.

Q. General Haig and Mr. Wright, both of you, please, could you tell me if at any time either of you gentlemen participated in a meeting prior to Saturday, prior to Friday night, at which you advocated the firing of Professor Cox? There have been reports, and in fact, Mr. Richardson said that, I believe, counsel and other staff people had indeed done this.

General HAIG. I think I will answer that question very clearly for you.

As I told you on Monday morning, following a weekend decision by the President to seek a compromise, and as Elliot Richardson so stated this morning, a number of options were discussed and considered, including the Bickel theory, which would have involved the mooting of the issue through the separation of a member of the Executive branch from that branch.

So the answer to that question is yes, that was an option discussed, but was rejected on Monday morning at that meeting. It was un-

acceptable to a number of people in the discussion. Now I am divulging to you discussions held on Monday morning.

Q. General Haig, can you tell us if the telegram from Senator Ervin was addressed today, and if so, is there a response to the telegram, his misunderstanding of the arrangements Friday for disclosure of the material on the tapes to the committee?

General HAIG. Gentlemen, I am sorry; I have not seen the telegram and cannot comment on it.

Q. Will the President allow a full and vigorous investigation, and if necessary, prosecution of other matters that the Special Prosecutor was investigating, specifically the IT&T or the dairymen's contribution, the $100,000 Hughes contribution via Bebe Rebozo?

General HAIG. I think I wouldn't necessarily accept your litany of problem areas, but I think we have made it very clear that what the prosecuting team——

Q. Excuse me. These were the things that press reports have stated the Special Prosecutor——

General HAIG. I think Elliot Richardson commented on this very question this morning at great length, and he is far more qualified than I to give you a precise answer. But the answer to your question is that we intend to proceed vigorously with all of the ongoing investigations, and if prosecution is the result of those investigations, to pursue that prosecution with the same vigor and objectivity.

Q. You seem to gloss over a period as between Saturday, when your position was Course A and suddenly Monday when your position was Course B. Could you specify those specific things on the President's mind which, in fact, accounted for the change today? Was it impeachment, for example? Was it the surprise of Elliot Richardson resigning? Would you expand on that?

General HAIG. No, think it was the whole milieu of national concern and, quite frankly, a great deal of concern for the misinformation that had been running afield on his motives and really the character of the compromise itself.

What was on Monday a most conscientious and, I think, heartfelt initiative, certainly for all of us involved, to finally reveal the contents of the controversial tapes, and at a time before we were faced with a constitutional confrontation, turned out by Saturday night to be some kind of nightmare in which we had devised a scheme to prevent the information in the tapes from being divulged to the courts and to the Senate committee.

Q. General Haig, you had a great speech here today—

General HAIG. Sarah, I would like to hear your question.

Q. You have had a great speech here today which I cannot rebut because I am just a reporter. I have got to ask you a question. But you acted as if we were all wrong because we didn't agree with you and the President on this.

General HAIG. I hope not, Sarah.

Q. And I want to ask you why you didn't take in a third dimension in consideration when you were going over this matter? Why didn't you think about the fact that didn't the President feel he was putting himself above the law?

General HAIG. Well, that is a very tough question. First let me say this, Sarah: From the outset, I don't believe that the President has ever intended to set himself above the law.

I think our legal counsel here in the White House, and the Attorney General, wrestled in the most careful and thoughtfully detailed way with these issues throughout the week, and it was our conclusion that there was no question about the legality of the President's actions.

Now let me comment on another shade of your question.

I hope that I have not conveyed to anyone here that I share the impression, or harbor the impression that there is some kind of prejudice or malfeasance in the press corps here. That is the last thing I would ever suggest.

Q. I am thinking about the American people.

General HAIG. I think the press corps reports what it gets accurately, and it is indeed their obligation to do so.

Q. General, can I ask you, can you discuss what happens to the information on the tapes, vis-a-vis the Senate Committee? Will they get any part of it? Does the compromise package still stand for——

General HAIG. No, and let me comment on that. The question was, will we now proceed with a compromise, and the answer to that question is no, and let me explain why.

This morning, the counsel to the Senate committee submitted an appeal for expedited processing of their appeal of Judge Sirica's ruling, and so they have themselves sought to resolve this issue through the courts.

Now, secondly, and this is a consideration in our decision, Senator Stennis had agreed to take on this very difficult and arduous task, hopefully devoid of the limelight of the kind of tensions that have developed around this issue.

As you know, Senator Stennis has experienced a very grievous wound recently, and I think the President's view is that given all of the tensions, publicity, pressure now associated with the task, that he just would not presume to impose upon Senator Stennis when the information is now being divulged in its complete form in accordance with the rulings of the courts.

Professor WRIGHT. I want to add to General Haig's answer to that question, and that is—then I know there is a person here who has been trying for a long time to get a question to me—just after we got back from court this afternoon, Mr. Garment had a call from Sam Dash who said, "I think you have done exactly the right thing, and so far as we are concerned, we will see you in court and battle out in the appellate court whether we have a right to get at the tapes."

Now, this gentleman.

Q. Dr. Wright, you said to Mr. Mollenhoff that you believed in the old fashion practice of believing Presidents of the United States. My question is, based on the fact that two of the most respected members of the Nixon Administration have left the Government, and a prosecutor who the American people felt had been assured the right to search without restriction has been fired, how can the American people, in your judgment, begin to believe the President of the United States?

Prof. WRIGHT. I don't see what these very unfortunate departures have to do with the credibility of the President. I believe that it would have been intolerable for the President to have maintained Mr. Cox in his position when Mr. Cox defied a direct order of the President, and I understand the reasons that led General Richardson and Mr. Ruckelshaus to feel that they had to resign.

Q. General Haig, do you feel at any time that the agreement you had with Senators Baker, Ervin or Stennis or anybody else, accepting the compromise, their agreements were at all withdrawn over the weekend or before you made the decision——

General HAIG. No. Let me say a word about that.

Q. Could I ask a subsidiary question? There have been reports that the President was particularly aggrieved at Cox's treatment of some of his former aides. Can you address that one? That Cox's handling of the questioning of Haldeman and Ehrlichman, and so forth, that he was aggrieved about this?

General HAIG. Well, let me answer your first question first. With respect to the agreement arrived at here on Friday between Senator Ervin, Senator Baker, initially with the counsel and myself and subsequently with the President, I know of no departure from that agreement, and I would like to say a word about it.

I don't think anyone here would have classified Senator Ervin as an advocate, and indeed he has not been, but I think in the national interest, and at a time when there was great tension in the Middle East, when the Senator could observe for himself the kind of polarization that was taking place, that he very selflessly and I think quite correctly, decided that this was a compromise that he could accept.

I am not aware of any deviations from the agreement that was arrived at. I know there were some semantics problems over the weekend, but they were just that, and I for one, hold with the highest admiration the arrangements that we have with both Senator Ervin and especially Senator Baker as well, who was a catalyst in the thing, and a very important one.

Q. General Haig, you have mentioned a number of times about misinformation and concern for misinformation. What misinformation did you have in mind that caused the President to change his opinion this morning?

General HAIG. Peter, take thy sackcloth off. I wasn't referring to the press corps in that.

Q. I wasn't either.

General HAIG. I think the press corps reports as objectively and honestly as they can, and when they don't we usually look to ourselves for failure to bring the word to you in a precise and effective way. But I think one of the key points—and I have already commented on it—was the impression at large that this compromise did not represent a decision and an action on the part of the President to meet the requirements of the court and the Senate committee, but rather was a contrived subterfuge to, (a) not turn over the information, or (b) design some devious scheme by which to relieve ourselves of the burden of Professor Cox and his investigating team. I think that is a terrible disservice to the President of the United States and to those of us—and I include Senator Ervin and Senator Baker and Senator Stennis—who worked so hard to get something that had the promises of success put together.

Q. General Haig, two parts. First, part of Bob's question remains unanswered. I also wanted to ask you about the reports that high White House officials felt that Mr. Cox was engaged in an improper attempt to get the President.

Do you believe that is so, and does the President think so, and could you also finish up Bob's question, if you remember it?

General HAIG. You know, we have an old Army club they call "foot-in-mouth," and the answer to that question is a prime invitation to join it. But I will say this, there are many of us who have been somewhat concerned about the political alignment of Professor Cox's staff as distinct from Professor Cox himself, and what on occasion appear to be roamings outside the jurisdiction of the charter that was originally conceived for that investigative committee.

Now, having said that, and that is a perfectly understandable thing, everybody has partisan views, and I think they have every right to have them, and I am sure on many occasions those partisan views sometimes influence actions people take, but I am not going to join the broad and sweeping condemnation that Professor Cox was out to get the President. I don't know that to be true and I personally don't believe that to be true.

Q. I want to ask Professor Wright if he or the other counsel had any reason to believe that Judge Sirica would not accept the com-

promise had your decision not been changed today at noon?

Professor WRIGHT. Obviously we could not know that he would accept it. We felt we had good legal argument why he should, and I was greatly heartened—though by this time we were pretty well on the road toward the decision that was finally made—to hear General Richardson say this morning several times at his press conference that he thought it would fully satisfy the purposes of the court orders. So we had some confidence.

Q. General Haig, the point of this question is to try to get some idea as to the President's opinion of Mr. Cox, whether he felt that Mr. Cox was out to get him, how he felt about the areas Mr. Cox was getting into, particularly involving some of the President's friends.

General HAIG. That is the part of Bob's question I didn't answer. I wouldn't presume to pass on to you what I assume to be the President's judgments about Mr. Cox and his activities. I do know that there have been occasions where we haven't been especially pleased. I also know my own view, which I just expressed to you, and that is as far as I would go.

Bob, I am not sure I answered the second part of your question, because I——

Q. It went to that point, Al, but it went to whether the President was particularly aggrieved with what was reportedly Cox's heavy-handed attitude towards Haldeman and Ehrlichman as they——

General HAIG. No, I am not aware of anythink like that from my perspective at all.

Q. General Haig, did you order the FBI to take over the offices Saturday night, and if so, why?

General HAIG. Guilty.

Q. Why?

General HAIG. The why was that we had reports here that members of Professor Cox's staff were leaving rapidly with huge bundles of documents under their arms, and I felt that the responsible thing to do was to ensure that the evidentiary material held in Professor Cox's quarters be retained in its complete and thorough form for subsequent continued investigations.

Q. Mr. Richardson and Mr. Ruckelshaus both said today that they believe that a Special Prosecutor is needed to restore public confidence in the Government and in this investigation. Does the White House agree?

General HAIG. I think I am going to limit my comments to the issue of the tapes the President has turned over to the courts in complete compliance with two court level decisions, and we are going to live up to that to the letter. The President has moved to put the case within the institutional framework of the Department of Justice. He did that on Friday and I have no basis for offering any other change.

Q. On that point, wasn't it the institutional framework of the Justice Department where this thing went wrong to start with? Wasn't that what caused the Watergate cover-up?

General HAIG. Not being an expert on the events of that day, I am not sure I would characterize the problem as you just described it, and I would leave that for someone who had a better grasp for the legal details.

Q. General Haig, why couldn't you have averted the agony of Saturday night by simply continuing to not give these documents and memos that go beyond the charter of Mr. Cox; simply not give them to him and go ahead with—what kind of compelling power did they have that forced you into what you did? Why couldn't you have continued the way you were?

General HAIG. I think that is a very good question, and it was a question that the Attorney General on Friday afternoon began to develop reservations about, and I think the answer to that is simply this:

The President, in an effort to get a compromise, viewed the situation on a previous weekend in the context that Professor Cox had been through five months of careful investigation, and had presented the courts and him with a subpoena for some detailed information on nine tapes, and that that was the information he needed, he has stated repeatedly since that subpoena, to go on and process whatever is the outcome, indictments or what have you, within the Grand Jury.

And contrary to the President's own strong conviction that this should be made available, he decided to do it in the interest of settling this very tough issue.

Now, hindsight is a great vehicle, and I am not sure had we known the outcome would have resulted where it was on Saturday night that we wouldn't have given that option very careful consideration. As it turned out, it was Professor Cox who opted for the course of action which turned that sequence of events into what was a very serious one.

Q. General Haig, have you heard the tapes; and two, do you say that the cry for impeachment that has been rising in the country had nothing to do with today's turnabout, reversal? Have you heard the tapes, because you say they will vindicate the President completely, and also impeachment, which really grew today——

General HAIG. No, Helen, I haven't heard the tapes. I have had considerable exposure to a number of things, including sworn testimony by all of the key witnesses in the Senate committee, where the inquisitors were uninhibited by normal rules that govern conduct in a courtroom and, therefore, are able to extract information which would probably be far more difficult with an active defense counsel at the side of the witness, and I have had an opportunity to review that material in detail.

I have also had an opportunity to discuss a number of the ramifications of this in the preparation of the May 22nd statement, discussions with the President, reviewing with him and counsel, Mr. Buzhardt, Professor Wright, and I am very comfortable with the course of action that has been undertaken today.

Q. General Haig, can you say specifically if impeachment was a factor in the decision, and whether or not the President took the impeachment talk seriously?

General HAIG. I think that is a presumptuous role for me to play here, to outline that kind of concern, but I didn't answer Helen's question, and yours is part of it.

You asked me a question, do I think impeachment is a serious problem. My answer to that is no, I don't. I think in light of the action just taken, no; not at all. Before the action taken, no, and I will tell you why: Because I think the American people, American press included, Congress, and in fact our whole body politic, has a remarkable ability, after some false starts, and some dialectic waves, to get pretty close to the truth on an issue and I am very confident that such a serious action as you have described, impeachment, would not be the outcome of the events thus far.

Q. General Haig, can you tell us if at any time betwecn Saturday night and this noon, when the President changed his mind and decided to hand over the tapes, you received word from Mr. Petersen or anyone else in the Department of Justice that they would be reluctant to resume control of the investigation without access to the tapes?

General HAIG. None whatsoever.

Q. General, has, at any time during this chain of events, the President considered resigning?

General HAIG. Not to my knowledge, and I would prayerfully hope not.

Q. General Haig, you said earlier—you emphasized that the President is making a single exception to his fidelity to particularly this question of Presidential confidentiality. Are you telling us that in the face of any additional request or subpoenaes for additional tapes that the President will resist those efforts?

General HAIG. You are skewering me again on the same question I have already answered, and I said I am not going to take that minefield route this afternoon. I am going to assure you that any course of action the President takes in the future will be within the legal prerogatives of his office.

Q. Besides firing the Special Prosecutor, why was it necessary to shut down his office? You know some of us were writing that the President was more concerned about the Cox development than about the tapes, and lo and behold, here it is Tuesday, he has given over the tapes, but the office is gone.

Professor WRIGHT. I think that the answer is that when the Special Prosecutor took the position that he did, making it necessary for the President to discharge him, that it hardly made sense to keep the Special Prosecutor's handpicked force of people at work, even if a new Special Prosecutor were brought in; that it made much more sense to get back into the institutional framework and let Henry Petersen have the assistance that he feels that he requires.

Q. Are you suggesting that the handpicked people of Mr. Cox were either unethical in their pursuit of the investigations or were incapable or incompetent or lacked integrity or so prejudiced that they were out to get the President?

Professor WRIGHT. I am suggesting no such thing. I am suggesting only that anybody who has the responsibility for an investigation of this magnitude would, I think, want to have his own people rather than those who had been picked by somebody else.

Q. I want to ask you if the President didn't go back on his word? Did he not say he would not interfere with the work of the Special Prosecutor and also the Special Prosecutor could act independently and then did he not come through and fire the Special Prosecutor and say nobody in the Executive Branch of the Government under me can disobey me?

Prof. WRIGHT. He did those things, but I would not accept, Miss McClendon, your adjective to describe them. I would support what General Richardson said today, that the President must always be free in the light of changing national circumstances to change his mind about the conditions in which he has asked people to work for him. In this situation the President believed that he was making a concession so very great from his point of view in allowing the Stennis report to go forward that it was necessary in order to put the tape issue to rest that there be this one limited intrusion on the independence of the Special Prosecutor.

Q. General Haig, is there any provision in the procedure that will be followed now that would permit public disclosure on these tapes, or is the public not going to be able to find out what is on the tapes?

General HAIG. Well, I can't give you a direct and precise prediction on that, but it is quite obvious to me that Judge Sirica has to make a number of determinations in dealing with this issue, and certainly the pertinent aspect of these tapes in my view will be known as they pertain to Watergate and Watergate cover-up.

Q. General Haig, did you use the words "The Commander-in-Chief is issuing you orders"?

General HAIG. Anybody who knows me knows what a militarist I am.

Now I will tell you as best I can recall what I said to Bill Ruckelshaus.

"Hello, Bill, this is Al."

"Right, Al, I expected your call, and Bob Bork is sitting here with me."

"As you probably know, Elliot Richardson feels he cannot execute the order of the President."

"That is right. I know that."

"Are you prepared to do so?"

"No."

As I recall, I said, "Well, you know what it means when an order comes down from the Commander-in-Chief and a member of his team cannot execute it."

He said, "That is right." And I think we both understood at that moment that he was neither fired nor resigned, but somewhere in between with a happy mutual term that I haven't developed.

Q. General Haig, you have quoted the former Attorney General a number of times today, always favorably. Is there a move on your part to invite him back?

General HAIG. That would be a big part for me to do such a thing. No; I am not aware of any plan. Obviously the Attorney General's departure is a departure that we all regret very, very much.

Q. From an historical point of view, to what extent does this erode the Executive Branch if the courts can go in and constantly chip away? From an historical point of view, I would like to know.

Professor WRIGHT. I think it does. I think this is why the President has fought hard and why we have fought hard all summer on a matter of principle that we thought of great importance, and finally the decision simply was that the condition of America today so requires a resolution of this issue that we had to bear up even with the decision of the Court of Appeals that we thought to be erroneous and damaging.

The PRESS. Thank you, gentlemen.

THE WORLD CORPORATION—NEW WEIGHT IN AN OLD BALANCE

Mr. JAVITS. Mr. President, there has been a great deal of recent interest in the operations of multinational corporations, and several bodies, both here and abroad, are presently studying this form of economic organization. One of the most important of these efforts is the United Nations Study Group on Multinational Corporations, of which I am a member. The second meeting of this group is now getting under way in Geneva. In these various studies it is essential to consult the multinational corporations themselves and determine their positions on the various issues. This does not require of course, that our study efforts necessarily be guided by the wishes of the multinational corporations, but we would be remiss not to listen carefully to the views of such corporate officials.

One of the most respected and capable business leaders in the United States is Walter Wriston, chairman of the board of the First National City Corporation. His address before the International Industrial Conference is a perceptive history of the development of the multinational corporation and its value as an agent of development and change. Mr. President, I ask unanimous consent that Mr. Wriston's speech be printed in the RECORD.

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

AN ADDRESS BY WALTER B. WRISTON, CHAIRMAN, FIRST NATIONAL CITY CORPORATION

Someone once remarked that at the very beginning of the world, when, for disobedience, Adam and Eve were driven from the Garden of Eden and told that henceforth they must earn their bread by the sweat of their brows, Adam consoled Eve by saying: "We live in an age of transition." For them change was both rapid and drastic. Moreover the physical change was accompanied by an equally great alteration in their value systems—for they had learned to distinguish good from evil.

All history has been dominated by change—or the lack of it. Today, as at the beginning, change is swift and startling in the scientific and technological world, but it is the changes in our value systems which cause us the most agony. Despite protestations that innovation is welcome, mankind in general and sovereign authority and bureaucracies in particular resist it to the bitter end. Nothing upsets us more than to be told, as Abraham Lincoln put it, "that our purposes differ from those of the Almighty." Everywhere change is popular in concept but uncomfortable in practice. The canny bureaucrat never opposes the idea of change; instead he throws up a smokescreen of plausible reasons to abort change "now." Each new invention and innovation in thought is resisted in order to protect whatever status quo is regarded as normal in its specific environment.

This rearguard action takes many forms. Specifically, whenever the times are out of joint, the serpent-devil theory of history is revived to explain away some of the events which seem to have gone wrong. The first commentator on the human condition no doubt attributed society's troubles to some malevolent force. In every age since Eve was enticed by the serpent, observers have uniformly declared their problems to be unique, and caused by whatever passed, in their time, for a devil. Primitive societies, of which many survive, blame a bewildering array of gods for bad news. This habit of looking outward to explain trouble was, in fact, expressed in the early Judeo-Christian era under the broad rubric of "God's will."

Today, as always, we are in an age of transition, and, as always, various segments of society are moving at different speeds. For example, the value systems of the young generally change faster than those of the aged. The scientist who split the atom finds that his disciplines have moved at a faster gait than have those in international law. The economies of the developed countries surely move at a different pace from those of developing lands.

A few years ago, Thomas Hughes wrote, at least half seriously: "One can say that the 20th century is currently made up of 14th century farmers, 15th century theologians, 16th century politicians, 17th century economists, 18th century bureaucrats, 19th century generals and 21st century scientists." It is not a bad analysis save for the American farmer, who belongs to the 20th century.

The discontinuities in world society are partly responsible for the current concern about world corporations. Those multinational companies have been blamed for everything from interfering in the political affairs of host countries, to causing the revaluation of currencies by speculating on the international markets. One enterprising publisher, presumably in an effort to sell more books, entitled a scholarly work on the multinational company "Sovereignity at Bay." Recently Chile persuaded the United Nations to conduct an inquiry into the affairs of world corporations. For whatever reasons or whatever motives, all would agree that the world corporation is now being examined intensively and extensively, but not always competently or without bias.

In order to draw any useful conclusions about the place of the world corporation, it is necessary to set today's multinational enterprise in historical perspective. It may then be possible to advance some ideas as to why our world corporations are so profoundly upsetting to so many people in and out of governments around the world.

Each of us, in every country, is the child of his own experience. The difficulty of communicating our value systems to one another is further complicated by the fact that each other's cultural histories do not have high priority in our separate universities. In a word, we tend to be ignorant of other societies.

Despite the enormous advances in the sciences of communication and the remarkable technology for instant transfer of visual images via satellite, we are still surprised and amazed when other people in different parts of the world espouse value systems radically at variance with our own. For example, it surprises many Americans to find that some of the ideas of Colbert, Finance Minister of Louis XIV, still appear to dominate a section of European thinking about trade and investment. The highly restrictive purchasing regulations which obtain in many European countries stem from Colbert's dictum, "All purchases must be made in France rather than in foreign countries, even if the goods should be a little poorer and a little more expensive, because if the money does not go out of the realm, the advantage to the state is double. . . ." In my own country, some of our Buy American laws were passed, unwittingly, under the influence of Colbert's dead hand.

To a European or to a Japanese it is elemental that foreign trade is a country's lifeblood; it generates the revenue that sustains their governments. It appears obvious to them that foreign trade should inevitably be part of their foreign policy. It comes as a shock to Americans, however, to discover foreign ambassadors in the United States helping to sell airplane engines, machine tools or whatever their nationals need help in selling. At the same time, it is equally incomprehensible to Europeans, to Japanese, to Latin Americans and Africans that the United States Government takes a basically adversary position toward business. Activities of American companies in foreign lands have long been regarded with great suspicion here at home. To Americans, foreign trade has, until recently, been a peripheral activity engaged in only in the event that the domestic market did not absorb our entire production. All these attitudes are deeply rooted in history and so will change only slowly. The consequence is the inherent unpopularity of the world corporation.

There are other roots of this hostility, however, which date back to medieval times. The first merchants, traders and money lenders were motivated largely by profit considerations. Feudal barons, on the other hand, looked to military power for survival and expansion. As competition between feudal rulers increased, the merchants and traders began to associate themselves with the sovereign authorities in order to gain commercial advantage. In return for commercial favors, they financed the wars of competing sovereigns. Merchants bankrolled the Crusades; in return they got monopoly powers in trade in large areas of the known world. The fusion of trade and the royal sovereign in the 15th to the 17th centuries eventually became known as mercantilism, and all external business was conducted by the chosen instruments of the state. It is not surprising, therefore, if today the developing countries believe that the navy always follows the traders, if indeed, it does not precede them. In the mercantilist world, total commerce and industry was viewed as a zero-sum game; profit for one side inevitably meant equal loss for the other. The trick was to maximize gains at the expense of others. The reality that buyer and seller could both profit from the same transaction defied mercantilist logic, and its truth was only perceived over many years with painful slowness.

In the mercantilist world, nations vied for overseas territories in order to control their markets. Many countries set up monopolistic

trading corporations to manage trade and supply all commodities to the colonists, whether natives or settlers. There were the Dutch East India Company, the English East India Company, the French East India Company, the Hudson Bay Company and the Virginia Company. Since these companies made a profit, mercantilist dogma made it clear that exploitation of the colonists must be involved. Therefore, this practice of picking a commercial enterprise as a chosen instrument served to intensify the hostility against both the monopolistic companies and against the metropolitan country which chartered it. In the American case, enmity generated by this commercial device was one of the precipitating causes of the Revolution. An excerpt from a Boston newspaper printed in 1765 summed up the colonial sentiment: "A colonist cannot make a button, a horseshoe, nor a hobnail but some sooty ironmonger or respectable buttonmaker of England shall bawl and squall that his honor's worship is most egregiously maltreated, injured, cheated and robbed by the rascally Americans."

On the other side of the world, trade as exploitation also left its imprint. The Meiji restoration, dating from 1868, marked the beginning of the modern Japanese state. But even that enlightened restoration was based broadly on the concept that Japan could not withstand hated foreign encroachments unless its society was totally reorganized as an industrial power with great military strength. Japanese hatred of foreigners was not new; it dated back three centuries to the edict of 1636 which closed Japan to all foreigners, particularly Christians. The edict forbade Japanese ships from sailing to foreign countries, it prohibited Japanese from going abroad on penalty of death, and prescribed death to any Japanese who had lived abroad and tried to return to his homeland. While much of this changed following the restoration, the concept of strong, centralized power endured.

While many peoples of the world were building centralized government structures, America's economic and political impulses developed along contrary lines. Colonial experience led Americans to be opposed to centralization of economic power in chartered companies and to centralization of political power. The separation of powers, written into our Constitution as a guarantee of political freedom, also affected economic thought. The proof of this hostility to the centralization of power is evident from the fact that our basic anti-trust law bears the name of a senator whose credentials as a conservative were impeccable.

Moreover, the existence of the frontier tended for many years to dominate our thinking. It was not a totally alien frontier such as existed in the older settled parts of the world, but was merely the edge of untapped resources and an enormous land mass. Our huge continent furnished an outlet for all our goods and services. The development of those seemingly illimitable resources demanded both practical and technical innovation. Because of this heritage, many Americans even today fail to understand that the American market is only a sub-section of the world market, and that our value system is not shared by many others. Thus, the Japanese and the Europeans are hard put to comprehend what often seems the strange behavior of my fellow countrymen. The arrogance of the American Government's desire to export its complicated antitrust concepts around the world is properly viewed by our friends abroad with both amazement and hostility. Governments in Japan and in Europe regard their business establishments as great national assets which furnish the revenue to support the increasing standards of living of their people and the world's people as well. It is difficult for them to understand, let alone credit, the basically adversary position taken by the American Government toward United States business.

In this country, we are acutely conscious of the mercantilist tradition in Europe and the enormous concentration of power in the zaibatsu complexes of Japan. Many former colonial countries see the chartered monopolies of the imperial nations as the forerunners of today's world corporations. To them, our global corporations seem to be merely thinly disguised government-directed chosen instruments dedicated to the pursuit of governmental foreign policy under the guise of a commercial establishment. Bitter experience with government chartered monopolies throughout history did little to create a welcome environment in many of the developing countries for the new worldwide economic structures which began to grow during the great postwar international expansion. Even today, the Sunday supplements love to hint darkly that the modern world corporation is really an instrument of today's nation state. The suspicion of a modern mercantilism hangs in the air. The days of gunboat diplomacy are indeed gone. We have now come full circle in the Western World to what appears to many as the successor of the chosen instrument of imperialism. Thus the world corporation is now under attack, not only by the host governments but, in many cases, by their own governments, wherever the head office may be located.

Part of this attack stems from the clash of historic value systems. As new philosophers, thinkers and traders appeared on the world stage at the time of the Industrial Revolution, the idea began to dawn that man by his own efforts could improve his lot in the world. Economic growth and improvement and the betterment of social conditions seemed attainable dreams. The enunciation of the principles of free trade and the doctrines of comparative advantage by Smith, Ricardo and others can be seen as a decisive break with the merchantilist tradition. What flowed from these new ideas was a concept of dynamic economic growth, as opposed to the old notion that profit to one was loss to the other—the zero-sum game.

With this new concept came a recognition of the growing interdependence of economic units. The new emerging entrepreneurial class showed an aversion to war, and began to develop more of an adversary relationship with government. In short, the hostility was mutual. The momentum of this new trend continued despite efforts by some governments to control it.

It was against this background of changing values that the prototype world corporations first began to appear in the latter half of the 19th century. As far back as 1865 Frederick Bayer put a plant in Albany, New York; the next year Alfred Nobel established a factory in Hamburg; and the year after that, Singer operated his first overseas plant in Glasgow.

In widest historical perspective, commercial and political history exhibited an interplay between two basically competing value systems. The first stems from the medieval age and developed through the mercantilism of the 16th and 17th centuries into 19th century imperialism, then 20th century totalitarianism. This was accompanied by the business tradition of the chosen instrument of governmental policy. The second value system arose from the earliest merchant and financier classes of the pre-capitalistic era and grew through the Industrial Revolution. The entrepreneurial tradition of the capitalist, independent of government, eventuated in an adversary relationship between business and the state.

Of course, as in all living things, neither system developed in a pure form. But through the period of the Second World War, there is no question that the mercantilist-imperialist tradition was dominant. The latter entrepreneurial tradition when it gained preeminence, from time to time and from place to place, was responsible for much of the progress in general welfare that has taken place among the world's peoples.

Viewed against this background, the modern world corporation is the extension to global proportions of the business tradition that grew out of capitalism and the Industrial Revolution. It is now learning how to operate in the global marketplace. The motivating factors which drive the world corporations today are basically the same as those which drove earlier entrepreneurs. Like their predecessors, the world corporations are a new expression of the entrepreneurial thrust that thrives on the free exchange of goods, services, factors of production, technology, capital and ideas. The engine that drives the growth of nations gives humanity the wherewithal to deal with the wretchedness of the human condition. Most important of all, it can function amid diverse value systems, though like all instruments of progress it must move in a resisting medium. The principal reason the world corporations are so profoundly disturbing to so many governments, and to the citizens of so many countries, is that they represent today's visible agents of change.

Woodrow Wilson proclaimed a league of free nations—but the League of Nations did not survive. Wendell Willkie argued, correctly, that we have one world, a fact which the astronauts vividly described. Nevertheless, the politicians of the world will not act. The political problems of the United Nations are a stark manifestation. The disorder—almost paralysis—of the political aspect of the European Economic Community is further evidence. Despite all our advances, the world is still socially fragmented and the incompatibility of the world's value systems has always been and still remains a cause of potential conflict. History is replete with the tragedies wrought by efforts of one society to impose its concepts upon others.

Agents of change involve new ideas and values. They have never been welcome in any society. This is especially true when the carrier of new or strange values is, or is thought to be, alien to the society that is affected. Often the most effective way to resist change is by identifying the carrier of the new values as foreign. The word for "foreigner" from the Golden Age of Greece right up to the Middle Ages was "barbarian." Anyone who spoke a foreign language, dressed differently, adhered to different customs and mores was automatically considered a barbarian. "Stranger" and "foreigner" have thus from time immemorial been pejorative terms, and often synonymous with "enemy."

It should not surprise us, therefore, that the world corporation is sometimes unwelcome even though it is the carrier of technology which is the best hope of closing the gap between the very rich and the very poor. It is often unwelcome because it is perhaps the most effective instrument by which value systems are transferred from one part of the world to another.

Mere physical change, manifested by a new factory, a new building or a piece of complex machinery generally does not arouse the passions of the populace. But when the change moves into the realm of ideas, a wholly different and more massive impact upon society follows. If, for example, a world corporation introduces the idea of upward mobility based only on merit and not on status, this may well offend an establishment fighting to preserve its privileges.

The nature of the value systems which are carried by world corporations as agents of change run the gamut from simple improvements, like better lighting in manufacturing plants to renovating whole neighborhoods. For example, Park Avenue in New York City north of Grand Central Station used to be

lined on both sides with old apartment houses. It was not until a multinational corporation, Unilever, saw the potential of putting a modern office building in this area that a whole new development was sparked in my city.

In the ancient struggle between those who believe in an open society where men, money, and ideas can move freely across national borders and those who would return to the jungle of economic nationalism, the men and women of the world corporations may furnish a new weight in the balance. The world corporation specifically challenges the validity of the old tradition of the corporation as the chosen instrument of political domination. Because the world corporation confronts that ancient concept, we stand in danger on our planet of reverting to bankrupt atavistic ideas. The acceleration of change brought to a community by a world corporation unfortunately tends to make the old values look even better to many people.

Since time has proved that it is more effective to attack the carrier of an alien idea than the idea itself, the agents of change come under sustained intensified attack. The emergence in the United States of the Burke-Hartke Bill as the most retrogressive piece of legislation since the Smoot-Hawley tariff is only one national manifestation of this political device. Expropriation by developing countries is another.

At this moment, with currencies changing in value more often and in wider swings than we have recently been accustomed to, some governments resort to the ancient primitive device of finding a devil to divert attention from unpleasant facts. One such fact is that only governments create inflation, because they alone can print money. If it is true that the "gnomes of Zurich" were invented by a British prime minister to divert attention from the real reason he had to devalue sterling, it is equally true that the world corporation now furnishes a convenient scapegoat to explain away the fact that we in America have printed too many dollars too fast and that the American government has balanced the Federal budget only seven times in the last 25 years, and shows little inclination to improve on that record in the future.

The development of the World Corporation into a truly multinational organization has produced a group of managers of many nationalities whose perception of the needs and wants of the human race knows no boundaries. They really believe in One World. They understand with great clarity that the payrolls and jobs furnished by the world corporation exceed profits by a factor of 20 to 1. They know that there can be no truly profitable markets where poverty is the rule of life. They are a group which recognizes no distinction because of color or sex, since they understand with the clarity born of experience that talent is the commodity in shortest supply in the world. They are managers who are against the partitioning of the world, not only on a political or theoretical basis, but on the pragmatic ground that the planet has become too small, that our fate has become too interwoven one with the other to engage in the old nationalistic games which have so long diluted the talent, misused the resources, and dissipated the energy of mankind.

The international managers in the great world corporations are exposed daily to a bewildering variety of value systems and a steadily rising tempo of nationalism in many of the nation-states of the world. Out of this experience is emerging the perception that the relationship of the world corporation to the various governments around the world is worthy of re-examination. It is clear to those managing American-based multinational enterprises that a pure adversary relationship between business and government has become an anachronism in the 20th century. We have even permitted, without effective contradiction, the concept to be floated that a businessman who talks to his elected representative is somehow evil, and that his voice should not be heard on matters of public policy.

On the other side of the oceans, the perception is growing that a new age of mercantilism is not the answer to the problems of the 20th century. Neither the pure adversary relationship nor the chosen instrument approach is responsive to today's world. Old ideas die hard; yesterday's liberal, who feels that central, national control is the answer to everything, is still in control of many intellectual circles. They all labor under an old illusion which John Gardner once put as follows: "Those who seek to bring societies down always dream that after the blood bath *they* will be calling the tune." Their outworn doctrine of a controlled economy is becoming more and more a manifestation of the persistence of illusion over reality.

All the great issues of our time, and most of the small ones, are settled in the untidy atmosphere of give and take, of compromise and of negotiation. This is fortunate because the distributive judgment of the people, in the marketplace, as well as at the polls, has always been superior to the fiat of a dictator.

In this dialogue, the role of the world corporation as an agent of change may well be even more important than its demonstrated capacity to raise living standards. The pressure to develop the economy of the world into a real community must come, in part, from an increasing number of multinational firms which see the world as a whole. "Today's world economy . . .," Peter Drucker has said, "owes almost nothing to political imagination. It is coming into being despite political fragmentation." The world corporation has become a new weight in an old balance. It must play a constructive role in moving the world toward the freer exchange of both ideas and means of production so that the people of our planet may one day enjoy the fruits of a truly global society. This is a goal worthy of us all.

TOLL-FREE GOVERNMENT TELEPHONE NUMBERS FOR OREGON RESIDENTS

Mr. PACKWOOD. Mr. President, it is encouraging to note that several agencies of the Federal Government have set up special toll-free telephone numbers in order to be more responsive to the needs of citizens.

Under the system, if a citizen has complaints or questions about a Government program administered by one of the participating agencies he or she can get an immediate response by simply calling the toll-free number.

The toll-free system, which was established through the cooperation of the General Services Administration, is particularly helpful to citizens in Oregon and other Western States, who are separated by distances of 2,000 to 3,000 miles from some Government agencies in Washington.

I would hope that other Federal agencies follow suit and establish a similar program.

I ask unanimous consent that a listing of the toll-free numbers for Oregon residents be printed in the RECORD following my remarks.

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

TOLL-FREE FEDERAL GOVERNMENT NUMBERS—TELEPHONE NUMBERS FOR OREGON RESIDENTS

Civil Service Commission: In Portland, 221–3141, In all other locations, 800–424–4910; Federal jobs—what is available, qualifications, and how to apply.

Action: 800–424–8580; information on Foster Grandparents, etc.

HUD: 800–424–8590; to report housing discrimination.

Air Force Recruiting: 800–447–4700; recruiting information.

Justice Department: "Heroin Hotline" 800–368–5363; where people can call to anonymously report drug pushers/abusers.

Veterans Administration: In Portland, 221–2431 In Salem, 581–9343; In Eugene, Springfield area, 342–8271, In all other locations; 800–452–7276; veterans affairs information and counseling.

Internal Revenue Service: In Portland, 221–3960 In all other locations, 800–452–1980; Federal Income Tax information.

THE LONG-RIBICOFF CATASTROPHIC HEALTH INSURANCE AND MEDICAL ASSISTANCE REFORM ACT OF 1973

Mr. RIBICOFF. Mr. President, it has only been a few weeks since the distinguished chairman of the Senate Finance Committee, Senator RUSSELL LONG and I introduced the Catastrophic Health Insurance and Medical Assistance Reform Act of 1973.

The response to this legislation has been overwhelmingly enthusiastic. My office has been receiving hundreds of letters each day in support of the bill from people in all walks of life.

Private citizens, ministers, doctors, pharmacists, insurance agents, lawyers, hospital administrators, teachers, school superintendents, corporate executives and many others have expressed their support for our health bill.

But I have been most deeply touched by these people who have shared with me personal stories about the financial tragedies which can befall any family when a prolonged illness or injury strikes. Many have depleted their life savings. Others have had to sell their homes. And other have had to sacrifice educational opportunities to pay for the medical bills which can pile up all too quickly. We must put an end to these tragedies. We cannot solve all problems in a single day and we cannot completely eliminate illness. But we can and we must take some steps now to help alleviate the financial burdens of major illness.

I am pleased that 23 Senatosr are now cosponsors of our legislation.

I ask unanimous consent to print in the RECORD a list of these cosponsors as well as a representative sampling of the mail I have received concerning our health bill.

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

LIST OF COSPONSORS OF S. 2513, THE CATASTROPHIC HEALTH INSURANCE AND MEDICAL ASSISTANCE REFORM ACT OF 1973

Russell B. Long (D-Louisiana).**
Abraham Ribicoff (D-Connecticut).*
Herman E. Talmadge (D-Georgia).*
Gaylord Nelson (D-Wisconsin).*
Lloyd Bentsen (D-Texas).*

Footnotes at end of article.

Clifford P. Hansen (R-Wyoming).*
Robert Dole (R-Kansas).*
William V. Roth, Jr. (R-Delaware).*
Hugh Scott (R-Pennsylvania).
Charles H. Percy (R-Illinois).
William B. Saxbe (R-Ohio).
George McGovern (D-South Dakota).
James Abourezk (D-South Dakota).
Joseph M. Montoya (D-New Mexico).
Gale McGee (D-Wyoming).
Lawton Chiles (D-Florida).
Floyd Haskell (D-Colorado).
Milton Young (R-North Dakota).
Daniel Inouye (D-Hawaii).
Alan Bible (D-Nevada).
Howard W. Cannon (D-Nevada).
Edword J. Gurney (R-Florida).
Jennings Randolph (D-West Virginia).

DEAR SENATOR RIBICOFF: I am writing in regards to the bill you introduced called the Catastrophic Health Insurance and Medical Assistance Reform Act of 1973. I can't tell you how much I am in favor of this! Your letter said most people say "It can't happen to me." You are absolutely correct. My husband and I were only married one month and only in our early twenties when an illness struck my husband. It was a reoccuring illness and my husband has been hospitalized four times in the last four years with two major operations. And we live in fear of it happening again.

My husband is a mail carrier and the benefits just do not stand up to a prolonged illness. He exhausted his sick pay and was out for months without any pay. So all our hard earned savings for a home of our own went to doctors, hospitals, drug expenses and daily bills. It certainly has altered our lives and the life of our child. We can't possibly buy a home or live as comfortably as we would have had this illness not struck us. And with the way things exist now, (without your bill as law) if this strikes my husband again, we will be deeply in debt.

I strongly agree and admire your view that it is a right for all Americans to adequate health care. Please work to get this passed. Also if I can help you in any way I am willing to do so.

Thank you,

——— ———.

DARIEN, CONN.,
October 13, 1973.

DEAR SENATOR RIBICOFF: Nothing but your letter, could come at a more opportune time.

May 28, 1970 my normal life stopped in an automobile accident. The result to us as a family has been disastrous. We've had to remortgage our home so as not to lose it and now when the lawyers stop playing politics and really settle down—the litigation will be settled. But if I sign and then the operation isn't a success I could be worse off than I am—which is 100% disabled. The surgery has to be done in the cervical area—one badly degenerated. So its super major surgery—we have spent all our money—savings and are closely in debt for at least $5,000. I've been in the hospital 4 times this year. We still have to face the expense of surgery—private duty nurses, and the recuperation period—this with help from no one.

I strongly believe a person should be able to get help without some agency trying to get their lb. of flesh out of me.

I hope your bill goes through and helps some one.

Peace,

——— ———.

STRATFORD, CONN.,
October 14, 1973.

DEAR MR. RIBICOFF: I received your letter regarding the bill you have introduced for the new health insurance plan. It sounds like a greatly needed plan for the middle income people of our country. I sincerely hope, with your great effort it is passed. Therefore taking a lot of the strain and worry from most people about getting a serious illness and how they are going to pay for it.

I have seen it happen in my own family. My dear mother, who was 79 years old, when this misfortune happened to her $10,000.00 in two months, being kept alive with I.V.'s respirator, etc. in the end she died, most of my father's hard earned savings completely wiped out. A very sad situation for anyone to have to confront.

I myself have brought up two children completely by myself, a father who abandoned us, I did not go on welfare so my biggest worry was, if sickness came, even though I had blue cross and CMS how would I pay big medical bills. My daughter in the course of growing up, came down with epilepsy which was a big expense to me, her neurologist, medication and many other expenses which I had to face and am still facing. It would be nice if more was done for the epileptic. I wish you would look into this situation and try to get some help with this disease outside of welfare.

I guess I have expressed my opinion and wish you great success in your concern for the working class people of our country.

Sincerely,

——— ———.

ABRAHAM RIBICOFF,
U.S. Senate,
Washington, D.C.

HON. SENATOR RIBICOFF: I wholeheartedly support your efforts on behalf of your bill "Catastrophic Health Insurance and Medical Assistance Reform Act of 1973."

As you can see by my letter head that I am in the Real Estate field, but in addition during the winter season when Real Estate is slow in sales I am a Tax Consultant and prepare personal Federal Income Tax Returns. This I have been doing since 1946. I have a degree in Accounting and majored in Taxation. What I am really getting at is that I can prove that you are 100% correct when you say a family can be wiped out, mortgaged to the hilt and life savings completely gone. I keep work sheets on all my tax returns prepared and can prove every word I am now writing.

Were it not for my being a Veteran I would be wiped out as I had a mild heart attack this past May 4, 1973 and my stay at the V.A. Hospital in West Haven was five weeks. In a private Hospital with private Doctor cost could have gone over the $6,000.00 mark which amount I do not have and Insurance coverage may not have covered even half.

If I can be of any further help regarding the above please do not hesitate to call upon me.

My sincere best wishes to you and yours for a Happy Healthy & Peaceful New Year.

Sincerely,

——— ———.

NORWALK, CONN.,
October 14, 1973.

DEAR SENATOR RIBICOFF: We wish to express our strongest support for the Catastrophic Health Insurance and Medical Assistance Reform Act of 1973.

Having been victims of catastrophic illness, we know only too well the hardship caused by the high cost of medical care. When I was hospitalized in December of 1968, we were fortunate to have group medical insurance which covered 85% of all our medical expenses. Although we have avoided serious illness for the last two years, it will take us another three years of monthly payments ($65.00–$100.00) to clear our hospital bills.

My wife and I have been married for nine years, and though we have two school-age children, we find ourselves in the position of beginning all over again—three years from now.

Thank you for informing us of this pending legislation. We are happy to have this opportunity to give our approval.

Sincerely,

——— ———.

ROWAYTON, CONN.,
October 11, 1973.

DEAR SENATOR RIBICOFF: Speaking for my husband, myself, and also for our 21 year old son, you have the support of three voters in the state of Connecticut for your Catastrophic Health Insurance bill.

Our savings were wiped out, and our son had to leave college for a year when his older brother, age 22, died about a year and a half ago after a nearly five year battle with acute leukemia. This was in spite of the fact that we had Blue Cross and also received enormous help—perhaps a million dollars worth of experimental drugs—from the Cancer Society working through Memorial Hospital. We were perhaps "luckier" than some because the disease was one which qualified him for all this assistance. Still, we have first hand knowledge of the way such an illness can nearly destroy a family.

One question: Would the cost of Social Security payments by self-employed individuals be greatly increased? We are both free lance writers and find our standard of living drops nearly every week as it is.

Whatever your answer, I am convinced that this bill for insurance must go through. No millionaire could have afforded the drugs received free and pretty soon no one will be able to pay his hospital bill.

We salute you for your introducing this legislation and wish you well.

Sincerely,

——— ———.

OCTOBER 15, 1973.

DEAR SENATOR RIBICOFF: Thank you for your letter of Oct. 8th regarding the bill "Catastrophic Health Ins. and Medical Assist. Reform Act of 1973." My daughter and I are very much in favor of such a bill. When my husband was ill with cancer and died two years ago, we, certainly, could have used some help, even though we had Blue Cross and C.M.S., been down the drain. Fortunately, I can still work at sixty three and help my daughter with college expenses beyond what she gets from survivor's insurance. I know many families who fared worse than I, when there was catastrophic illness in the family.

Please, let me know if I can help to promote this bill.

Yours truly,

——— ———.

TORRINGTON, CONN.,
October 13, 1973.

Senator ABE RIBICOFF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RIBICOFF: This is my opinion of your bill the Catastrophic Health Insurance and Medical Assistance Reform Act of 1973.

I think that it is an excellent bill, but I wish that it was thought of 6 years ago.

I say this because 6 years ago I was ill with a kidney disease that drained my life savings and that of my father's. He now has to take loans out on his mortgage and from the Credit Union to pay for the continuing medical bills that arise.

I had a kidney transplant, but as I said there are still bills. I must see a doctor for a check-up once every 2 months, then there are the tests (blood, urinalysis, etc.) that I must have every time I see the doctor. My medicine costs almost $50 a month and then there are the extras like casts for broken bones, extra

*Member of the Senate Finance Committee.

**Chairman of the Senate Finance Committee.

medicine for viruses and the like and so we cannot save even a penny now.

I have not been able to get any kind of insurance because I am considered a risk. Jobs are still very hard to find and most employers want experienced people. I graduated in 1971 and when I started looking for a job, this is what I was told, directly and indirectly, that they would rather have experience.

There is also the matter of the insurance you get when you have a job. Again I get the element of *risk*. Workmen's Compensation and all that sort of thing.

What I don't understand is, what is the risk? I am perfectly capable of handling a job. I am no different from a heart patient, cancer patient, or a person with an artificial limb who works in a factory.

I cannot afford Blue Cross, on the private plan and the State has refused me any assistance because I am not disabled. I am 21 years old and cannot be carried on my father's Blue Cross or CMS.

I am taking a correspondence course for vocational training in hope of securing a job when I am finished, but until then I must contend with nasty letters from the hospital, threats of court action if I do not pay them their money within a certain amount of time and the fact that I am wearing my father to a frazzle, even though he never complains.

I have given up hope of finding any help for my situation. I don't know where else to turn. I have exhausted all the possibilities I know.

So, when I read your letter about your bill, I was extremely happy to find that someone is trying to help people like me at least.

It gives them something to look forward to, for them hope is not lost.

Your bill is *their* hope and perhaps future legislation will give others who get serious diseases or whatever, the strength to seek help from doctors and not worry about the costs.

Your bill will not only be saving them the worries of bankruptcy, depletion of their savings, and larger payments on their mortgages, it will also be saving their lives.

Many people, young and old, have died because they didn't have the money to pay for treatments or the right qualifications for assistance from the various organizations that help these types of people. They just gave up after being turned down time after time. They worried themselves to death.

Now your bill will give them the help they need to pay for their medical costs.

I hope that your bill is passed with no or I should say with the least opposition possible.

It won't help me any, but it will help those who will need it in the years to come. Perhaps even a friend or relative of mine. Then I will be able to tell them that it is thanks to Senator Abe Ribicoff, the man who cares about people and who proves he cares by doing things and not just talking about them.

I remember something from a history lesson I once had, that it doesn't matter what the legislation is for as long as the legislation benefits all the people, and has all the people's best interests at heart.

Sincerely,

——— ———.

———

October 13, 1973.

Dear Senator: I write in reference to your news letter of October 8, 1973.

I fully support your efforts in behalf of the bill, Catastrophic Health Medical Assistance Reform Act of 1973.

Having seen my parents wiped out by just the same catastrophic illness (cancer), and a lifetime of work and savings depleted, I sinecerly hope that your bill can save some of the anguish they went through.

Sincerely,

——— ———.

October 12, 1973.

Senator Abraham Ribicoff,
U.S. Senate,
Washington, D.C.

Dear Senator Ribicoff: We have been waiting for many years for legislation which would protect people from bankruptcy when they face a medical or health catastrophy.

Members of the "middle class" work all of their lives to build up a little security only to lose everything to the doctors and hospitals when a family member has a lingering serious illness. The Health Policies quit on you, just when you need them the most.

Do not let the Insurance Companies ruin your plan. They try to insure low risk people. They have all kinds of "exception" clauses in their policies. The more you need health insurance for reasons of age or ill health, the less likely they are to accept you and the more they charge. Some companies will not enroll an infant until it is 30 days old—past the serious, expensive problems. And they certainly don't want you if you already have a disease. In short, if you need the insurance, they don't want you to enroll, and a fatal illness lasting over 90 days impoverishes the entire family, even when covered by a health plan.

An example of this is an acquaintance of mine whose ten-year old daughter had cancer. She died within a year. He not only lost his little daughter, but his home as well.

Another example was in the newspaper regarding a teenage hemophiliac who required $1000 worth of blood transfusions a month. Other than this expense, his father was able to make ends meet. The father was told he could get help for his son's medical expenses only if he quit his job and went on welfare.

Another news story told of the man who had to divorce his critically ill wife to keep her from being ejected from a nursing home. The state then paid the bills he could no longer meet.

This situation is a national disgrace. We are the only civilized country in the world that does not take care of its people when a health disaster hits them.

Very truly yours,

——— ———.

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October 14, 1973.

Senator Ribicoff: We received your letter and we sure are glad you are our Senator and we hope the Health Ins. and Medical Assistance Reform Act will pass and go into effect real soon.

We had the sad case of my brother, whom you knew, as he was a working Democrat for years in Waterbury. He had a heart attack six and one-half years ago and he lost everything. We finally had to put him in a home and then in the end he was in and out of the hospital for 2½ weeks before he died. I had to turn over his insurance policy or they would not put him on State aid. I have heard nothing from the State and it sure is a big worry. So, if we had this health program, I'm sure we would not have the heart ache we had. He died May 8th. He was a veteran of W.W. 2 and the Veterans home and hospital have been kind. They will give him a gravestone and pay $250.00 for his burial.

So, we wish you well, and we certainly would be in good hands if we had more like you in the Senate and House.

Sincerely,

——— ———.

———

October 11, 1973.

Senator Abe Ribicoff,
U.S. Senate,
Washington, D.C.

Dear Senator Ribicoff: I received your memo in regard to your introduction of the Catastrophic Health Insurance Bill.

As an insurance agent I heartily approve of this type of legislation.

I come into contact with a great many hard working young people who simply cannot afford today's health insurance premiums and so either will owe medical bills for the rest of their lives or go to welfare for aid.

——— ———.

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October 15, 1973.

Re: Catastrophic Health Insurance and Medical Assistance Reform Act of 1973.

Senator Abraham Ribicoff,
U.S. Senate, Committee on Government Operations, Washington, D.C.

Dear Senator Ribicoff: Your letter of October 8th has been received and read with a great deal of interest by the writer, and I, for one, appreciate the time and effort you have put into this legislation, and, in my opinion, it is a very worthwhile bill.

Being in the insurance business and coming from the insurance capitol of the country I am sure you will receive a certain amount of criticism, but I feel that the bill will assist a great number of people who otherwise might be subject to a complete loss of their savings and possibly their homes.

Yours very truly,

——— ———.

———

Waterbury, Conn.
October 15, 1973.

Dear Senator: As residence of Connecticut, we strongly support you in enacting into law the Catastrophic Health Insurance.

It will benefit every citizen of the United States.

I think we are fortunate in Connecticut, in having such an able senator. You have always care for the welfare of all our state's residents. Also, the nation as a whole.

Thank you, we remain,

——— ———.

———

October 15, 1973.

Senator Abraham A. Ribicoff,
Commissioner on Government Operations,
U.S. Senate,
Washington, D.C.

My Dear Senator Ribicoff: Congratulations on your recent and important effort in introducing legislation titled Catastrophic Health Insurance and Medical Assistance Reform Act of 1973.

To all of us, who have long been concerned with the devasting effect that such illness can have on an entire family, this is indeed your greatest effort.

Since both ——— and I are most concerned with the high cost of maintaining a family member at a nursing facility, we hope that this too might be included in this excellently formulated plan as well.

Our pride and our support of your many efforts goes back a long way. Be certain that it continues in this, your most recent bill.

If ——— or I can be of any help, in any way, please call upon us.

Again our thanks for your interest in health care.

Sincerely,

——— ———.

———

Stamford, Conn.,
October 16, 1973.

Senator A. Ribicoff,
U.S. Senate Office Building,
Washington, D.C.

Dear Senator Ribicoff: This letter is in response to your's of the 8th, which incidentally I believe is a good idea.

Although I am the wife of a doctor I feel very strongly in the idea of Social Security protecting us against the huge expenses of catastrophic illness. Fortunately, to date, I have not experienced this personally but I am aware of many who have gone through the heartbreak of going to the edge of financial ruin due to these heavy costs. Even a few days

in the hospital for minor surgery can be a staggering blow.

Surely the richest country in the world can afford to give its citizens the protection that many small countries now offer as a matter of course. If there is anything I can do in my community to assist you in bringing this bill to the attention of the public I would be happy to help.

Good luck and keep up the good work. We are proud of your record in the Senate.

Sincerely,

———— ————.

WATERBURY, CONN.,
OCTOBER 12, 1973.

DEAR SENATOR RIBICOFF: The Catastrophic Health Insurance and Medical Assistance Reform Act of 1973 is the best news I've heard in a long time!

Thank you for introducing it—you have my full support.

Sincerely,

———— ————.

YALE UNIVERSITY,
SCHOOL OF MEDICINE,
October 18, 1973.

Senator ABRABAM RIBICOFF,
U.S. Senate, Committee on Government Operations, Washington, D.C.

DEAR SENATOR RIBICOFF: I am responding to your letter of October 8, 1973 in which you solicited views on the Bill you introduced to Congress called the "Catastrophic Health Insurance and Medical Assistance Reform Act of 1973".

As a physician caring for patients with cancer, I am all too aware that a catastrophic illness can be devastating to patients and their families. I heartily support your efforts to reduce the tragedy of such illness and improve the quality of life for our citizens. Even with such legislation, many patients with cancer will suffer significant financial burdens as the outpatient care required for patients undergoing active treatment is substantial. I look forward to the day when our Nation will recognize its responsibility to share the burden of health and care costs for all of its citizens.

Sincerely,

———— ————.

MIDDLESEX COMMUNITY COLLEGE,
Middletown, Conn., October 18, 1973.

Hon. ABE RIBICOFF,
U.S. Senate,
Committee on Government Operations,
Washington, D.C.

DEAR SENATOR RIBICOFF: I am writing to you in regard to your Catastrophic Health Insurance and Medical Assistance Reform Act of 1973. I have read about it in the papers and so am not unfamiliar with your proposal. I am for it. This is where Health Insurance should really start.

I spent a few weeks in the hospital last year because of a heart attack. The hospital bills ran to over a thousand dollars a week. I was well covered by insurance because of my job. I thought over and over again what does one do these days if he cannot afford insurance.

Sincerely,

———— ————.

GREENWICH WOMEN'S CIVIC CLUB, INC.,
Greenwich, Conn., October 19, 1973.

Hon. ABRAHAM RIBICOFF,
U.S. Senate,
Committee on Government Operations,
Washington, D.C.

DEAR SENATOR RIBICOFF: We, the Greenwich Women's Civic Club, Inc., firmly and proudly support your effort regarding the very serious and most important piece of legislation in the name of Catastrophic Health Insurance and Medical Assistance Reform Act of 1973.

We assure you that the effect this bill could have on millions of American families should be sufficient for the great body of Congress to pass it without delay.

As members of an organization, we will do all that is necessary in the way of support of this bill, by spreading the word throughout the community, by pointing out its importance and also by making others aware of the fact that catastrophic illnesses can happen in the best of families.

With this in mind, we wish you a speedy and successful piece of legislation in the days and months ahead.

Sincerely,

SYBIL BAILEY,
Secretary, Greenwich Women's Civic Club.

MILFORD, CONN.,
October 19, 1973.

Senator ABE RIBICOFF,
U.S. Senate, Committee on Government Operations, Washington, D.C.

DEAR SENATOR RIBICOFF: I am writing in support of your recent submission of the bill entitled "Catastrophic Health Insurance and Medical Assistance Reform Act of 1973." I feel this legislation is a necessity to any U.S. citizen.

My wife died of cancer about a year ago. She suffered prolonged illness and several operations which were not covered by our medical insurance. During that time every dollar I earned was spent to pay medical expenses. Beside the psychological trauma of losing my most beloved wife, I had to endure extensive financial hardships. Some of these consisted of debts which I have only recently been able to pay off.

I sincerely hope you and your colleagues are able to pass this much needed bill. I thank you for introducing this legislation and wish for speedy passage through the Senate.

Most sincerely,

———— ————.

GREENWICH, CONN.,
October 12, 1973.

MY DEAR SENATOR RIBICOFF: Today we received your bulletin regarding your Catastrophic Health Insurance bill. I emphatically give you full support for this long overdue piece of legislation.

My husband and I are in our early thirties and have three children. We have thought about "medical disasters" and realize that should one occur it would be impossible to ————.

Incidentally, we too, are natives of New Britain! Good luck!

Yours truly,

———— ————.

OCTOBER 15, 1973.

Hon. ABRAHAM RIBICOFF,
U.S. Senate, Committee on Government Operations, Washington, D.C.

MY DEAR SENATOR RIBICOFF: Thank you very much for your letter regarding the introduction of a bill on Catastrophic Health Insurance and Medical Assistance Reform Act on 1973.

This touches our family personally. My husband had a stroke six years ago and is now in a convalescent hospital permanently. Medicare took care of the first 20 days but now the basic bill is $992.00 per month, so you can imagine how much we are in favor of this new legislation and how much we appreciate your concern for families with this problem.

Sincerely,

———— ————.

OCTOBER 14, 1973.

Senator ABRAHAM RIBICOFF,
Committee on Government Operations, U.S. Senate, Washington, D.C.

DEAR SENATOR RIBICOFF: We wish to express our strongest support for the Catastrophic Health Insurance and Medical Assistance Reform Act of 1973.

Having been victims of catastrophic illness, we know only too well the hardship caused by the high cost of medical care. When I was hospitalized in December of 1968, we were fortunate to have group medical insurance which covered 85% of all our medical expenses. Although we have avoided serious illness for the last two years, it will take us another three years of monthly payments ($65.00–$100.000) to clear our hospital bills.

My wife and I have been married for nine years, and though we have two school-age children, we find ourselves in the position of beginning all over again—three years from now.

Thank you for informing us of this pending legislation. We are happy to have this opportunity to give our approval.

Sincerely,

———— ————.

CYSTIC FIBROSIS ASSOCIATION OF CONNECTICUT, INC.,
Hartford, Conn., October 16, 1973.

Senator ABRAHAM RIBICOFF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RIBICOFF: Your letter regarding the Catastrophic Health Insurance and Medical Assistance Reform Act of 1973 was very good news. Several articles have appeared in the various State Newspapers about your plan so I am familiar with it.

Upon reflecting on the experiences of many families who have Cystic Fibrosis children and the tremendous expense that is involved, I can say on their behalf that we all endorse your plan and hope that your will becomes law.

Just as important is the fact that someone outside the Cystic Fibrosis Association has taken steps to help. This gives everyone here a great amount of hope. For most C/F families, life itself is an upward struggle. Any help from outside gives confidence that there are those who care enough to do something constructive. Surely, your bill is most significant in lending financial assistance.

If there is anything that we as an organization can do to guarantee the smooth passage of your bill, please do not hesitate to ask.

Again, thanks for your help.

Sincerely,

————————.

OCTOBER 26, 1973.

Senator ABRAHAM RIBICOFF,
U.S. Senate, Committee on Government Operations, Washington, D.C.

DEAR SENATOR RIBICOFF: Please accept my sincere congratulations on the introduction of your Senate bill "Catastrophic Health Insurance and Medical Assistance Reform Act of 1973".

As Director of Community Services, AFL–CIO on the United Fund staff in charge of health and welfare programs, I am well aware of such needs.

There is no question of the great assistance your bill will render to thousands of individuals who are helpless in meeting their bills, especially the retirees who exist on Social Security income alone.

I would appreciate it if you would keep me informed of the bill's development, as I am sure you will receive Labor's active support in its passage. Naturally, as your constituent from Stamford, Connecticut, I am pleased and proud of your tenure in office and of your record.

Sincerely yours,

———— ————.

WHY NOT BLIMPS?

Mr. GOLDWATER. Mr. President, NASA is currently studying various ways

to move the Space Shuttle from point to point within the Earth's atmosphere. The need arises because NASA will have to move the Space Shuttle from the factory to either the Kennedy Space Center at Cape Canaveral or Vandenberg Air Force Base in California. Moreover, the Space Shuttles may have to be moved from one launch site to another owing to mission requirements.

I am informed that NASA is considering various ways of moving the Shuttle in level flight, among these are: fitting air breathing engines in a strap-on mode, modifying a C–5A as a piggy back carrier, joining together two 747's, towing the Shuttle behind a transport aircraft.

All have serious drawbacks.

Why not blimps?

I have written to Dr. James C. Fletcher, the Administrator of NASA suggesting the possibility of blimps or dirigibles. They have the following attractive features:

First. Low power requirements.

Second. Low noise levels.

Third. High inherent stability.

Fourth. No runways needed.

Fifth. Great ability to hover.

America has a plentiful supply of helium to provide buoyancy—buoyancy without the threat of fire.

From the foregoing it seems clear that blimps or dirigibles would be socially acceptable. They would not consume great quantities of fuel. They would pollute less. They would not add appreciably to existing noise levels. Finally, blimps are friendly.

The only real technical problem that I know of involves the takeoff and landing. Years ago large crews were used to assist takeoffs and landings by handling tethers. Inevitably, there were injuries. And, the high cost of large standby crews might be prohibitive today. I believe this problem can be solved by using modern technology.

Mr. President, I ask unanimous consent that the text of my letter to Dr. James C. Fletcher be included at this point in the RECORD.

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

U.S. SENATE, COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES,
Washington, D.C. October 29, 1973.

Dr. JAMES C. FLETCHER,
Administrator, National Aeronautics and Space Administration, Washington, D.C.

DEAR DR. FLETCHER: As you know, NASA is considering various ways of moving the Space Shuttle from point to point within the USA. I would like to suggest that you consider the possibility of using either blimps or dirigibles.

If blimps and dirigibles looked attractive from economic and engineering standpoints, it would provide NASA with a multipurpose means of transportation. For example, the solid rockets and the tanks for the Shuttle could be moved by them.

As far as I can tell, it has been a long time since the U.S. Government has studied the economics and engineering of blimps and dirigibles. If such a study were made in conjunction with the Space Shuttle, I would like to suggest that NASA simultaneously study blimps and dirigibles as a method of commercial transportation. One purpose of such a study might be to answer this question: What kinds of cargoes, if any, could they haul economically?

I am sure you can appreciate the favorable public reaction that would occur if NASA was able to provide technology for moving food from the farm to the marketplace in a cheaper, faster way.

With warmest personal regards, I am

Sincerely yours,

BARRY GOLDWATER,
Ranking Minority Member.

Mr. GOLDWATER. Mr. President, in the October, 1973 edition of Astronautics and Aeronautics, there is a very fine article entitled, "The Many Uses of the Dirigible." Its authors are Jack R. Hunt, Ben B. Levitt, Francis Morse, Kurt R. Stehling, and J. Gordon Voeth. They point out that many people have an adverse reaction to dirigibles, because of bad memories of the *Hindenburg* which blew up at Lakehurst, N.J., in 1937. The *Hindenburg* used hydrogen for buoyancy and thus was highly susceptible to explosion. German zeppelins had to use highly volatile hydrogen as a result of a U.S. embargo on helium.

However, it is a fact that during the years 1936–37, German zeppelins made over 200 transatlantic flights on schedule or nearly so. On one occasion during a flight to Rio de Janeiro, a zeppelin was unable to land as there was a revolution in progress. The airship simply maintained station over the Atlantic until the airport resumed operations.

The authors see many uses for the dirigible. The one that impresses me the most is that of a cargo carrier.

I know many Senators have received letters about the boxcar shortage. Many communities throughout the land have been short of transportation.

I believe it is time for NASA to take a new look at blimps and dirigibles—a new look at the engineering and economical problems involved. I don't believe NASA should go full bore into development. I do believe NASA should provide study money to take a further look at blimps and dirigibles from the vantage point of 1973 economics and technology.

Any transportation system promising low noise and low fuel consumption deserves some consideration today.

Mr. President, I ask unanimous consent to have the article entitled "The Many Uses of the Dirigible" printed in the RECORD.

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

THE MANY USES OF THE DIRIGIBLE

(Modern technology combined with still unrivalled payload, internal volume, range, and endurance will equip the airships of the future to do the jobs no other vehicle can.)

The revival of large airships could provide the United States with a dramatically new and different technological challenge. (See, "Dirigibles: Aerospace Opportunities for the '70s and '80s," in the November *A/A*.) But engineering challenge alone will not attract enough support. Dirigibles must be needed. They must be able to do things no other aircraft can do as well or do at all. We will detail some of these singular talents in this article.

But remember, in evaluating the dirigible's renewed usefulness think in terms of future airship design and performance. Thirty-six years have passed since the *Hindenburg's* hydrogen caught fire at Lakehurst. Yet most persons visualize tomorrow's helium-filled dirigibles as more *Hindenburg's*. This is like trying to predict the usefulness of a future airplane by what the Ford Trimotor or DC–3 could do.

Remember also that different application will require different designs and configurations. Size will vary according to purpose. Some applications will require nuclear propulsion; others will be better served by more conventional power. And, recalling that the Zeppelins of WW I carried loads to 10,000 ft. we must expect, too, a variety of cruising altitudes and speeds.

Also keep in mind that airships are *not* unduly weather-sensitive. Ground handling in severe weather admittedly takes great care, but once airborne airships take on quite a different nature. For this reason future uses of the dirigible anticipate their remaining aloft as much as possible, and loading or unloading passengers, freight, supplies, and crew by hoist, hook-on planes, or perhaps helicopters.

The German Zeppelin operators of the 1920s and '30s, pioneers in pressure pattern navigation that they were, actually chased after storms to hitch a ride on the wind circulation around them. In this way the *Hindenburg* once reached a ground speed of 188 mph. After nine years of flying the North and South Atlantic, Zeppelin captains learned to respect penetrating fronts rather than fear it. Trim the ship, place it in static equilibrium, and at low altitude enter the light spots was what they routinely did—and without benefit of radar. Localized thunderstorms they circumnavigated. More than a half million hours safely flown by the Navy's blimps in WW II reinforced the Zeppelin men's conclusion.

Not even icing presents the hazard supposed. Protracted flights in time icing have shown that an airship picks up a static load equal to about 5% of its gross weight after which no more builds up. Glaze icing poses an insignificant hazard owing to its random distribution over the surface of the ship and the short time during which glaze-icing conditions persist. Snow does accumulate but not in dangerous amounts for airspeeds above 40 kt.

This icing information came out of all-weather stationkeeping carried out in January 1957. While the most severe winter weather in 75 years hit New England, Navy blimps from a squadron at South Weymouth, Mass., and from another at Lakehurst, N.J., manned a point 200 mi east of New York City, keeping at least one airship on station at all times for 10 consecutive days. Meanwhile, weather grounded commercial carriers for three of these days at all major Northeast airports. After this performance airships harly deserved dismissal as "fair weather aircraft."

But this is history. The technology used in future airships—the nature of their skin, the ducting of heat, the use of embedded electrical elements, the carrying of ballast that doubles as deicer fluid—would overcome any remaining icing handicaps as surely as modern techniques have done so for airplanes.

Designing, building, and operating large structural airships makes perfectly sound engineering sense. Whether Zeppelins, metalclads, or some other type, however, their engineering must permit a suitable magnitude of deflection throughout their structure, something that was not always done in the past. Given this structural flexibility and given the level of technology that made possible the Boeing 747 and the Saturn V, nothing prevents building airships as airworthy as any other man-made thing that flies.

The dirigible's appeal for the future lies in certain characteristics possessed either not at all or to only a limited or lesser extent by other aircraft. Inherently it makes an environmentally clean vehicle which could appreciably reduce pollution caused by aircraft operations. It combines very large payload with extreme range and a flight endurance

measurable in days, weeks, or, with nuclear power, months. Substantial shipping holds could carry bulky cargo. It could transport outsized items, such as preassembled structures, slung beneath the hull and accurately lower them into place while hovering overhead. Sightseers, arms-control observers, land or sea bed treaty inspectors, mappers, geologists, agriculturists, oceanographers, biologists, coastline surveyors, doctors and nurses, rescue workers, salvagers, archeologists, and others could travel abroad by the hundreds and with room to work and live comfortably. For mounting sensitive equipment the structure of a large dirigible would prove convenient as would the airship's standing as perhaps the most stable and vibration-free propelled airborne platform man can build.

The usefulness of a dirigible is a function of its volume. The *Hindenburg's* 7-million cu ft approached an efficient size for its purpose, its day, and its hydrogen inflation. Lighter materials and improved structures would reduce dead weight and improve performance in the future. Even so, tomorrow's missions would require larger sizes—nine-, twelve-, perhaps twenty-two-million cu ft.

Projections set the payload of a 22-million cu ft conventionally propelled airship of conservative design at 615,000 lb for a range of 2950 mi, and 326,000 lb for 6500 mi. With nuclear power the payload remains 655,000 lb regardless of range. This is impressive carrying power by any standards. Corresponding payloads for the C–5A—considered by some the largest cargo airplane practical—reportedly weigh 265,000 lb and 80,000 lb, respectively, nowhere near the airship's.

With performance like this and that graphed at right, dirigibles could well become *merchant ships of the air*, carrying low-density and large-dimension cargoes that jet freighters find economically unattractive or practicably impossible to handle. Airships could transport these shipments nonstop at 100 or more mph (depending on design and powerplants) across oceans and then deep into continental interiors. At destination, they could unload without landing, using propeller thrust-vector control and other techniques to help maintain position and compensate for changes in weight. If the cargo happens to require a landing, they would need only a flat clearing and simple stick mast. They would need no costly port terminals or thousands of feet of heavy-duty runways.

This ability to bring large (in size and weight) cargoes into and out of areas without landing facilities would make the airship a logical candidate for introducing trade into the underdeveloped and inaccessible regions of Africa, South America, and Asia.

As *aerial cruise ships* dirigibles also have much to offer. The *Hindenburg* was considered the quietest form of transportation then available. The noise level in its passenger quarters ranged between 40 and 61 dB. It flew so smoothly that tall vases holding cut flowers safely stood on its tables. Scarcely a ripple disturbed the surface of water or wine in goblets. Absent were the often abrupt motions of heavier-than-air flight. No one got airsick.

Passengers had accommodations like those on a luxury steamer. They particularly liked the large outward-slanting draft-free windows along the promenade decks. These windows usually remained open and through them passengers could look directly out at the scenery beneath. Because the ship cruised at about a thousand feet, it offered spectacular sightseeing. Those who paid their $400 to fly the Atlantic this way sat or stood for hours before the windows. They described the experience of traveling on the *Hindenburg* by saying, "You fly on an airplane but you voyage on an airship."

An even more enjoyable flight would await those who cruise on tomorrow's dirgibles. The anticipation of gliding slowly over and around the islands of the Caribbean and of exploring from comfortable quarters in the air the historic and picturesque coastlines of the Mediterranean would almost certainly attract vacationers in large numbers. Imagine the thrill of hovering low over the canals of Venice or the ruins of ancient civilizations and seeing and photographing them unhurriedly in detailed plan view. Consider the appeal of following a river like the Amazon, poking around the Arctic ice pack in the summer, or circling the globe, all while aboard an airborne resort hotel. For land excursions passengers could be ferried to the ground and back by airplane. Or the airship might ride to a sea anchor offshore and lower its guests to the surface where waiting hydrofoils would take them into port.

Cruise activity, a major part of the maritime scene, has fallen captive almost entirely to foreign-flag ships. A new type cruise vessel, something entirely different, to attract U.S. and other tourists would help reduce the substantial dollar outflow resulting from recreation travel.

The leisure use of the dirigible contrasts sharply with its value for *giving assistance and saving lives following natural disasters.* Earthquakes, typhoons, storm surges, floods, landslides, and other such calamities continually remind us of our inadequate preparations for dealing with them. Each invariably touches off a frantic international effort to provide assistance. How well that effort succeeds depends on where the tragedy strikes and how accessible by air. If airports have been crumpled, submerged, washed away, or if they simply do not exist nearby, help is tremendously hindered. Even when runways remain open, chaos may prevent distributing items airlifted. Such conditions reportedly existed after last year's Managua earthquake.

A dirigible could carry for thousands of miles hundreds of thousands of pounds of supplies and deliver them directly into the hands of survivors and evacuees without depending upon usable runways or airports. It could take food, water, water purifiers, medicines, tents, sleeping bags, generators, communications equipment, vehicles, pumps, demolition gear, and even bulldozers. In hovering flight it could intensely illuminate an area at night. Cables could carry emergency power to the ground. Using the airship as an aerial vantage point experts in rescue, firefighting, demolition, and the restoration of essential services could oversee and direct activities. To play its role in disaster relief, such a ship must be specially configured to contain hospital facilities, for example. Provided the payload, speed, range, and altitude capability to rapidly reach almost any inhabited place on Earth, it will almost certainly comprise the most technologically advanced airship flying.

When not on disaster service, it could improve international well-being many other ways. Going into remote regions, it could seed plants from the air and dust crops. In areas of Africa afflicted by locusts, it could reach and spray the breeding areas. It could accurately chart land use and help evaluate its management, stock inland waters with fish and nutrients, take fishery surveys, and wildlife censuses and track the migration of whales. An airship could spray or literally mop up large oil spills at sea operating above and free of the mess, criss-crossing the spot to lay down chemicals or tow booms or other devices to clean the surface.

This vehicle of global goodwill, this flying symbol of American or international humanitarianism could take well-equipped teams of geologists, geodesists, biologists, and other scientists, also engineers, to areas of interest and deposit them for *in situ* sampling, exploration, excavation, and construction. Archeological expeditions could reach their destinations this way. All the while, however, the ship would remain equipped and ready for its prime mission. With the first word of a natural calamity, it would set course immediately for the scene, picking up the needed medical and other specialists on the way by airplane hook-on.

A similar but less spectacular role can also be visualized for airships as airborne versions of the medical ship *Hope*. Equipped as flying clinics and training centers and routinely bringing health care and instruction to the hinterlands, they could help people and communities beyond the direct reach of the famous humanitarian vessel.

In its survey operations for the public good, the dirigible would demonstrate its special talents for *remote sensing*. Certain frequencies now carry atmospheric, oceanographic, and Earth-resources radiometric observations, because they are the best permitted by the antenna-carrying limitations of today's air and space craft. The airship's size, stability, and low vibration would permit carrying environmental and geophysical sensing antennas that would open up a new world of frequencies to use. Sensitivity, gain, and resolution should improve remarkably.

Gravitometers and magnetometers, trailed if necessary to remove them from the effects of the ship, could be carried as could very-high-resolution cameras and laser profilometers. Remote-sensor technologists would appreciate the airship's ability to carry onboard processing facilities. They could identify questionable results while the ship is still in or near the observing area and repeat runs using the same or different instruments, frequencies, or spectral intervals.

Current technology has not revised the WW I verdict that airships make poor combat aircraft. It would permit improving their ability to survive if attacked. Damage control would become feasible in a large rigid or structural airship, since repair parties could reach its frame, engines, and gas cells in flight. More important, it could carry self-defense aids, consisting of early warning and fire-control radars, anti-air and antimissile missiles, also other countermeasures suitable to the threat. Even so, prudent operation must keep the ship out of situations for which it is not intended. The vulnerability considerations of an airship do not differ from those of any other military vehicle, be it troop transport or aircraft carrier. Each must operate in the tactical environment for which its designers intended it to have an acceptable level of survivability.

The airship's ability to deliver large quantities of men and supplies into remote areas with little or no ground support gives it an important military role.

But it has a much more significant one as a *platform for ocean surveillance*—surface, air, and underwater—for sea control. Using the immensity of its sides, an airship could fly a phased-array radar with the power and performance to mount an intensive watch over large areas of the ocean surface. Other sensors, infrared and over-the-horizon radar, might also find uses.

If the dirigible could classify detected targets, it could fire air-to-surface weapons at unfriendly ones. If it could not, it might launch its own aircraft to classify, and, if necessary, to attack them. It will want to use its planes too when keeping silent its own high-powered surveillance radar to avoid detection.

It could carry out air surveillance in a like manner but with an additional consideration. If friendly forces occupy the area of interest, the enemy must not be allowed to conduct aid reconnaissance there. Denying the enemy targeting intelligence will significantly improve the survival chances of friends. The effectiveness of standoff surface-to-surface missiles decreases as uncertainty increases about the location, composition, and disposition of potential targets. Some cruise missile submarines reportedly receive their targeting data from reconnaissance aircraft.

Deprived of such information they must stay close to acoustic detection range where they have much more difficulty locating and classifying targets.

Air surveillance should permit the airship to detect cruise missiles in flight, thus giving warning of attack and providing it the opportunity to launch counter missiles or to vector intercepting aircraft. As for submarine-launched ballistic missiles, particularly those with depressed flight trajectories, the forward-positioned dirigible can improve early-warning time and serve as a platform from which to fire counter weapons while the missiles pass through their boost phase when their low speed and large infrared signature tend to make them vulnerable.

For underwater surveillance, the airship could emplace large fields of moored sonar buoys, monitor them, classify and correlate detections, and vector forces to localize and attack unfriendly submarines. The dirigible itself could carry antisubmarine warfare (ASW) support forces made up of aircraft or remotely piloted vehicles (RPV). Buoys that fail or break away would be recovered, replaced, and repaired, if necessary, in onboard maintenance facilities. The ships could retrieve and redeploy entire buoy fields.

The airship could also tow horizontal linear passive sonar arrays, designed with an extremely large aperture, essentially to the limits of the sea environment. Screw and hull noises would no longer interfere with listening, and sweep rates and other performance aspects could improve. Subsurface arrays towed by airships seem specially suited to maintain surveillance over potentially unfriendly ballistic missile submarines.

The Navy is replacing dedicated ASW aircraft carriers by the CV with its mixed complement of ASW and attack aircraft. The airship could bring about a return to a single-mission ASW carrier, and most important from a logistic and operational viewpoint, without needing accompanying destroyers or underway replenishment groups.

Finally, the airship appears eminently qualified to serve as the central command post and operational control center for a designated sector of open ocean. It has the size to house the most sophisticated communication equipment, computers, and analysis and display equipment required by a major fleet command. Its mobility would permit the area commander to remain literally "on top" of the situation.

The dirigible could and should play other significant roles but space does not allow discussing them here. Oceanographic work for one. Use as a movable VLF antenna for communicating with submarines for another. A carrier and mother ship to Deep Submergence Rescue Vehicles for still another.

The Soviets reportedly have an interest in using airships to deliver to the Siberian interior whole prefabricated buildings and completely assembled heavy equipment, and to bring out the region's natural wealth on the return flight. In March 1972 the Russian popular magazine *Sputnik* contained two articles on the subject. One stated that 14 Soviet institutions, including some government ministries, favor the building of large airships. The U.S. and USSR have formal cooperative programs in space, including a rendezvous in orbit. A new bilateral agreement, this time for the mutual development of airship transportation, would strengthen technical collaboration between the two nations. The Administration in its desire to see trade, understanding, and friendship developed between the U.S. and USSR, might well consider the airship as a tool toward realizing that goal.

In addition, the government should look deeper into the "disaster relief airship." Creating it as a major international effort with internationally shared funding seems a "natural" as does operation under United Nations auspices.

While discussing the dirigible's international future, let us not forget Japan. Geographically isolated and dependent upon overseas commerce, the industry of that energetic country that produces the world's largest tankers may suddenly discover in the airship the means to transport manufactured goods rapidly and in bulk to Western Europe and South America. The discovery could work either to the distinct advantage or disadvantage of the U.S. aerospace industry.

How much will it cost to build a *fully-equipped operational prototype* to do some of the tasks described above?

Naturally that answer depends upon the size, performance, mission, and type of construction. Also upon the extent to which major subsystems (powerplants, for example) already exist and need not be specially developed. And upon the nature and extent of structural testing required (a large airship and a "jumbo jet" might receive quite different treatment in this regard). Estimates for such a prototype range from as low as $100 million to as high as $500 million, with follow-ons, of course, substantially less. Six cargo airships, each 12,500,000 cu. ft. and of modernized conventional rigid airship design, could cost about $25 million a copy.

But first, a training airship must be constructed. Exceptionally thoroughgoing flight and ground-handling proficiency building programs must forestall operating inexperience, a major cause of the lighter-than-air accidents of yesteryear. Simulators will help but they are not enough. The expertise and skills of flying large dirigibles have to be revived, starting anew. Before a crew can take over a large operational airship, it must at the very least have received a checkout in a smaller ship—probably of about 3-million cu. ft.

This training ship would cost perhaps $50 million. It need not carry the advanced electronics and other special features required by the operational ships. Constructing such a ship inside one of the half-dozen dirigible hangars still standing in the U.S. would take about three years.

Providing a training airship, an operational prototype, and qualified crews would probably cost too much for any private organization. Government support seems almost certainly required, particularly if the aerospace industry persists in some of its costly ways of doing things (often at the insistence of the government itself). The 6.5-million-cu ft *Akron*, an operational prototype, cost $5.4 million and its sister ship, Macon, $2.5 million. These two dirigibles, representing perhaps America's single most ambitious aircraft construction project of the late 1920s and early 1930s were built by a contractor's engineering group that, including draftsmen, numbered no more than about 50 persons. The Navy's highly successful ZMC–2 metalclad, a radically different developmental airship prototype involving new materials, design, and construction techniques, was engineered by a staff of a half-dozen. How many scores or hundreds would work on that same job today?

Which agency might provide the support? The Coast Guard, Environmental Protection Agency, Geological Survey, Atomic Energy Commission, Arms Control and Disarmament Agency, National Oceanic and Atmospheric Administration, and, of course, the Maritime Administration all have programs and missions that would benefit from large airships. Individually, none of these Federal agencies would likely underwrite development alone. But they could pool their requirements and resources and sponsor the ship collectively. One, however, must take the lead.

The Defense Department could obtain the resources to begin a comprehensive airship program. Despite the military applications described earlier, DOD has so far shown little interest. If it does, an Air Force or Navy airship program could lay the foundation for nonmilitary usage and designs.

NASA has apparently no more interest in airships than does DOD.

Yet the airship offers a vast potential for services, applications, and uses important, even critical, not only to the U.S. but also to the world. It would have a measurable impact on the balance of trade, scientific progress, national defense, and international humanitarianism. It offers as much as did the SST—perhaps even more—an opportunity for engineering creativity, technological advancement, and *management innovation*. Building a dirigible differs from building an airplane. To revive airships, we must make a new technological start. *And in so doing, we can also make a new managerial start*, something much longed for by those caught up in the way of doing things that has evolved since WW II. Building a dirigible can be used by astute managers in government and industry to reverse the trend toward ever more costly and more difficult to control aerospace programs.

Will the airship be revived? Almost certainly it will but not until its technical and operational merit has become more widely recognized and the subject itself given more professional attention.

The time table could change overnight if the Office of Management and Budget concluded that airships can substantially or uniquely contribute to the Administration's goals at home and overseas. An OMB recommendation to develop this environmentally clean and attractive vehicle for its commercial, scientific, defense, utilitarian, and global good-will value is what is really needed.

There is no question about *whether* the dirigible will return, but *when*. And that depends on how rapidly an awareness of its potential can be conveyed to the Executive Branch, Congress, the military, the scientific community, industry, and the public.

EARL G. WATERS—WINNER OF THE 1973 FREEDOM OF INFORMATION AWARD

Mr. CRANSTON. Mr. President, I want to pay tribute to a fine California newspaperman. Earl G. Waters, syndicated columnist whose articles on California government and politics appear in 40 newspapers, has been named the winner of the 1973 Freedom of Information Award.

The honor was announced at a meeting of the prestigious journalism fraternity, Sigma Delta Chi, at its Central California Chapter, by Michael Otten, awards chairman.

Mr. Otten said it was given in recognition of Waters' action in forcing the disclosure of a contractual arrangement the University of California secretly made with the university president.

When his requests to view the contract were denied, Mr. Waters retained legal counsel and sued to enforce the public's right to know. Mr. Waters' unrelenting pursuit of the records resulted in important public revelations.

Mr. Waters was selected from a group of nine nominees for the award which is given annually. It is the second journalistic honor bestowed upon him this year. Last April he was named the winner of the 1973 Media Award given for "outstanding legal and legislative reporting" by the California Trial Lawyers Association.

He had previously been the recipient of two awards from the California Newspaper Publishers Association for "general excellence" in reporting.

THE MORAL ISSUE

Mr. JAVITS. Mr. President. At a time of testing of the issue of détente with the Soviet Union as a result of the developments in the hostilities and cease-fire in the Middle East, it is pertinent to recall an editorial which appeared last month in the September 13 Wall Street Journal. This lead editorial has as its thesis the proposition that denial of liberties to its own citizens by the U.S.S.R. is a proper matter of concern to the United States in any détente or negotiations with the Soviets. As the editorial points out:

It is not in the nature of men or governments to be beastly within the family and trustworthy outside it.

I ask unanimous consent that the editorial be printed in the RECORD.

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

A PARABLE

Two men living on a remote island had been feuding for years. Whenever either would venture into the no-man's land between their family domains the other would feel threatened and knives would be drawn. Unhappily, the no-man's land included the island's best freshwater spring, and no member of either family dared to drink its waters.

A long drought, drying up the other springs and threatening the lives of both families, promised at least to end the feud. Though eyeing each other suspiciously, the two men managed to reach an understanding allowing both to use the spring, and indeed joining their efforts to develop its resources. Within this tenuous understanding both could prosper, but if either or both were cut off from the spring they would die.

Encouraged that the two could work together on something so important, the first man starts to rethink his experiences. Perhaps the long feud was merely an honest misunderstanding. Perhaps he had misjudged his fellow, perhaps he had merely imagined the evil intentions. Perhaps a certain allowance needs to be made for different and sometimes rough ways. Perhaps despite these differences, the other man is trustworthy enough that the important things can be settled and the knives can be forgotten.

Then the first man discovers that even while working industriously on the spring by day, by night the second man is beating his wife and terrorizing his children. Some of those beaten, fearing for their lives, appeal to the first man for help. What is he to do? He is moved by their plea, but he has heard that quarrels of another family are none of his business. He knows that if he antagonizes the second man the understandings may collapse and all may die. Yet if the beatings reveal true character, how long will the understandings last? Can any agreement with such a person, the first man wonders, really protect his future and his family's?

Only a cruel fate could create such a dilemma. A hundred philosophers could wrestle with it for a hundred years without providing a happy solution. Yet it is not only in parables that fate is cruel, and the United States, trapped on the world island with its Soviet antagonist, finds the dilemma not hypothetical but real. Just as agreements are being reached to curb nuclear arms, and just as American granaries are feeding the Soviet people, we find the Soviet government crushing its dissident intellectuals, even moving against the two formerly protected by fame, physicist Andrei Sakharov and novelist Alexander Solzhenitsyn.

Given this dilemma, Americans are bound to be troubled no matter how they react. These columns have many times expressed their instinct, which is to warn against an excess of moralizing in foreign policy. That excess is written large in American history; this nation's typical error in foreign policy has been putting a desire to create little Americas abroad ahead of cold calculations of national interest. And this tendency is curiously strong, far from absent, in those who have most loudly warned us against playing "world policeman."

Our cold interest, since we cannot make the Soviets go away, is to find ways to live with them. To this end we are following a strategy of increasing contacts, of creating an interdependence between the two societies. This is far more important than threatening and cajoling them into following American standards of behavior with respect to their internal matters.

Yet this attitude can be carried only so far. It is not in the nature of men or governments to be beastly within the family and trustworthy outside it. The policy of detente is in fact built around an assumption that Soviet behavior will evolve toward moderation internationally, and a shadow is cast over the strategy when the Soviets move in the opposite direction internally. One would not want to forsake the strategy prematurely over such concerns, since it does seem to offer the best chance for peace. One would want to offer the Soviets a chance to show that they are not after all immune to moral persuasion. But in the end, there are limits.

So we sympathize with Henry Kissinger and other officials when they refuse to link official policy to the treatment of Soviet dissidents, except in informal representations. But we are also delighted with the widespread public concern and the protests by the National Academy of Sciences. And the Soviets need to understand that if their actions continue to make matters worse, American public opinion will ultimately be reflected in American government policy.

Given the stakes involved, we can hardly go on a crusade against wife-beating. But it may help the victims, and also our own long-term interests, to let it be known that there are types of behavior that call the whole joint enterprise into question.

A TRIBUTE TO HAROLD HUGHES

Mr. MUSKIE. Mr. President, with many other Senators, I took great pleasure this past Sunday in an article which appeared in Parade magazine about our friend and colleague, Senator HAROLD HUGHES. In describing him, and his decision not to seek reelection next year but to retire from the Senate and follow the call of God in his service to mankind, the article was laced with complimentary adjectives: "compassionate," "understanding," and "impressive."

Having the privilege of knowing and working with HAROLD HUGHES gives content to these adjectives. His strength of character has led to what he calls "a spiritual approach" to his public role—truly feeling with conviction the important values of life, and acting upon them. His contribution to the work of the Senate has reflected this conviction and strength of character. As he continues to bring his message to mankind, he will have my confidence, respect, and warmest personal best wishes.

Mr. President, I ask unanimous consent that the Parade article on Senator HUGHES be printed in the RECORD.

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

SENATOR HAROLD HUGHES: HE WANTS TO WORK FULL TIME FOR GOD

(By Lloyd Shearer)

WASHINGTON, D.C.—Some men, particularly politicians, will do almost anything for power. And then, having acquired it, they will do even more to consolidate and perpetuate it. For political power in the American way of life is either the ultimate money-substitute or an eased road to wealth.

Mayor Richard Daley of Chicago is the classic example of the first, and the late Lyndon Johnson in Texas an equally classic study of the second.

In the hands of politicians with little strength of character, power frequently becomes hypnotic in its addiction, corruptive in its influence, and vindictive in its exercise.

Once in a rare while, however, a man, elected to political power, decides to relinquish it when he doesn't have to.

On Sept. 6th—after a lengthy period of personal soul-searching and intensive discussions with his wfie and three daughters—Sen. Harold Hughes, 51 (D., Iowa), announced that when his present term ends in January, 1975, he will retire from the U.S. Senate to become a lay preacher and follow "God's calling."

OVERCOMING THE PAST

Hughes, an ex-alcoholic truck driver—a lethal combination if there ever was one—is a three-time Governor of Iowa, 1962–68, a Methodist, and one of the most deeply religious, personable, kind and liberal members of the Senate.

In his 4½ years as a Senator, he has quietly helped several members of the Congress and their wives with drinking problems and ministered to the varied needs of others.

A mountain of a man, 6 foot 3 and 245 pounds, he is a tender, compassionate, understanding person whose special interests are the poor, the weak, the downtrodden, and those who have lost their spiritual way in life.

"I have long believed," he explains, "that government will change for the better only when people change for the better in their hearts. Rightly or wrongly, I believe that I can move people through a spiritual approach more effectively than I've been able to achieve through political approach.

"To me there is something more important than the political process in this country. God comes first and country comes second.

"That belief is really nothing new with me. I've had it ever since I quit drinking. (In 1951 Hughes was about to take his own life when one afternoon he knelt in prayer.)

"At that point," he says, "I asked God to direct my life, and I made a commitment to Him as I understood it. I thought then of entering the ministry. In fact, for a couple of years I even took a correspondence course for the ministry. But then I was led into state politics, and eventually into the Senate by the late Robert Kennedy.

"In 1967 after three terms as Governor of Iowa, I didn't want to run for reelection," Hughes narrates, "I didn't want to come to Washington. I had no ambition to become a United States Senator. But one afternoon, in November or December, 1967, I don't recall the precise date or even the precise hotel, I think it was the Plaza, Bob Kennedy and I, just the two of us, met in a hotel in New York City. And I told him that Lyndon Johnson had to be replaced as President and that he was probably the only man in the Democratic Party who could get the nomination.

A DIVIDED COUNTRY

"Bob was reluctant. He said he didn't want to be the instrument for dividing the country. I disagreed with him. I told him the country was already badly divided, that someone had to run against Johnson. Of course, we didn't know that Johnson would subsequently decline to run.

"In the course of the conversation," Hughes continues, "Bob pointed his index finger at me and said, 'How can you ask me to run for the Presidency if you won't even run for the Senate?' I didn't have much of an out. I couldn't see that one more vote in the Senate was going to make that much difference. But he convinced me. He convinced me that six years of my life in the Senate might indeed make a difference on a lot of issues. I said, 'OK, Robert, I'll run for the Senate if my wife and daughters agree.' They agreed. I ran, and I was elected.

"Robert ran, too, for the nomination, but you know what happened [Robert Kennedy was assassinated in Los Angeles on June 6, 1968]. And that tragedy brought me to the realization then, as it does now, that there's a basic savagery underlying the political structures of this country that we've never been able to mature out of.

A GREATER DANGER

"The politician in this country is probably in greater danger of being struck down than in almost any other Western country. Americans don't like to hear that. But our history proves it. Just in the past 10 years: Jack Kennedy, Robert Kennedy, Martin Luther King, George Wallace. Surely there must be some way in which we can dampen the anger which politics generates in the hearts of our people."

When Harold Hughes leaves the Senate in January, 1975, he plans to join two organizations, the Fellowship Foundation and the International Christian Leadership, both of which believe in spreading the Prayer Breakfast Movement. As yet he has no specific assignments. "People ask me," he says, "If I expect to be another Billy Graham or spend the next 20 years of my life as a missionary in India. The truth is I don't know what I'm going to do. I haven't had time to lay out a program. When this job is over, I'm going to take a little bit of time to wait on the Lord—to think and to pray. I'm sure God will direct me."

Senator Hughes is good-naturedly aware that some people believe he's "blown his stack" or "gone off the deep end," or suspect that he really plans to run for President of the U.S. under a third-party banner.

"I'm not contemplating running for public office again in my life," he declares, "but if there should come a time in the future that the right man or woman ran for office and wanted my commitment or if some President should say to me, 'I want you to come and do this for the country,' I would feel compelled to do it. But the truth is that I've been sitting here in the Senate these past few years saying to myself I'm not doing what my conscience wants me to do.

"I've tried to find a way of life," Hughes asserts, "where I could do what God intended me to do with a total commitment. I haven't found that in the Senate. That's not to say I'm not proud of what I've done here, especially in the fields of alcoholism, drug dependence, the anti-war movement, and the exposing of the secret Cambodian bombings, and, of course, the Gen. John Lavelle affair. [General Lavelle authorized and hid from superiors a series of unauthorized bombing raids on North Vietnam.]

I've been an important, lonely voice on the Senate Armed Services Committee, questioning a lot of weapons systems. And I think my voice has had some effect, has focused some attention on the problems and issues. I don't sell that short for a minute. It's just that to me God's calling is greater than the political one."

CONSTITUENTS TALK

The reaction to Hughes' plan has been startling. The overwhelming response has been one of discussion. "The devil's in the White House," many of his constituents have written, "stay in the Senate."

The secretaries in the Senator's office say his Iowa mail has reflected surprise, disappointment, respect for his wishes, and appreciation for what he has done in the past, in that order.

"The only people who dislike the Senator," claims one assistant, "are some in the White House, and that's because the Senator has always firmly believed in telling people the truth and in speaking his own mind."

Hughes quickly admits, however, that "I've received some letters telling me that I ought to learn a little about forgiveness if I'm going to succeed in my new way of life. I've been accused of being quick to criticize the President, quick to call him to task.

"I don't enjoy doing that," he states, "we have a President. I respect the Presidency. I pray for the President every day. It's pretty difficult to stand up here in the Senate and be cutting in your criticism, because you think it's not only in the national interest but in the interest of eternity. I don't like to hurt others. I don't have the killer's instinct. I never want to bore in on a man when he's bleeding and not leave him room to escape and heal by honesty.

"The President could have taken Watergate and become a saint. If only he'd made a complete revelation, if only he'd told the whole truth and dismissed the people involved and demanded full prosecution. His popularity would have been 95 percent.

"But the President is a man who is very afraid," Hughes states, "and I wish I could help him. That may sound strange, as critical as I've been of him, but I really wish that I could. I see nothing wrong in confession and repentance. Why can't he do that?

"I would rather have a group of men gathered around me in prayer to help me than to stand in the heat of crisis with a bunch of intellectual advisers. That's the way history has brought strength to people.

THE SÉANCE AFFAIR

"Nine times in his Presidency, Abraham Lincoln called his country to prayer and repentance. Nine times he said, 'It's a national day of repentance. Ask forgiveness for yourselves and the nation, so that God might remove from us the stigma that caused this great conflict that almost tears us asunder.' Surely, President Nixon should have no shame in doing that."

In 1971 Harold Hughes gave the Democratic Presidential nomination a try. He progressed smartly until several newspapers reported that he had attended a séance in an effort to communicate with his older brother, Jesse, who was killed in an automobile accident in 1942 not far from their hometown of Ida Grove, Iowa.

Many members of Hughes' staff believe that their boss departed prematurely from the race and might well have won had he stayed. Hughes is by far a more charismatic personality and a more impressive and memorable speaker than such Senators as Muskie, McGovern, Humphrey and Jackson. He may in fact be the most arresting speaker in the entire Congress. With his commanding presence and his resonant, stentorian voice, he has the rare faculty of arousing almost instantaneous rapport with his audience. He has had groups of businessmen hugging each other in demonstrations of close brotherhood as a result of his urgings. He is a thoroughly empathetic man.

How he will survive after he leaves the Senate, he has little idea. He has entered into no salary or financial arrangements with either the Fellowship Foundation or International Christian Leadership and insists that "God will look after me.

"Fortunately," he adds, "my wife has as much faith in God as I have. She doesn't know what we're going to be doing. We discussed seriously the economic problems related to a move like this, you know, giving up a great deal of security here at the U.S. Senate.

"We don't have enough financial resources to provide for old age. Another term in the Senate would mean a good retirement pay, enough for us to live the rest of our lives comfortably. But my wife agrees with me that by faith, the Lord will provide for us, and as for the rest of it, she's delighted."

A most unusual Senator, Harold Everett Hughes, one-of-a-kind, truly a nonpareil.

FIVE HUNDRED STUDENTS ENROLLED IN BUSINESS MANAGEMENT TRAINING

Mr. COTTON. Mr. President, in troubled days such as these we sometimes tend to allow worthy projects and dedicated service to be overlooked temporarily and consequently I feel it is particularly appropriate at this time to call attention to a program associated with the normality of the fall season rather than the abnormality of these particular times.

Recently I was supplied with a copy of the July/August issue of Access, a publication of the Office of Minority Business of the U.S. Department of Commerce that describes another instance of the willingness of the National Football League to become involved in the world outside of their packed stadiums. In an excellent example of a Government project being supplied to the private sector; 15 young professional football players secured commitments from 257 business firms to provide 508 fellowships for disadvantaged students that will eventually lead to their being brought into the firms upon their college graduation. Under the terms of the program, these students, all financially needy high school seniors in the top 10 percent of their graduating classes, will work for the companies during their summer, Christmas, and Easter vacations while in college.

This project was originally conceived by a dedicated career civil servant, Mr. Francis X. Seymour, the Chief of the Department's Personnel Operations Division, to bring disadvantaged Washington area students into the Government. Mr. Seymour is also an avid fan of the Washington Redskins and suggested that OMBE adapt the program to the private sector. With the professional football players running interference, the business firms have committed a total of $3.5 million to the fellowships. The OMBE cost was only $125,000; which Commerce Under Secretary John K. Tabor points out is:

Exceptionally low overhead and a significant savings to taxpayers in view of the fact that the costs of many other youth related programs have been many times this figure.

Among the 15 NFL players who participated in this program were Conway Hayman and Homer Post of the New England Patriots and I commend the article to the Senate and ask unanimous consent that it be printed in the RECORD.

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

FIVE HUNERED STUDENTS ENROLLED IN BUSINESS MANAGEMENT TRAINING

With 15 professional football players running interference for them, some 500 young people from disadvantaged backgrounds are moving toward career goals in the business world.

It's all part of a unique program called the Business Management Fellowship started by OMBE in cooperation with the National Foot-

ball League (NFL) and the private business community.

Nationwide, private business firms have awarded Business Management Fellowships to 508 students. Under the terms of the program, these students, all high school seniors in the top ten percent of their graduating classes, will work for the companies during summer, Christmas and Easter vacations during their college careers.

Upon graduation from college, the students will be brought into the firms through regular personnel channels as full time professionals. To qualify for the program, the students must be eligible to attend college and must show financial need. Many of them are from minority groups.

In addition to the 508 commitments for the coming school year, 257 firms have expressed an interest in participating in the program next year.

The Business Management Fellowship results were announced at a special ceremony at the Commerce Department in Washington to honor the 15 professional football players who worked for the Department during the last few months to market the program to private industry.

The players were recruited with the cooperation of NFL Commissioner Pete Rozelle. Buddy Young, Rozelle's special assistant, was primarily responsible for recruiting the players OMBE needed to sell the program. Young said, "In reviewing OMBE's needs, I decided to recruit the younger players in the league who could use the money they earned during the three month assignment and who have the enthusiasm and salesmanship to do an effective job."

Under Secretary of Commerce John K. Tabor presented award certificates to the players. They are: Jimmie Jones, Mack Alston, Ted Vactor and George Nock of the Washington Redskins; Conway Hayman and Homer Post of the New England Patriots; Jim Harris and Joe Williams of the Los Angeles Rams; Dave Lewis and Jesse Phillips of the Cincinnati Bengals; Melvin Holmes of the Pittsburgh Steelers; Cal Snowden and Chris Fletcher of the San Diego Chargers; Rudy Redmond of the Detroit Lions; and Clarence Ellis of the Atlanta Falcons.

The ceremony also honored a Commerce Department official who originally developed the Business Management Fellowship. He is Francis X. Seymour, chief of the Operations Division, Office of Personnel.

Seymour conceived the idea in 1967 as a method for bringing disadvantaged students from the Washington, D.C. area into the Commerce Department at the professional level. The program was so successful at Commerce, that the Civil Service Commission later adopted it for Government-wide use. Today over 1,000 young professionals, many of them minorities are serving in the Federal Government as a result of this program.

Because it worked so well in Government, Seymour suggested that OMBE adopt the program for use in the private sector. The result was the Business Management Fellowship Program.

In presenting the awards, Under Secretary Tabor pointed out that the compensation the 508 students will receive for vacation work during the four-year terms of their Fellowships is estimated at $7,000 per student. "Thus business firms, in signing up to provide 508 Fellowships, have agreed to commit a total payment of about $3.5 million to selected students," Tabor said.

Since it only cost OMBE $125,000 to implement the program this year, this means that the Federal Government's contribution to the program is less than four percent of the anticipated private industry commitment to support the program.

"This is an exceptionally low overhead and a significant saving to taxpayers in view of the fact that the costs of many other youth related programs have been many times this figure," the Under Secretary pointed out.

OMBE Director Alex Armendaris commended the football players for the dedication and enthusiasm they brought to the Business Management Fellowship Program. Calling the program a practical way to develop future minority entrepreneurs, Armendaris said, "The long-range benefits of the program are evident: a pool of college trained, business-oriented minority employees is being developed on an ongoing basis and in an organized manner as candidates for the executive programs of business and industry."

MR. DEPILLA, OF THE U.S. BOTANIC GARDENS CONSERVATORY

Mr. McCLELLAN. Mr. President, we in the Senate are fortunate to have a number of dedicated and loyal employees who serve us ably and are all too often unheralded.

Albert T. DePilla is just such a person. Mr. DePilla, a horticulturist and manager of the U.S. Botanic Gardens Conservatory, was awarded a certificate by George White, Architect of the Capitol, on October 10, 1973, in observance of his 50 years with the U.S. Government.

Over the years, Mr. DePilla has provided the Capitol and other legislative buildings with flowers and floral displays which have greatly enhanced our environment and improved our working conditions. He is truly an artist in his arrangement of flowers.

Mr. DePilla was born across the street from the present conservatory. At the age of 16, he began his employment at the conservatory as a laborer and rose over the years to his present post. When the present conservatory was opened, he assisted in the transferal of the tropical plants to their current home.

As manager of the U.S. Botanic Gardens Conservatory, Mr. DePilla supervises the outstanding floral shows which attract thousands of visitors to Capitol Hill during the Easter and Christmas seasons and the remainder of the year. He is in charge of the decoration of the Old Supreme Court Chambers in the Capitol for the Presidential Inaugural ceremonies held there. He has decorated and arranged the floral displays for all presidential funerals held in the Capitol Rotunda from Presidents Harding to Johnson.

Under Mr. DePilla, the conservatory has provided not only floral offerings of enchanting beauty, but also a place where our young people can learn—just as he learned—to appreciate the beauty and bounty of nature.

Mr. President, in the years of service that he has given us, Albert DePilla has never been too busy to offer advice and instruction in the care of plants. He has made many friends among Senators, Congressmen, their wives, and their staffs. I am sure that they all join me in congratulating him upon this occasion and wish him many more years of productive service.

LET US COUNT OUR BLESSINGS

Mr. FANNIN. Mr. President, in today's busy world we seldom have time to stop and count our blessings. Yet, a moment's reflection will reveal that even with our inflation and our political disputes, we are a very fortunate people.

At the same time, we must also recall what it is that made the United States the strong and prosperous Nation it is. And it becomes apparent that we must rededicate ourselves to the principles and to the hard work that built this Nation.

The Warner and Swasey Co. ran two excellent advertisements in the most recent issues of U.S. News & World Report. One of these advertisements helps us to count our blessings and be thankful. The other reminds us that unless we get back to work we will not long enjoy this good life.

Mr. President, I ask unanimous consent to have these two advertisements reprinted in the RECORD.

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

YOU THINK AMERICA HAS TROUBLES? WHAT'S NIGHTMARE TO US WOULD BE UTOPIA TO THE WORLD

In much-envied Japan, the best beef costs $35 a pound; pollution is so bad in Tokyo that traffic policemen take an "oxygen break" every hour—3 minutes of breathing bottled oxygen; their factories produce ten times the industrial waste per square mile that our factories do and 70% fail to process their waste; school children pass out after playing in the smog.

Britain, France, Spain, Italy, Denmark and Finland have worse inflation rates than we do, and controls have failed. (Gasoline in one country costs $1.03 a gallon).

In Brazil less than half the cities have high schools.

In Rio de Janiero as many as 6 companies have to share one telephone.

In Cuba per capita income is down to $357 per year.

In the Congo prices have risen 90% since the late 60's and wages have risen only 40%.

In mainland China workers live in huge apartments where 6 to 12 families share one kitchen.

Calcutta has a population explosion (9 million; it was 2 million just ten years ago) because people crowd in to get factory jobs at 34¢ a day—twice the Indian national scale.

We have only 6% of the world's population but we produce and consume 30% of the world's goods and services, making us better fed, better housed, better educated, with better medical care than virtually any other people on earth.

Complacent? We'd better not be! We'd better learn how to get back to being the *productive* people we once were, when we were *safe*, and genuinely prosperous—and reasonably happy.

NOBODY LIKES TO BE SECOND-BEST, BUT WE'RE GETTING THERE ALL TOO FAST

The United States used to make 76% of the world's automombiles. Now it's 33%.

We produced 47% of the world's steel; now 19%.

Following World War II we built most of the world's merchant ships. Now only 2%.

From first to third as builder of machine tools.

The American sewing machine used to be the trademarke of the American home. Now only one company makes *any* here.

40% of Americans walk in imported shoes.

Whose fault? It's *everyone's* fault who wants something for nothing or takes something he doesn't earn. That is what is causing exorbitant prices, shoddy quality, disguested customers. America was built by hard work, with everyone carrying his share. We'd

better get back to it *fast*, while there's still time.

THE WIRETAP MENTALITY

Mr. NELSON. Mr. President, approximately 30 years ago, Justice Felix Frankfurter warned that "The history of liberty has largely been the history of observance of procedural safeguards".

None of us, least of all those of us in Congress, can afford to ignore this warning today. For the Senate Watergate hearings and other recent events have exposed in shocking detail the Government's steady encroachment on individual liberty. The Government wiretaps phones, installs electronic bugs, and spies on the activities of law-abiding citizens—often with little or no concern for individual's right of privacy.

The time has come for Congress to stop toying with words and adopt some procedures to control these invasions of individual privacy by the Government.

There are innumerable examples to demonstrate the need for congressional control of Government snooping. Perhaps the most telling examples are wiretaps which the Government installed in May 1969, at the specific direction of the White House, on 17 individuals suspected of leaking information to the press. Most of the taps were placed on the phones of certain Government officials. The remainder were placed on the phones of selected newsmen.

The administration argued that these widetaps were necessary to prevent disclosure of information considered vital to our national security. But the administration had virtually no concrete evidence to support this argument. The lack of evidence, however, was no obstacle to the installation and maintenance of the wiretaps. For the administration did not feel an obligation to persuade a court or any other public body of the need for the wiretaps. In the administration's eyes, its discretion was beyond question.

As a result, many of the taps installed were continued for an inordinate amount of time. In the cases of at least two Government officials, for example, the taps were maintained after the officials had left Government service and had joined the presidential campaign staff of Senator MUSKIE.

These are not isolated incidents. Almost every day the public learns new details of how the Government spies on citizens. One day it is the U.S. Army employing 1,500 plainclothes agents to spy on more than 100,000 law-abiding citizens whose only "crime" is disagreement with Government policy. Another day it is the FBI spying on citizens and Government officials participating in the celebration of Earth Day. And another day it is the White House "plumbers" burglarizing the offices of a private physician. The possibilities are almost limitless and, to say the least, rather frightening.

These insidious practices of Government snooping threaten the rights guaranteed to each citizen by the Bill of Rights of the U.S. Constitution. Foremost among these threatened rights are the ones accorded by the fourth amendment. That amendment provides that—

> The right of the people to be secure in their persons, houses, prayers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probably cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The purpose of this amendment is clear. It is designed to protect an individual's privacy from invasion by the Government.

One need not be an historian or a lawyer to recognize that this right of privacy is fundamental to our system of democratic self-government. For this right places an individual's thoughts and beliefs beyond the reach of the Government. It protects each individual's right to think and, within certain established limitations, to act as he or she chooses. As Justice Field declared in the 1888 case of In re Pacific Railway Commission:

> Of all the rights of the citizen, few are of greater importance or more essential to his peace and happiness than the right of personal security, and that involves not merely protection of his person from assault, but exemption of his private affairs, books and papers, from the inspection and scrutiny of others. Without the enjoyment of this right, all others would lose half their value.

A right so vital to an individual's peace and happiness cannot and should not be entrusted to the guardianship of a Government which can act in secret. This is particularly true when, as in the last few years, the Government is too ready to sacrifice individual privacy on the altar of political expediency. This, in a word, is the clear message of the fourth amendment.

Unfortunately, that message has done little to restrain the Government when it wants to spy on private citizens. Accordingly, I introduced a bill in April 1971 and again in June 1973 to establish a joint committee of Congress to review all Government surveillance activities. This joint committee would be empowered to subpena representatives from every governmental agency or department engaging in surveillance activities and to require full disclosure of their respective spying activities. The joint committee could then determine whether these activities comport with the fourth amendment and whether any new laws are needed to safeguard an individual's privacy from Government snooping.

Congress should not underestimate the importance of adopting action now to control Government surveillance activities. Government spying, by whatever means, jeopardizes the individual freedoms which are the cornerstone of our democratic system.

The need for immediate congressional action to control Government spying was voiced most recently in the lead editorial, entitled "The Wiretap Mentality," in the October 13, 1973, issue of the New Republic. This excellent editorial describes the Government's installation of wiretaps in May 1969 on the telephones of the 17 individuals suspected of leaking national security information. The editorial also criticizes Congress failure to take any action to review the full scope of Government wiretapping.

This editorial deserves the close attention of every Member of Congress and the public at large.

Mr. President, I ask unanimous consent to have that editorial printed in the RECORD.

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

THE WIRETAP MENTALITY

Three months after his second inauguration as President, Richard Nixon gave the go-ahead to installation of FBI wiretaps on the office and home telephones of at least one newsman and a handful of Henry Kissinger's National Security Council staff members. The date was May 1969 and it marked the start of a unique effort first to control news leaks, then to gather political intelligence, and finally just to snoop. The White House and the FBI always knew these taps were politically risky. And so, although the FBI's number two man, William Sullivan, worked directly with Nixon aide John Ehrlichman, knowledge of the taps and the information they generated were kept out of normal bureau channels. Sullivan kept the files in his private safe. But periodic reports on what the agents overheard were sent to the President via Haldeman and to Kissinger through his aide General Haig. Only occasional reports went to Attorney General Mitchell. In the 21 months between May 1969 and February 1971, the phones of 17 persons were tapped. Some taps continued for a month or less; a few longer and at least one—on the home phone of Morton Halperin—was maintained throughout the entire 21 months.

Two members of the Senate Foreign Relations Committee, Senators Sparkman and Case, were permitted to read an FBI summary report on the taps during the confirmation hearings of Secretary Kissinger. They spent less than 10 minutes reading the documents and about the same time questioning Attorney General Elliot Richardson and his new deputy, former Acting FBI Director William Ruckelshaus. Their interest was primarily Kissinger's role in initiating the eavesdropping, not the eavesdropping itself. Enough was learned, however, to cause them to question "the pattern of casual and arbitrary infringement of individual rights." They also noted that "very little if any justification was presented in most instances" for initiating a tap. Often only the name of a White House aide would be supplied as the requestor. The excuse for one tap was that a newsman had been seen talking to an East European diplomat; in another that a State Department official was close to Averell Harriman. The Senate committee also criticized the lack of "procedural safeguards" with respect to terminating the taps. Why they were terminated is an intriguing story in itself. They were halted in February 1971 because FBI Director Hoover wanted to reduce the number of national security taps prior to his annual appearance before the House Appropriations subcommittee, which was scrutinizing his budget.

If these 17 so-called Kissinger taps were the only publicized examples of Nixon telephone snooping, the Congress and newsmen might be somewhat justified in giving the subject the silent treatment it has had. They were not.

In June of 1969—a month after the first FBI taps were installed—White House counsel John Ehrlichman at the specific direction of the President authorized the White House's own security unit, then headed by John Caulfield, to install a wiretap on the Washington, DC telephone of columnist Joseph Kraft. Was that for national security purposes; and if so why wasn't the job given to the FBI? Kraft, in Europe with his family when the tap went on his home phone, was followed about and bugged by French authorities. That *was* at the request of the FBI. Again Ehrlichman was reportedly behind the operation.

One month later —John P. Sears, a lawyer who was among Nixon's earliest 1968 campaign advisers and was working at the time as a White House aide, was made the subject of an FBI tap. Sears was handling domestic and political matters but he says he had no access to classified material. He was, however, often available to newsmen he had met on the campaign. Did the national security dictate this tap? In late August or early September of 1969 a Caulfield tap was allegedly put on a row house rented by three girls, one of whom worked for Senator Edward Kennedy and had been present the fateful July night on Chappaquiddick when Mary Jo Kopechne died in Kennedy's automobile accident. Was that a national security tap?

These invasions of privacy, along with the "electronic surveillance" of Democratic headquarters, have been identified. We know less about others. The Secret Service has conceded it wiretapped the President's brother Donald but has refused to supply details, the President having invoked executive privilege. Former White House aide Ehrlichman testified before the Ervin committee that he authorized wiretaps "from time to time" during 1971 when the White House "plumbers" were riding high. Since that group did not get going with its clandestine operations until five months after the 17 Kissinger taps were reportedly halted, it would appear there are still more White House taps to be uncovered. An August 11, 1971 memo from Bud Krogh and David Young (the men directing the plumbers) to Ehrlichman indicates they were aware of wiretaps on individuals connected with the Pentagon papers investigation. Among them was K. Dun Gifford, a former aide to Senator Edward Kennedy and friend of New York Times reporter Neil Sheehan, the man who developed the Pentagon papers story. The Krogh-Young memo lists Gifford as having been "overheard"—the legal term for being picked up on a wiretap.

When the plumbers set up shop in July 1971 Assistant Attorney General Robert Mardian made a special trip to San Clemente. According to Mardian, who was handling prosecution of the Pentagon papers case, his meeting with the President came about because FBI Associate Director Sullivan and J. Edgar Hoover were on the outs and Sullivan wanted the White House and newsmen tap records to be removed from his and the bureau's control. At the President's direction Mardian got the tap records from Sullivan and turned them over to Ehrlichman. Was the transfer of these records an effort to hide the fact that Daniel Ellsberg himself had been overheard? That could well have been so. Ellsberg had stayed at Halperin's home in late 1969 and his calls from there were duly recorded by the FBI. An added bonus to placing the taps with Ehrlichman was their availability to the plumbers, who were seeking to tie Halperin and others to the Pentagon papers case.

Having secretly wiretapped and hidden the records in the White House, the administration had no reluctance to make the necessary additional false statements when the question of wiretaps came up at Ellsberg's trial. The government produced an affidavit signed by a Justice Department employee to the effect that files had been checked and no such wiretap information on Ellsberg existed. White House aides Ehrlichman, Krogh and Young, along with Mardian and the FBI officials—all of whom knew of the taps—said nothing. In late February 1973 *Time* reported that these taps *did* exist and the White House promptly denied it. Then at his ill-fated confirmation hearings, Acting FBI Director L. Patrick Gray III testified he had searched FBI records and had found no such taps. Gray's second in command—W. Mark Felt, a career FBI official who had replaced Sullivan—knew of the taps. Either Gray never asked Felt about them or conveniently forgot if Felt told him the truth.

It was only in May 1973, when Gray was replaced by Ruckelshaus at the FBI, that the taps' reality was confirmed, including the overhearing of Ellsberg. The records themselves were discovered in Ehrlichman's safe hours *after* the Ellsberg case was dismissed. Ehrlichman had known all along they were there; so had the President. Had they been found earlier they would have been ordered into the hands of the defense and probably made public. As it was they were regained by Ruckelshaus only after what was facetiously described as a physical struggle inside the White House.

Will we ever learn how extensively the administration used this police state tool or the real reason for it? Halperin has filed a civil law suit claiming damages to himself, his wife and children from the 21-month tap, arguing that no reasonable national security consideration could justify government surveillance for almost nine months after he had left government service. Was the tap continued because Halperin had become an adviser to Senator Muskie? Another Kissinger assistant, Anthony Lake, was also tapped for a brief time while he worked for Muskie. Lake, Kraft and others, including Ellsberg, are studying the possibility of lawsuits similar to Halperin's.

On Capitol Hill, where interest in wiretapping once ran high, little is stirring. In former years two Senate Judiciary subcommittees studied the question. Neither seems much interested today. Special prosecutor Archibald Cox has sent questionnaires to government agencies that have wiretap capabilities to determine how wide the practice has been, and he may investigate the possibility that some government taps already disclosed had no national security basis and were therefore illegal. Last week we learned that in 159 cases, convictions may be appealed because of improper authorization of taps by the Justice Department.

We have related these incidents and their background in some detail because they illustrate a streak in the President, his associates and his accomplices that needs exposure. One could not listen to the testimony of such Watergate witnesses as John Ehrlichman or E. Howard Hunt without a chilling sense of their suspicion-ridden zeal to "get" real or imagined enemies, and the casualness with which they repeatedly and unaccountably bypassed the accustomed ways of exercising political power. An inner circle was convinced the country was in the grip of an elitist conspiracy inimical to self-government. Everywhere they turned they thought they detected the infiltration of public and private institutions by unpatriotic elements that eventually could only be dislodged and destroyed by underhanded maneuver. The foundations, the universities and churches—most were under hostile influence or control. Agencies nominally directed by the executive branch were likewise deemed unreliable, that is, unmalleable by the White House. The FBI, the Internal Revenue Service, the CIA could not be depended upon. The Congress could not be trusted with the truth. The major newspapers and television networks were riddled with radicals. And as evidenced by Kissinger's bugging of his own staff and by the fact that White House aides Charles Colson and Ehrlichman—and the President—recorded telephone conversations with their own hirelings, the inner circle reached the point that it could not even rely on its own members. The TV cameras have shown us a night world of secret agents, little black books, untraceable $100 bills, pseudonyms, rifled safes, falsified documents, faked cables, wiretapping, bugging, burglary—all emanating from the White House.

Congress cannot just push all this aside with some half-hearted rationalization that the public is bored by Watergate and all its ugly appendages. A thorough airing of the full scope of wiretapping is essential if such malpractices are not to be repeated.

TRIBUTE TO REPRESENTATIVE PHILIP M. CRANE

Mr. CURTIS. Mr. President, the Honorable PHILIP M. CRANE serves with great distinction in the House of Representatives. This young Congressman from the 12th District of Illinois is an academician, teacher, and author.

Representative CRANE commands the respect of all people with whom he works because he has the courage of his convictions. He is articulate and espouses a conservative philosophy. I do not agree with Representative CRANE on all public issues, but I admire him greatly.

I ask unanimous consent to have printed in the RECORD an article concerning Mr. CRANE that appeared in the Chicago Tribune on September 14, 1973.

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

CRANE: PHILOSOPHER OF THE GOP'S RIGHT

(By William Barnhart)

"There will be discovered to be some natures who ought to study philosophy and to be leaders of the state . . . let them range at will and engage in no serious labor, as we intend them to live happily here." Plato—the Republic.

U.S. Rep. Philip M. Crane (R-12th, Mount Prospect probably wouldn't want to be Plato's philosopher-king, but he claims many of the qualifications.

Perhaps more than any Illinois congressman, Crane, 42, presents the image of a purist, who practices his conservative brand of government more as an educational exercise than a political pursuit.

Crane turned a recent Trib interview into a seminar on government, politics, and history, each flavored with appropriate scholarly citations and his own conservative bias.

Crane is a product of academia. He received a doctorate in history from Indiana University, Bloomington, and taught history at Bradley University, Peoria. He also attended DePauw University, Greencastle, Ind., the university of Michigan, Ann Arbor, and the university of Vienna. Being a congressman is his first elective post.

If the interview was any indication of Crane's manner in Congress, the voters of the 12th District have sent a man to Washington not necessarily to represent them and their problems, if they have any, but to present a philosophy—right or wrong—often blurred in the conflict and compromise of politics as usual.

That philosophy is what Crane is glad to call conservatism, and being able to represent it in Congress is a luxury he enjoys thru being an incumbent Republican in one of the safest Republican districts in the nation, a district apparently content to elect a philosopher and not a politician.

"I've been told probably a dozen times that I have cast a politically suicide vote in the four years I've been down there," Crane said. "Is there a politically suicidal vote (in the 12th District)? Well, probably not, but I don't really know."

CRANE SEES GOP BECOMING INCREASINGLY CONSERVATIVE

But being a purist from a safe district doesn't stop Crane from ranging at will, delivering occasional hellfire political speeches before receptive audiences in his unending campaign against "the popularization of liberal rhetoric that has come to be accepted by so many people uncritically."

And Crane said he is not a lonely pedagog,

living happily aloof from the competitive day-to-day realities of Congress.

On the contrary, Crane believes he is on the frontier of a new Republicanism, which will emerge nationwide as the Democratic Party and Republican Party reach a new alignment along liberal and conservative lines. Altho he said he has no immediate ambitions except to be the congressman from the 12th District of Illinois, Crane said the Republican Party will move toward his viewpoint.

Crane said the "ultraliberal" element of House Democrats, represented by the Democratic Study Group, has taken control of the Democratic side of the aisle.

Crane said he sees more shifting of party allegiance by liberal Republicans and conservative Democrats.

"In this respect, Watergate was particularly unfortunate because before Watergate there were a number of southern Democrats contemplating coming our way. I think that's a healthy thing. I don't believe parties should be all things to all men because then they cease to provide their reason for existence.

"Unanimity is rarely the incident of human concern. We don't have consensus without deviation. That is an unnatural human condition. For parties to be meaningful they have to rest on fundamental dissent. It is not a desirable thing to try to fuzz up our differences, but on the contrary to sharpen them."

Crane said he predicted in 1969, when he was elected to fill the unexpired seat of Donald Rumsfeld (who joined the Nixon administration and is now ambassador to NATO), that "my election was not representative of the politics of the 60s but was a harbinger in earnest to the politics of the 70s, and I genuinely believe that."

The reason, Crane said, is that "neoconservatives" educated on college campuses during the 1950s who were members of such groups as the Young Republicans and Young Americans for Freedom are just now becoming influential in government affairs.

Crane identified himself with the neoconservative movement, and he believes the movement is increasing in Congress.

What does neoconservatism mean in terms of Congressional programs?

According to Crane, it means an end to federally financed social security, an end to minimum wage and child welfare laws, bigger spending for national defense, no more federal aid to education, no federal subsidies for the arts and humanities, and the general dismantling of most federal domestic programs and the federal burocracy.

Each one of these proposals and many more spin off from a basic premise that is sometimes called libertarianism:

"I subscribe to the idea that I should have control over my destiny and all other people should, too, short of the commission of trespass," Crane said. "The ideal society is one that maximizes freedom of choice to individuals and minimizes trespass.

"The best definition of government I've seen is by Thomas Jefferson, who said, 'A wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement and shall not take from the mouth of labor the bread it has earned.' I think that's as true today as it was then (March 4, 1801)."

CRANE IS MORE SCHOLAR THAN HE IS A POLITICIAN

Crane describes his role as a "massive educational battle." As a teacher he must be consistent and avoid even the appearance of hypocrisy that, he said, characterizes so many of the actions of their Congressional colleagues.

An anecdote recited by Crane on the subject of hypocrisy involved a vote in the House this year to increase Congressional salaries:

"I was opposed to salary increases for members this year. But they were trying to run that thing thru because this is a non-election year. Here were a lot of these fellows saying, 'If I'm not worth $55,000 a year then I could be out in private enterprise.' Well—possibly.

"But we've got this system where you can see the votes on the electronic board. It got down to about the last minute of voting and they had only mustered about 187 votes for it. It was so funny to watch them, with the realization it was going under, switch those votes around. They bailed out because when they saw they were going to lose, they didn't want to be on record for the folks back home as having cast a vote to increase their salary—And I can understand why."

Only once did Crane waver from the straightforward if—then logic of his conservatism. That was on the subject of clandestine tapings and buggings by government officials from the White House down.

"Here's where from time to time you're going to get into gray areas where, indeed, probably there are periodic invasions of an individual's right to privacy. I think that's unavoidable in a practical way."

Crane admitted, however, that such practices may have been abused and that Watergate and other political buggings are "reprehensible and indefensible."

"If I called the White House to talk to the President on a confidential basis and I found out subsequently that he'd been taping my conversations without my knowing it, I would not like it a bit," Crane said. "But a lot of this whole business has been blown out of perspective."

PASSAMAQUODDY TIDAL POWER PROJECT

Mr. MUSKIE. Mr. President, earlier this month I had the pleasure of travelling to Eastport, Maine. This downeast community, as many of my colleagues may recall, is the site of the Passamaquoddy Bay Tidal Power project, first proposed in 1919 and authorized by the Congress at President Franklin Roosevelt's urging during the 1930's. Work on the site was actually begun during the Depression, but was halted shortly before the outbreak of World War II.

The "Quoddy" project is a dream which has never died and our current energy shortage has rekindled interest in tidal power as an alternative to fossil fuel and nuclear power generation.

In view of this, I would like to share with my colleagues the views of some of my fellow Maine citizens on the contemporary importance of the project, as well as my own response to a recent petition sent to me by the citizens of Eastport and Washington County, Maine.

Mr. President, I ask unanimous consent that this material and related documents be printed in the RECORD.

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

U.S. SENATE,
Washington, D.C., October 14, 1973.

AN OPEN LETTER TO THE ADVOCATES OF THE PASSAMAQUODDY TIDAL POWER PROJECT

DEAR ADVOCATES OF PASSAMAQUODDY: The prospect of a national energy shortage has breathed new life into Dexter Cooper's dream of harnessing the powerful ebb and flow of "Quoddy's" tides.

And well it should. For generations, government and industry have naively based our nation's energy policies upon the apparent assumption that fossil fuels could be obtained in inexpensive, unlimited quantities for an indefinite period into the future. Those who looked beyond fossil fuels, saw nuclear power as the best alternative without, until recently, comprehending the costs to our environment and health.

But in this decade, our demand for energy has outstripped our country's capacity to meet our needs. The price of fossil fuels and safe nuclear generation is rising at a rapid rate and will continue to do so. More importantly, we are coming to realize that our reliance on non-renewable sources of energy cannot continue indefinitely. While energy conservation measures must be an essential part of our national policy, we will still be faced with the task of developing additional power generation facilities in the years ahead.

All of these factors have caused us to look to alternative sources of energy. Tidal power projects, such as the Passamaquoddy project, would have relatively less impact on the environment than existing alternatives and would depend upon a renewable resource. "Quoddy's" twice daily tides, averaging 18.1 feet, could provide 3 billion kilowatt hours of electrical energy annually. Our nation's energy planners should not, and cannot, continue to overlook the potential of a project of this magnitude.

We ought to recognize that with improved underwater construction techniques and the increasing cost of alternative power sources, the cost of constructing "Quoddy", in relation to the benefits which would be derived, is probably far different now than it was a decade ago.

This prospect surely means that the concept of tidal power generation, or of "Quoddy", should not stay on the shelf. It is clear that in the decades ahead we need to develop the necessary technology to make such renewable sources of energy economically feasible. Fossil fuel plants and nuclear power may well become increasingly impractical and undesirable in the years ahead. Tidal power, geothermal power, and solar power may be the keys to energy needs in the future. Research and development of such alternatives must begin now if we are to meet the energy demands anticipated by the year 2000.

On Thursday, President Nixon announced that he would request an additional $115 million for energy research this year, bringing the total amount allocated for this purpose to over $1 billion in FY 1974. On the same day, October 11, a newly created energy research advisory council met for the first time to discuss the directions which such research should take. This is an important step. But it is equally important that this effort in large part be directed toward the development of the type of power generating source represented by "Quoddy".

Dexter Cooper's dream may yet become a reality. It will take time, additional research, and a commitment of financial resources. I continue to share the belief of so many citizens of Maine who are familiar with the project that the time to begin is now.

For my part, I will continue to demand periodic reviews of the costs and benefits of the Quoddy project, and will encourage the energy advisory council to give tidal power its fullest consideration in drawing up an energy policy plan for the country.

Sincerely yours,

EDMUND S. MUSKIE,
U.S. Senator.

EASTPORT, MAINE,
September, 1973.

Senator EDMUND MUSKIE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MUSKIE: In the name of humanity, can something be done about the Passamaquoddy Bay tidal power potential? Are not present circumstances unusually favorable to its consideration?

Since there is no question about the widespread need for electrical energy, why could not the Atlantic seaboard justifiably ask this source be utilized?

Publicity appears daily throughout the country regarding every other known method (proven or otherwise), all of which are known to cause pollution, are accident-prone, fantastically costly, scientifically complicated and fraught with some of the deadliest threats to the existence of mankind.

Passamaquoddy tides come and go with their immeasurable power completely wasted, twice daily, entirely free from any and all of the above hazards, and in addition, leaving the entire Atlantic coast as pure and free as to its natural ecology and attendant industries, as at the moment of its creation. Not even such matters as scenic beauty or the perpetuation of precious historical sites would be endangered by the development of such a project.

Certainly an outstanding leader in the preservation of ecological values as your accomplishments have proven, must be ever mindful of the multiple benefits inherent in electric power so derived.

Certain technical "uncertainties" of earlier research have been solved since then. Other tidal projects are in successful operation elsewhere in the world. The mammoth amount of research already done in this connection could lessen both time and cost for a rapid start if the government would break a precedent and demand that such knowledge be utilized for a fast get-away. It could go down in history as one of the modern wonders of accomplishment to meet a dire need, just by the cutting of a lot of unnecessary red tape.

Some of the methods now proposed for energy production are infinitely more complicated than that of tidal power—and their results far less certain. Geothermal plans are admitted by scientists to be fraught with possibilities of chain-reactions including earthquakes and volcanic eruptions. Hydroelectric production continues to seriously increase river pollution. Fall-out with its deadly strontium-90 factor as yet has not been but must be solved, makes the continued building of atomic reactors, a matter of grave concern to scientists in that field. And so it goes! Tidal power is easily, the one safe, catastrophe-free method of producing electricity to date. Why isn't it in the picture? Why is everything else discussed, but nary a whisper about those fail-safe mammoth tides in a locality so peculiarly arranged to make the most of them? They have not changed a whit since time began! It seems that the East Coast solution to at least a part of the need for energy is a "natural" that shouldn't be ignored any longer by a technological and beneficent government.

Laymen have always supposed that such a perfect situation was the dream of every construction engineer on the face of the globe.

There seem to be more and greater floods, typhoons, earthquakes and droughts everywhere, than in former years. But our tides go on as immutable as ever. And we have them, here on the Maine coast, to just that degree.

Even some of the problems of electrical transmission are not what they were fifty years ago. It can be handled without such loss of energy. We understand that the whole former argument of "feasibility" of such a project is no longer a death-knell to such an undertaking.

The United States Government need not engage in the electrical energy business. It is proposed that this become a project of the electric power companies with as much government cooperation which may be reasonably required.

Such matters as the action of seawater on metals and cement, have been furnished with the necessary data from years of study since the demise of the earlier project, that have greatly changed the picture. It is now of far less uncertainty and magnitude.

And what a boost to the economy in terms of employment! This Quoddy Tidal Power Project seems to be tailormade to the urgency of the national need. It would employ numerous building trades workers from many states idled by the termination of the various H.U.D. programs and public highway projects. Why can't the best minds in our government explore this matter thoroughly but without the usual waste of time and money spent in slow-moving research committees?

We, the undersigned, beseech you to get behind this thing with the leadership qualities we believe you possess.

Sincerely yours,

THE ADVOCATES OF THE PASSAMAQUODDY TIDAL POWER PROJECT.

DEPARTMENT OF SEA
AND SHORE FISHERIES,
Augusta, Maine, March 26, 1973.

Hon. WILLIAM D. HATHAWAY,
Member of Congress,
Washington, D.C.

DEAR SENATOR HATHAWAY: We are very interested in the recent discussions and proposals for a new study of the Quoddy Tidal Power Project.

For more than a year this Department has been trying to develop a capability of assessing the possibility of a power project enhancing fisheries production in the Eastport area. As a matter of fact, a bill (copy enclosed) has been introduced in the 106th Legislature which would enable us to carry out a preliminary study to, in part, assess the compatibility of tidal power projects and substantially increased fisheries production in Cobscook Bay.

You will be aware that in the 1950's, a joint U.S.-Canadian study concluded that the tidal power dams probably would have no serious effect on the existing fisheries of the area and conditions would be enhanced for some species. We are now interested in the more positive possibility that the dams conceivably could be so constructed to produce power and at the same time substantially increase the fishing and aquaculture prospect of Cobscook Bay by controlling and improving the hydrography of the area. We have therefore, within the last year, urged that the power project be reassessed in conjunction with a study of the fishing and aquacultural potential and that the economic benefits of both projects be considered jointly. We were working with Representative Karl Kelley, now deceased, on this project; his widow, now a Representative from Machias, has sponsored an appended bill.

There are literally thousands of acres in Cobscook Bay alone which, with hydrographic control as could be provided by the power dams, could be put under intensive scientific management for greatly increased fishing yields. Of course at this point it is difficult to assess or predict the value of that potential fishery, but there is litle doubt that it would be in the order of millions of dollars annually. An attractive aspect of the Cobscook Bay area, of course, is that it is a well defined geographical area which could be managed for this kind of development. It is an area that needs this kind of development which would not displace existing activities to any serious degree. It is for these reasons that we are enthusiastic about the new proposals for Quoddy.

We heartily support your proposals and we would be very happy to provide whatever assistance we can in encouraging a revised appraisal of the possibilities for the area.

Sincerely yours,

SPENCER APOLLONIO, *Commissioner.*

ONE HUNDRED AND SIXTH LEGISLATURE
LEGISLATIVE DOCUMENT No. 711

H.P. 529, House of Representatives, February 8, 1973.

Referred to Committee on Marine Resources. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, *Clerk.*

Presented by Mrs. Kelley of Machias.

STATE OF MAINE: IN THE YEAR OF OUR LORD NINETEEN HUNDRED SEVENTY-THREE

Resolve, Providing for a Feasibility Study of Marine Resources Development in Washington County.

Feasibility study; authorized. Resolved: That the Department of Sea and Shore Fisheries is authorized and directed to conduct a study to determine the feasibility of increasing fisheries production in all its forms, through methods that are applicable to Washington County, together with the related economic benefits to the State of Maine. This study shall take into consideration all relevant engineering techniques, including hydrographic modifications and control; and be it further

Resolved: That there is appropriated from the Unappropriated Surplus of the General Fund the sum of $15,000 to carry out the purpose of this resolve.

STATEMENT OF FACT

This resolve will provide information about world-wide technological and managerial methods that can lead to the better utilization of the marine resources of Washington County.

[From the Maine Times, July 13, 1973]

A POST-INDUSTRIAL PASSAMAQUODDY

Last week the White House put its official seal of approval on post-industrial planning. Or, stated another way, after two centuries of endorsing growth, the Office of the President has asked the American people to begin limiting growth. The little noted, but fundamental shift in national values was the basic element in a Presidential message of introduction for Gov. John Love of Colorado, now the point man in the growing energy crisis. The thrust of the message was a presidential plea for energy conservation. Airlines must cut schedules, motorists must drive more slowly and less often, and every American must think in terms of energy conservation rather than expenditure.

The idea that as people we must conserve rather than consume is the central theme of a policy of controlled growth; and from the notion of controlled growth it is a small step to the concept of an equilibrium or no-growth state. Yet, just three years ago the then Secretary of Commerce Maurice Stans made a major speech (one of his last, by the way) in which he termed "subversive" the talk of limiting growth that was then coming from Dennis Meadows and other theorists.

In the few years that intervened between the Stans speech and the Love introduction, it has become apparent even to a Rotarian like Richard Nixon that continued growth at current rates is not possible. Energy systems are not available to fuel the compulsive consumption of the economic and industrial systems. As a result, Americans are now embarked on a national movement toward the conservation of energy, and it is a movement which has significant ramifications for Maine.

In addition to cutting energy consumption, both the President and Gov. Love mentioned intensified efforts to find new energy sources as one of their common goals. Both spoke of more research into the use of renewable resources as energy producers, thus plucking a rather esoteric term from the ecologists' lexicon and making it part of the national language. In the northeast, site of one of the major crisis areas in the nation, the tides

of Passamaquoddy are still one of the most visible and unutilized renewable resources.

As reporter Lucy Martin explained in two recent issues, the "Quoddy" tidal power project is not without its handicaps. And, as economist Myrick Freeman explains in this issue, the Federal system for arriving at cost-benefit conclusions is not always accurate. Nevertheless, Quoddy is going to be talked about with more and more reality, especially now that it has become politically popular to think in terms of nonpolluting, renewable-resource power generation.

While we would not favor any project that exacted greater environmental costs than benefits, and while we have long been on record as post-industrialists who believe in cutting consumption rather than insisting on more of it, we do believe the natural rise and fall of the 20-foot tides at Quoddy can be converted to sensible energy production. But, just as the Freeman article explains the difference in interest rates between the original Quoddy plans and today's realities, we think it is important to point out other aspects of the proposal that could be changed by time.

Much has happened in the world of technology since the basic 1930's Quoddy plan (outlined in our issue of June 15) was engineered. And not enough has happened in researching methods of drawing energy from tidal cycles. If, under the pressure of the present energy crisis, more money and work could be done on developing new systems for tidal-energy conversion, and if a new design for Quoddy could be created on the basis of new systems, the results might not require the ecological upsets the present plan seems to entail.

Dams and turbines, for example, are not the only way for converting tidal energy—yet they are the way that creates the greatest change in the Quoddy environment. Suppose, for example, the dams were disposed of and a series of sensitively engineered mini-turbines could be placed in existing tidal races everywhere in the region. Underwater, in deep water, the wheels would not interfere with navigation by man nor sea creature; yet it seems to us the collective power drawn from scores of such wheels might be more than the output of dam-driven turbines, which work only when peak amounts of water have been stored for release.

This may be the sort of thought that makes engineers wish non-engineers would keep quiet, and we don't mean it to be taken seriously as an alternate suggestion. We do want it to serve as an illustration that the approaches to utilizing tidal power have always been rather pedestrian, based on the technology of 30 or 40 years ago. Quoddy needs to be re-analyzed by free-thinkers and provocative thinkers like Bucky Fuller who would not be locked in by patterns of past engineers.

Perhaps, now that America has officially been ushered into the post-industrial age, the government will use its resources to help make such research and re-evaluation possible. If new, environmentally compatible tidal converters are developed for Quoddy, they can be used on a smaller scale in many other Maine locations. How much better it would be, for example, if the proposed Public Power Authority could claim it was going to use this sort of system instead of the nuclear power plant it now promises.

QUODDY REVISITED: HERE IS HOW IT WORKS

When Quoddy Village at Eastport was sold to the Land Auction Bureau of Boston last summer, an era closed. With the buildings which were to have housed the workers on the Passamaquoddy Tidal Power Project went 50 years of hope that engineer Dexter Cooper's dream of harnessing the 20-foot tides of Fundy Bay might be realized.

In those 50 years, numerous plans and reports were written and shelved.

A plan involving both the United States and Canada collapsed during the 1929 stock exchange crisis.

A 1935 undertaking, involving the U.S. only, failed when federal funds were suspended with only three dams completed.

Eventually, the original idea to use Quoddy to generate electricity was expanded to include the Dickey and Lincoln School sites on the Upper St. John River.

In recent years, the sporadic focus of Congressional interest in a Maine public power project has fallen on Dickey-Lincoln School alone.

The current uproar about a possible oil refinery at Eastport, however, has jostled those who remember Cooper's dream, for it is obvious that the two schemes—Quoddy with its dams and locks, Pittston with its incessant tanker traffic—are not compatible.

While Quoddy never made it off the ground, despite all the years of talk and planning, the idea that it could be precluded has aroused new interest.

The tides are a constantly renewable resource. Nothing is taken away to produce vast amounts of electricity.

If the Quoddy project is seen as environmentally pure in 1973, it may be because no one ever looked that closely at its potential drawbacks. There is no doubt that it would change the ecology of Passamaquoddy Bay.

On the other hand, it may be the best solution New England has to the energy crisis.

Maine Times has therefore returned to the Quoddy project, first to explain how it works, and, second, to analyze it by today's criteria.

The principle behind tidal hydroelectric power is the controlled flow of water from a higher to a lower level through hydraulic turbines. It is billed as superior to river power because it is unaffected by droughts, floods, ice jams and silting.

Engineers have promoted Quoddy as primarily a provider of peaking power (probably between 5 and 6 p.m. for the area served). The twice-daily tides averaging 18.1 feet can be stored until needed. Although the powerhouse could operate continuously, the output would be variable. Another source of power would be needed since neap tides (only about 14 feet) occur about every two weeks in the lunar cycle. The difference between high and low tides is smallest then and power generation would necessarily be diminished if the project depended on the tides alone.

Since the project's effectiveness depends on the high range of the tides (the world's largest facility, LaRance at San Malo, France, depends on 44-foot tides), the U.S. Department of the Interior suggested in its 1963 report the possibility of using reversible turbines to pump water at neap tide intervals to insure full use of the full installed capacity at all times.

The Dickey-Lincoln river project, however, would provide streamflow and almost three million acres of active storage to supplement the tidal project.

Passamaquoddy-Dickey was the subject of Senate hearings in August of 1964. Based on studies done by the International Joint Commission and the Dept. of the Interior in the early 60's, costs for the project were described as "substantially less than composite costs of thermal generation in New England as estimated by the Federal Power Commission." The project would produce 1.3 million kilowatts or three billion kilowatt hours of electrical energy annually (1.1 million kilowatts for a two-hour peak load daily, 200,000 kw of base-load power, and substantial amounts of off-peak power). Although the power is of a different type, output is greater than the Maine Yankee nuclear plant.

Sen. Lee Metcalf of Montana called it "a very thrilling and important project."

Stewart Udall, Secretary of the Interior, noted, "It is essential to recognize that the tide is a perpetual resource, fully predictable and dependable."

Proponents have also claimed it is economically and engineeringly feasible.

The map facing shows the mechanics behind the metaphor of "harnessing the tides."

The Quoddy project as modified by the Interior Dept. involves two pools, a high pool and a low pool with a powerhouse separating them. One hundred and one square miles of Quoddy Bay (in U.S. and Canadian waters) and all 41 square miles of Cobscook Bay (U.S.) are the major water bodies involved. Separating these bays from the unconstrained ocean are seven miles of rock-filled dams (125 to 300 feet deep).

Quoddy Bay opens to the sea through 90 filling gates at Letite Passage and Deer Island Point. They open when the tide rises in the Bay of Fundy and close when the pool fills.

Cobscook Bay opens to the sea through 70 emptying gates in Friar Roads. When water flows from the high pool through the 300,000 kw powerhouse at Eastport, separating the pools, power is generated. The gates to Cobscook Bay open at low tide when the sea (Bay of Fundy) is below the level of the pool, letting it empty.

During a 26-foot high tide, tidal velocities are as high as 10 feet a second, "presenting engineering and design challenges without precedent," the engineers marveled.

There would be four navigation locks for boat passage, and several fishways.

Computer studies done by the Interior Dept. summarized the three basic steps in running Quoddy as a "peaking" power plant instead of a base load as follows: 1) the upper pool would be filled to the maximum height possible from the tide. 2) The water would be held there until power is desired, at which point it would be released through the turbines of the power plant to the lower pool. 3) The water in the lower pool would be released to the ocean whenever the tide is below the level in this pool.

An intricate computer program was devised to compute the operation of the pools during peaking and offpeak periods and for the different stages when the pools are filling and emptying. The program determines such things as how many turbines should be operating to meet peaking capability.

The 1963 plan also envisioned a possible second power plant west of the one at Carryingplace Cove in Cobscook Bay. To generate the one million kilowatts proposed by the Department of the Interior's plan, a plant about twice the length of the 300,000 kw structure appearing on the map would be needed. The best arrangement would be two 50-unit plants of 500 megawatts each.

The transmission system, with a switchyard located west of the first powerhouse, would connect the tidal powerplant with the Dickey plant, serving Maine, other areas in New England, and New Brunswick, extending as far south as Boston. The plan included two 345 kilovolt transmission circuits for delivering power to Boston. There would be a switching station at Bangor for interconnecting with three 230 Kv transmission circuits from the Dickey power plant. Lines could be extended to Fredericton, New Brunswick. (In 1971, a double circuit 345,000 volt transmission line was completed, connecting southernmost New England with New Brunswick and forming the backbone of the New England transmission system. Central Maine Power completed the missing link, a line from Wiscasset to the Maine-New Hampshire border.)

As for a cost-benefit analysis, it was determined that project benefits would exceed project costs in the ratio of 1.27 to 1. The Department of the Interior noted, "Although we propose that the tidal power project and Upper St. John River development be fully integrated, our economic analysis clearly indicates that either project is financially

feasible and could stand on its own feet as a separate project." Analysis was based on a 100-year period using a 2⅞ percent interest rate.

The following construction schedule was offered:

Stage 1—Construction of Dickey Dam and Reservoir and initial installation of 150 megawatts of power generating facilities (with a benefit-cost ratio of 2.55 to 1).

Stage II—Construction of Passamaquoddy dam facilities and installation of 500 megawatts of power generating facilities a few years later, plus 300 additional megawatts of power at Dickey (with a benefit-cost ratio of 1.2 to 1).

Stage III—Completion of the 1,000 megawatt installation at Quoddy and 750 megawatt ultimate installation at Dickey (with a benefit-cost ratio of 1.27 to 1)

Benefits were discussed in terms of power, recreation and area redevelopment.

But there's more to Quoddy Bay than dollars and development. The harnessing of those 20-foot tides involves a lot of excavating and the Dickey plan entails the flooding of considerable tracts of land. The project's effect on fisheries, wildlife, and the face of the land itself will be examined separately next week.

LUCY L. MARTIN.

QUODDY'S DAMS WOULD DRASTICALLY ALTER THE ENVIRONMENT

To the Abenaki Indians who knew Moose Island before it became Eastport, Maine, Passamaquoddy Bay was the "place where the fish are" or "place of the pollock."

Construction of the Passamaquoddy Tidal Power Project or Pittston's oil industry could render that name less appropriate, because both the impoundment of 100 square miles of water and the spillage of oil would precipitate noticeable changes in the bay's environment.

Strictly in terms of air and water quality, the tidal power project is heralded by environmentalists as being the soundest power-producing alternative New England and the Canadian Maritimes have. Harnessed by turbines, tidal action is a clean, perpetual source of electricity.

Nonetheless, construction of the seven miles of dams, locks, and fishways, with the attending excavation of land and shifts in water levels, would have significant oceanographic, biologic and economic implications.

In 1959, the International Passamaquoddy Fisheries Board submitted a report based on data collected from 1937 to 1958. Updating is necessary to account for changes in the local economy, construction costs, and tidal power technology, but the federal government has turned down such requests in recent months.

If that report were updated, it wouild undoubtedly pay closer attention to the environmental impact of the tidal project.

But even the old studies indicate that environmental changes would be huge. For instance water temperature changes would be much greater than those at the nuclear power plant in Wiscasset, and the complete destruction of the clam industry by flooding would be much more significant than the feared damage to the worm industry from the nuclear plant.

According to the 1959 study, the biggest oceanographic changes would occur in Passamaquoddy Bay and Cobscook Bay, the high and low pool, respectively. (MT, 6/15/73) The average height of Quoddy would be raised six feet. The average "tidal" range would be reduced by four feet in the high pool and eight feet in the low pool.

Current patterns would be significantly different, since during each 12-hour tidal cycle the emptying and filling gates would be closed for about nine hours. Quoddy Bay is notorious for its powerful, often treacherous currents, and these are likely to be more pronounced, especially at the approaches where the dams are located. Even now, unless a boat can do five knots, it can't get through Letite Passage at certain tides. Navigability within the pools themselves, however, would probably improve.

Because of the reduced velocities in the bays, the temperature of the water would be higher. Whereas the temperature range is now between 34 and 54 degrees Fahrenheit, the dams would raise the temperature to the middle and high 60's in summer. From mid-December to March there would be ice on Quoddy Bay. That would interfere with lobstering but power could still be generated since the tides would move under the ice.

The salinity of both pools would also be lowered: fresh water, impounded in Quoddy Bay from the St. Croix River, would flow into Cobscook when power is generated.

In addition, 17 million cubic yards of clay would be excavated from Carryingplace Cove to build the first powerhouse. (No figures are given for excavation at a possible second site to be built several years later.)

Land now high and dry would be submerged or taken for switchyards and service areas. Highway 190, one track of the Maine Central Railroad, and several utility lines would have to be relocated. The face of the land itself—coves, inlets, islands and peninsulas which have clenched the unfettered tides for centuries—would vanish from view or be unrecognizably altered. Deer Island Point, a spot of spectacular beauty set aside for public appreciation, would be flooded. (About 83,000 acres would be flooded at Dickey on the St. John River for Quoddy's ancillary project which would provide base-load power. In addition, 240 tracts of land with homes, lumber mills, churches and schools would be acquired.)

The fisheries board considered the effect of all these changes, with the emphasis always on the economic impact. The valuable herring fishery, which landed an annual average of 20 million pounds in both pools from 1937 to 1958, received the most attention.

Although the board of Canadian and United States scientists predicted there would be "no change," it acknowledged, "A sure forecast of the effect of the proposed dams on the fishery requires more comprehensive and more detailed knowledge of the biology of the herring than is available at present." The herring population itself, which supports the area's numerous sardine canneries and pearl essence plants, would probably not be affected since it is produced outside the Quoddy region; but the board could only define that location as "probably off southwest Nova Scotia."

However, a number of weirs would have to be relocated, resulting in an estimated cost of $500,000 to fishermen. The board speculated that weir fishery could become a thing of the past. "A shift to alternative methods of fishing [seining from vessels] could be expected to maintain the fishery, at least at its present level."

The higher temperatures in Quoddy Bay and the turbines would account for losses. At 68 degrees, 50 percent of the herring under 12 inches could be expected to die within 48 hours, the biologists said.

"It is expected that herring will pass through the turbines to populate the low pool with some mortality among herring that are abraded during the passage through the turbines. Herring will be lost from the low pool through the emptying gates.

"At present herring enter and remain in Passamaquoddy and Cobscook Bays in sufficient numbers to support a weir fishery.

"For a successful fishery it is not only necessary that fish shall enter a region. They also have to survive in good candition in the environment that they have entered."

The Canadian investment in weir fishery was put at $2 million.

Ice and increased activity by woodborers (shipworms) because of warmer water would cause extensive damage to weirs.

The project would virtually wipe out clamming.

"In the high pool, which yields roughly half the total clam production in the Quoddy region, the present beds will be permanently submerged." Establishing new beds at new intertidal levels was estimated to take 10 years "and even then production may be only five percent of its present volume. In the low pool, production should drop to 50 percent of the present small volume."

Now a half-million dollar industry in Charlotte County, N.B., clamming is listed in the report as the second most important fishery for that Canadian province.

Dr. David Scarratt of the Canadian Fisheries Research Board at the St. Andrews, N.B., biological station, pointed out in a recent telephone interview that a large number of clam beds have been closed because of domestic (coliform) pollution. "Considerable areas have already been closed either temporarily or permanently. Because of existing conditions [and not just the tidal project, if it were realized] the availability of clams is less than it could be."

* * * * *

Similarly, because of stream improvements in the St. Croix River, the annual run of Atlantic salmon into the rivers of the Quoddy area might increase. Much depends on the efficiency of fishways, a $3 million expense.

Other changes: the relocation of two big lobster pounds, at a cost of $450,000; a possible improvement in the scallop and lobster fishery; a reduction in marine worms and rockweed. (Marine worms were not considered an important industry at the time of the report, but overharvesting of Maine's mid-coast flats is increasing their importance in eastern Maine.)

By and large, the biological implications of the Quoddy Project seem acceptable to marine biologists. Those same biologists would frown on heavy industry like oil refining because of the known detrimental effects of oil pollution on waterfowl and marine biota.

* * * * *

An industry which both the engineering and fisheries boards did consider was tourism. The increased water temperatures compare favorably, advocates point out, with summer water regimes in Long Island Sound and would promote swimming and boating. Fishermen could be displaced from tending their weirs to managing boat harbors, they said.

Whereas the environmental impact is obviously not taken sufficiently into account, it is apparent that the sociological impact has been ignored. The transition of Moose Island with its trailers and traditional houses, its creviced headlands and wildflowered fields overlooking the sea—the transition from a fishing and manufacturing community to a technological compound buttressed with concrete and laced with high voltage transmission lines staggers the imagination.

While the project itself would provide jobs amounting to some $80 million annually in wages and salaries during the six-year construction period, the system of public highways which could be built atop the new dams and locks might whisk in several million dollars worth of recreational benefits annually to a county (Washington) which "now has the lowest median income of any county in Maine."

But Quoddy doesn't appear to be in the immediate wind. The smallest deterrent is undoubtedly the engineers' recognition of in-

creasing ocean levels around Eastport. Eastporters say the island is gradually sinking on honeycombed rocks sluiced relentlessly by Fundy's tides. The engineers say, "Eastport tide records indicate that the ocean level is rising relative to the land in the area . . . It appears, however, that this rise is taking place at such a slow rate that no consideration need be given it in the design of the tidal power project."

Another possible reason for stagnation of the project is the performance of the La-Rance dam on the Brittany Coast. Engineers originally pointed to it as a pacesetting model, but the French tidal power project hasn't proved as economical as hoped.

The reluctance of the U.S. Interior Department to fund another feasibility study of Dickey-Lincoln-Quoddy is yet another clog in the mechanism. Even though there have been innovations in tidal power technology and changes in the value of power, the federal government remains intransigent in its doubt the project is economically feasible.

Perhaps Nova Scotia's purposeful pursuit of a tidal project at the head of the Bay of Fundy will prove a retarding factor in Passamaquoddy's progress. There, where the bay funnels to its narrowest, rise and fall the greatest tides in the world—40 to 50 feet. Nova Scotia's development minister said recently the U.S. energy crisis will bring the harnessing of Fundy's tides closer.

Whatever happens to Dickey-Lincoln and Dexter Cooper's dream for Passamaquoddy Bay, it's obvious the economics will have to be reinforced with a strong case for the environment and a hard look at what price people are willing to pay for power. What price can be put on the integrity of the earth and its naturally flowing waters, which determine the character and fiber of the people living there? How much is an area's natural and social heritage worth? The next feasibility study will have to weigh such questions.

When the Quebec government went ahead last year with plans to build a $6 billion hydroelectric project on the hunting and trapping grounds of the Cree Indians who live on James Bay in northern Quebec, the Indians responded, "Money? We do not want money. Jobs? How long will these jobs last? Money and jobs are impermanent. They disappear. They do not last. When they are gone, the land will still be there. If the land is not destroyed, we can return to it, live off it as we have always done. That is the only way we know how to live."

LUCY L. MARTIN.

FISHERIES OF THE QUODDY REGION—PRESENT AND PREDICTED

[Average annual landings (pounds) within the period 1937 to 1958]

	Present			
	High pool	Low pool	Outside	Predicted—Quoddy region
Species:				
Herring	16,800,000	3,400,000	29,800,000	No change.
Lobsters	71,250	30,750	286,000	Slight improvement inside dams. No change outside.
Groundfish	225,000	1,900,000	4,000,000	Substantial decrease inside dams. Compensating increase outside.
Clams (meats)	500,000	250,000	500,000	Drastic decrease inside dams. No change outside.
Scallops (meats)	31,000	30,000	31,000	Marked improvement inside dams. No change outside.
Alewives		270,000		No change.
Smelt	500	9,000		Slight improvement.
Salmon	100	600		No change.
Others		18,200		Slight decrease.

[From the Nation, February 26, 1973]

A GOOD IDEA IS HARD TO KILL

(By Karl Keyerleber)

When President Nixon spoke in his inaugural address of insuring a cleaner environment and meeting the nation's needs in new ways he wasn't singling out energy requirements, but the two phrases fit the subject so well that he might have been. Energy is a facet of national planning that obviously needs rethinking.

It may well be that looming brownouts and the rationing of electricity are parts of an industry smokescreen to mask a profit grab; nevertheless, the days of fossil fuels are numbered—at a century, two centuries or whatever term. And meanwhile, as long as they are burned, they will to some degree soil the atmosphere.

All primed to solve these problems was nuclear fission—until the suspicion grew that it posed an even greater threat to the environment than did the combustion of coal, oil and gas. Now every proposal for a new atomic installation is met by fierce opposition from groups of concerned citizens.

What is wanted is a supply of power that is inexhaustible and that won't pollute our air, our water or our food. Hydroelectric plants on the rivers have furnished such clean power for years. They have also flooded a lot of land, a side effect that has drawn the fire of conservationists. For a better solution there are natural resources of an untraditional kind that can be developed—the heat of the sun and of the earth's core, and the gravitational power of the moon. This last is the closest at hand, because the techniques for harnessing the moon's sway over the oceans are available and await only the will to use them.

The idea is not new. [See "Reviewing Passamaquoddy" by William S. Ellis, *The Nation*, July 13, 1964.] Tidewater was put to work at least as long ago as 1066, when an enterprising miller in Dover, England, was using it to grind grain. A similar mill was built in this country in 1640 when, according to colonial histories, a Capt. William Traske located a "tyde mill" for grinding corn near the mouth of the North River in Salem, Mass.

The idea of harnessing the tide to generate electricity on a large scale is much newer. It was still novel fifty years ago, when two Americans began almost simultaneously to speculate about the possibility. One was a Boston hydroelectirc engineer named Dexter P. Cooper; the other was Franklin Delano Roosevelt. Both spent summers on Canada's Campobello Island where they could watch the sweep of towering tides, sometimes 50 feet high, that poured through rockbound inlets from the Bay of Fundy into the smaller Passamaquoddy Bay that lies between Maine and New Brunswick. Passamaquoddy, an Algonquin Indian name, has since stood for an idea that burned brightly several times but flickered out each time because financial and political winds blew cold. Its time had not come.

Cooper developed the basic plan for a tidal power plant on "Quoddy" back in 1919. In subsequent years he spent a small fortune making surveys and promoting the proposal in this country and Canada. Any American plan would need Canadian cooperation because most of the water area and some of the dam sites are north of the border. But Cooper was never able to stimulate action until Roosevelt became President. The sea-loving FDR probably knew the swift currents and eddies of the Passamaquoddy area more intimately than anyone else. On summer vacations he piloted the family's two sailboats through the narrow inlets, and on two occasions while he was Assistant Secretary of the Navy he shocked hardy sailors by taking the helm of destroyers and calling for full speed as he drove through tricky, rock-lined channels.

In 1935 President Roosevelt allocated $10 million (later cut to $7 million) to begin development of a power plant with preliminary work at Eastport, Me. Engineering surveys were made, roads built, utilities put in and a model village built to house the construction workers who were to follow. But they never followed, for in 1936 the Senate turned down an appropriation for further work. Critics, including spokesmen for the private power industry, called it "WPA moondoggling," attacked the high cost and questioned the need for so huge an undertaking. The price tag that seemed so prohibitive then is of somewhat macabre interest. It was $150 million. Estimates are that the project would now cost ten times that much—about $1.5 billion.

Other studies were made over the years, but Passamaquoddy remained in limbo. It wouldn't die but neither did it come to life. When Kennedy became President he found on his desk a report by a joint United States-Canadian mission which had examined the proposal. The substance of this study was that Quoddy was not then economically feasible, "when evaluated by conventional methods of economic analysis as applied to hydroelectric projects," but that it had long-range possibilities "when other less costly energy resources available in the area have been fully realized." Kennedy, mapping his New Frontier, was unwilling to let such a challenging idea sink under the weight of that verbiage. He assigned Interior Secretary Stewart L. Udall to restudy the study. The Interior team concluded that the project *was* economically feasible, but attached a qualifier—that it be coupled with a dam and hydroelectric development on the upper St. John River in Maine.

Asked recently about that hedge, Udall said that he now believed Passamaquoddy could stand on its own, without the auxiliary river facility. "Tidal power has to be folded into another system, part of an interconnecting network," he explained. "The energy can't be held at the power plant. We didn't have a suitable system then, but it is in being today."

At any rate, the Secretary's report in 1963 urged Kennedy to seek Congressional authorization to build a power station on the bay and to begin negotiations with Canada for sharing the benefits. The cost was to be borne by this country. The plan then proposed, somewhat altered from Cooper's original proposal but retaining most of its main features, called for seven dams to control the flow of the tides between Fundy and

the smaller bays of Passamaquoddy and Cobscook—about 7.5 miles of massive concrete barriers. Gates in the dams would close at high tide, and the water impounded in Passamaquoddy would be released through turbines into adjacent Cobscook Bay and eventually returned to the sea. Turbines operated on the outward flow of the tide would function much like a river installation that uses the head of water from a dam.

President Kennedy was enthusiastic: "I think that this can be one of the most astonishing and beneficial joint enterprises that the people of the United States have ever undertaken." He called the proposed interlocked dams and gates "an engineering marvel" and noted that it would attract tourists and raise the economic status of the northern woods country. That was in August 1963. Three months later Kennedy died in Dallas, and his powerful influence was lost to the Quoddy project, which once more returned to limbo.

Would it have been built if Kennedy had lived? Udall doesn't think the President's death was the decisive factor:

"There were a number of obstacles that made it too steep a hill to climb ten years ago. It was obvious that new technology was coming along and hadn't been tested.

"The Canadians were, to put it mildly, lukewarm at the time. They thought that if they build a tidal power facility it should be farther up the bay.

"Finally, there was all this optimism about nuclear power and it appeared the tidal power would be very expensive.

"In view of all this we didn't think we had the muscle to get the kind of investment we needed to launch Passamaquoddy.

"My feeling today is that we need to give much more attention to those forms of energy that are best from an environmental standpoint. Besides tidal they are geothermal—using the heat of the earth—and solar."

It seems incredible now that just ten years ago environmental considerations rated scarcely a thought. Today every proposal for a new power plant using fuel for energy is examined suspiciously by conservationists. At least three developments, in addition to environmental concern, make a new drive on behalf of Passamaquoddy inevitable. One is the rising curve of energy demand, another the fact that since the last Congressional turndown a tidal power plant has been put into operation. And the third is new technology that will greatly increase the power potential of Quoddy.

Industry projections indicate that demand for power will grow three times as fast as the population and that the United States will not be self-sufficient in energy for the rest of this century. Passamaquoddy could provide for new demand in all of New England for many years. The first tidal power plant was built by France. Its pioneering facility on the Gulf of St. Malo began producing electricity in 1967. The new technology mentioned by Udall includes improved high-voltage transmission facilities and advanced turbine designs, plus an innovation incorporated in the French plant that enables it to generate power on the flood as well as the ebb tide. If a similar technique were used at Quoddy it would greatly increase, if it did not double, output over the originally planned million kilowatts a day.

With the space program pegged at a lower level and the Vietnamese War seemingly ended, the financial muscle that could be put behind Quoddy would be far stouter than when Udall was involved. In view of the facts that a tidal plant wouldn't foul the environment and that, once built, it would produce relatively cheap power, the $1.5 billion cost may some day seem a great bargain. After all, we invested $20 billion to reach the moon. Having done so, it would be fitting if the United Sttaes were now to divert funds from that adventure to harness the moon's power here on earth.

TECHNICAL AND COMPREHENSIVE EDUCATION

Mr. THURMOND. Mr. President, on October 10, 1973, the South Carolina State Board for Technical and Comprehensive Education passed a resolution expressing the board's sincere appreciation for the support provided by the Economic Development Administration and the Coastal Plains Regional Commission for manpower training programs and facilities in South Carolina.

I take great pleasure in endorsing this resolution, and I urge my colleagues in both the Senate and the House to continue their support for programs such as these.

On behalf of the junior Senator from South Carolina (Mr. HOLLINGS) and myself, I ask unanimous consent that this resolution be printed in the RECORD.

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

RESOLUTION

Whereas, the Public Works and Economic Development Act of 1965 resulted in an investment of approximately 13,000,000 dollars of funds for the Economic Development Administration (EDA) and the Coastal Plains Regional Commission (CPRC) in the strengthening of economic development of South Carolina by providing manpower training facilities and equipment;

Whereas, these facilities have created many new permanent job opportunities as well as job training opportunities;

Whereas, this and other forms of financial assistance, geared to helping underdeveloped communities help themselves, has resulted in significant industrial growth and expansion;

Whereas, a substantial number of similar and equally worthwhile projects are in the developmental stage and the materialization of these projects are dependent upon EDA and CPRC funding;

Whereas, the one year extension of this act will expire on June 30, 1974;

Now therefore be it resolved, that the South Carolina State Board for Technical and Comprehensive Education express its appreciation for programs supported by the Public Works and Economic Development Act of 1965 and commend the Congress and the President for their interest in the continuation of the provisions of such Act;

Be it further resolved, that request be made to the Congress and to the President of the United States to continue their support in funding the provisions of the Public Works and Economic Development Act of 1965 so as to assure the continuation of projects necessary to the future well-being of the State and Nation.

THE PRESIDENT AND THE MIDDLE EAST CRISIS

Mr. BARTLETT. Mr. President, all Americans should be thankful for the kind of leadership exhibited by the President last week in the Middle East crisis. I believe this action erased any doubts of President Nixon's ability to govern this Nation.

The American people should not allow the issue of Watergate to diminish the accomplishments and goals of the Nixon administration. The President's success in bringing peace to Vietnam, the détente with the Soviet Union and China, his proposals to balance the budget, and his efforts to return government to the people—are things the American people still believe in and support.

Archibald Cox, in his job as special prosecutor, had the responsibility to seek justice for those in the White House as far as the Watergate and related 1972 campaign actions are concerned. But his charge was to seek justice through the courts.

On Saturday, October 22, Mr. Cox took his appeal over the heads of the courts to the people in a well-planned attack on the Presidency.

Mr. Cox had been a legal adversary of the White House and the President. In a matter of minutes, he became a political adversary.

The question exists whether Mr. Cox was acting responsibly and did in fact exceed the propriety expected of the special prosecutor.

I agree that the President clearly had the legal right to dismiss Cox and that a dismissal may have been justified, because of improprieties of Mr. Cox.

However, I question the timing and the advisability of the President firing his own prosecutor. This violated the freedom of inquiry guaranteed to Cox by the administration at the time of Elliot Richardson's confirmation—and led to the unfortunate resignations of Richardson and Ruckelshaus.

The citizens want and deserve an expeditious yet thorough Watergate investigation leading to the conviction of the guilty and exoneration of the innocent through the courts. I strongly believe that the President should allay any fears that the people may have regarding the independence of the prosecutor charged with the investigation of the White House.

I believe the President also wants a forthright and objective Watergate investigation, and does not deserve political harassment from a special prosecutor.

It is important to our system of Government that the President not be prosecuted out of office unless he be found guilty of an impeachable offense.

I have supported the President on most issues in the past and I expect that I will in the future. I have confidence in President Nixon's ability to continue to be a strong and international leader.

THE IRS—TAXATION WITH MISREPRESENTATION

Mr. MONTOYA. Mr. President, when the Appropriations Subcommittee on the Treasury, Postal Service, and General Government held oversight hearings on the Internal Revenue Service last February, the air was full of loudly called good intentions. Various witnesses—some

expert and some not—detailed their problems, and hopes ran high for improved taxpayer services, more reasoned compliance programs, and greater scrutiny of audit and appeal procedures. The IRS, vowing "We Want To Help," presented its difficulties and contemplated remedies in response to queries from the subcommittee members. And, for the first time, former IRS Commissioners were called upon and gave testimony dealing with the administration of tax law.

Last spring's hearings were fruitful. They laid the groundwork for more informed and intensive probing of the IRS by its congressional watchdogs. To that end, I plan early next year to hold a second set of hearings, similar to, but more intensive than, the first.

Although some progress has been made, there remains much to be done to ease the burden of the American taxpayer. Furthermore, concentric Watergate shocks have jostled the Internal Revenue Service. In a system relying on self-assessment and mutual trust, the Service cannot afford such abuse. It must be guarded in order to remain a symbol of unbiased—and uncorruptible—tax collection and control.

One of the most succinct and convincing expositions of important IRS flaws still to be dealt with is found in an article by Louise Brown entitled "The IRS: Taxation With Misrepresentation." Ms. Brown, a staff member of the Tax Reform Research Group here in Washington, and a long time friend of taxpayer and reformer alike, has deftly woven a pattern of the inconsistencies and inadequacies we hope to root out in the second set of subcommittee hearings this spring.

I ask unanimous consent that the article be printed in the RECORD.

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

THE IRS: TAXATION WITH MISREPRESENTATION

(By Louise Brown)

Got a tax problem? Don't call H&R Block or IRS. Call the White House. Unless, of course, you're an "enemy."

In the shambles of American totems blasted to pieces at the Watergate hearings, it is dishheartening to see the reputation of one of our most trusted (however grudgingly) Federal agencies crumble with the rest—especially since the Internal Revenue Service affects the lives, pocketbooks, and well-bing of more than 75,000,000 individual taxpayers every year.

Yet Washington tax lawyers are not surprised at the allegations of special tax treatment for White House "friends" like John Wayne and the Reverend Billy Graham, nor at the reported "political" audits of White House enemies.

The White House reportedly even tried to use IRS against bothersome organizations. For instance, back in September, 1970, White House aide Tom Charles Huston sent a memo to H. R. Haldeman which said: "Nearly eighteen months ago, the President indicated a desire for IRS to move against leftist organizations taking advantage of tax shelter. I have been pressing IRS since that time to no avail." And, Huston continued, "What we cannot do in a courtroom via criminal prosecutions to curtail the activities of some of these groups, IRS could do by administrative action."

But IRS was more cooperative than Huston thought. In exactly the same month and year that Huston wrote his memo, the public interest-minded Center on Corporate Responsibility applied to IRS for tax-exempt status vital to its funding program. The Center waited two and one half years for IRS to act. Finally, its funds nearly gone, the Center took its case to court on May 2, 1973. Alleging that IRS had deliberately held off acting on the request, the Center introduced a photocopy of its application, which bore the handwritten words "pressure from the White House." The lawsuit stung IRS into belated action, and two weeks later it turned the Center's application down. The Center is seeking a reversal of the IRS action.

Tax lawyers have always known that the question is not whether IRS hands out special treatment, but how much. The other major questions are: While IRS has been giving prominent taxpayers special treatment, how fairly has it been treating average taxpayers? What happens, for instance, to taxpayers who cannot afford professional tax counsel, let alone political favors? How well does IRS serve the ordinary citizen?

Spurred by mounting citizen complaints, a subcommittee headed by Senator Joseph Montoya, New Mexico Democrat, held hearings this past spring to dig out some answers. Although reports of the hearings were largely lost in the swirl of Watergate revelations, the testimony was significant. It revealed that average taxpayers are generally defenseless in IRS audits and collections. The Service often gives them incorrect or contradictory tax advice. They face problems never dreamed of by wealthy taxpayers and large corporations served by skilled counsel.

For three days a parade of witnesses outlined the problems for the Montoya Subcommittee. Testimony confirmed complaints the Subcommittee had been receiving for months: that some overzealous IRS employes harassed and threatened taxpayers; that some IRS employes, pressured by their superiors to bring in more revenue, made unjustified assessments against taxpayers; that some agents failed to tell taxpayers their rights; that taxpayers were intimidated and confused by appeal procedures, and most failed to appeal their cases; and that IRS refused to honor its own tax advice when it assisted taxpayers.

One of the more shocking complaints by witnesses was that IRS refused to let the public see most of its private rulings, which are, in effect, agreements it makes with wealthy taxpayers and big businesses, even though similar rulings might benefit other taxpayers if only they knew about them. A U.S. District Court judge declared such refusal illegal on June 6, 1973, but IRS still does not publish most of its rulings. The Service may decide to appeal the court's decision.

Tax attorneys and accountants make a career of coping with such problems for their clients, but average taxpayers cannot afford such help. They must rely upon the services IRS provides for them, and the services are not always good or fair.

The first hurdle for the average taxpayer is figuring out how much he owes—that is, filling out the return. IRS will help, but taxpayers take IRS advice at their own risk. Consider the case of a Pennsylvania housewife whose husband went to their local IRS office for tax help. She wrote:

"He had supreme confidence in the IRS . . . My husband . . . paid what the man at IRS said was the right amount and forgot about it. One year and a half later we got a bill from the IRS . . . I couldn't believe it. Not only had their man made the mistake, but we had to pay interest for eighteen months on his mistake . . . We had to borrow the money from a bank and pay interest on that, and then in order to pay the bank we had to sell an insurance policy, which we had been paying on for some time for one of our children . . . It made me a lifelong enemy of the IRS."

Like the Pennsylvania housewife, many taxpayers do not realize that the Service will not honor its own employes' advice. The taxpayer who relies on an IRS employe's tax guidance gets no guarantee that IRS will not demand more taxes later.

Just how reliable is IRS advice? In April, 1972, *Wall Street Journal* reporter Tom Herman asked five different IRS offices for help. Each time he presented the same relatively simple tax problem. The five IRS offices gave him five different opinions on how much tax refund he had coming. The amounts ranged from $177 to $484. The IRS officials even disagreed on the number of tax forms he should fill out.

Affluent taxpayers need not rely on such poor IRS advice. Their high-priced lawyers know how to get ironclad agreements from the IRS on exactly how much tax their clients owe. These lawyers ask the Service to make a "private ruling" on their clients' problems. In effect, the IRS provides a free tax consulting service, with results guaranteed, for a special group—even though *all* taxpayers pay for the service with their tax dollars.

These private rulings can hide big tax breaks for powerful people. In a classic 1964 case, an IRS ruling saved millions of dollars for weathy DuPont stockholders (mainly DuPont family members). The chronology follows: In an antitrust action, a U.S. District Court directed DuPont and its Christiana Securities holding company to distribute their General Motors stock (63.5 million shares valued at $3.5 billion) to their stockholders. Congress passed a special law to lighten the DuPont stockholders' tax load on this GM stock windfall by making it subject to the capital gains rate of taxation, which is lower than the rate they would have paid if the stocks distributed had been treated as dividends subject to regular income tax rates. However, the price of GM stock doubled over the three-year distribution period, and the DuPonts, no longer satisfied with the break Congress had already given them, looked for a way to escape even the capital gains taxes. So they quietly asked IRS for a private ruling. In a ruling that delighted the DuPonts, the IRS permitted the DuPonts to exchange GM stocks for Christiana stocks held in their tax-exempt foundations, and these exchanges would be totally tax free. The new ruling allowed them to escape $56 million in taxes.

The IRS estimates that it makes about 30,000 rulings a year. Of all these decisions, it pubishes only six to seven hundred annually. The Service refuses to let the public—the same taxpaying public that paid for the rulings in the first place—even see the rest. This means IRS can treat different taxpayers unequally, and such injustice can be concealed.

The Montoya Senate Subcommittee hearings highlighted the contrast between the IRS tax guarantees for the rich and its unreliable advice to average taxpayers. The Pennsylvania housewife and her husband did not get DuPont-style service from IRS. Instead of honoring its own advice, IRS audited the Pennsylvania family's return and demanded almost $500 in additional taxes and interest.

Each year the Service chooses for audit more than one million individual returns of the 75,000,000 filed. This means the audited taxpayers must produce records and accounts to prove the claims on their returns. Average taxpayers usually face audit without tax counsel. Why? First, most may not even realize that they need professional help. Those who do seek it find they cannot afford to pay the $30 an hour—or more—that the tax professionals charge. Instead, taxpayers

confront the IRS frightened and alone, like the woman who wrote: "I spent the whole morning at the tax office in Brooklyn and when my time came for the 'explaining' of my ways, I was treated with sullen contempt . . . I was absolutely terrified by their attitude. . . ."

Other taxpayers may trust the IRS man, assuming he knows the law and that he will be impartial, open, and above board. But L. Hart Wright, Michigan University Law School professor, points out that "these assumptions are often not justified." Wright should know. On and off, for almost twenty years, he has taught tax law at the IRS training center and has served as a member of the IRS Commissioner's Advisory Group and as a consultant to the Commissioner. In addition, he has written two IRS tax law manuals.

What happens when average taxpayers face an audit without professional help? Unable to defend themselves, some sixty-three per cent wind up with an increased tax bill averaging about $150. In 1972, that was almost half a million taxpayers. About thirty-four per cent get no increase, and three per cent receive refunds. The high "no change" rate—one in three—suggests that IRS may spend too much time subjecting small taxpayers to expensive unnecessary investigations. One woman reported that IRS audited her returns for five consecutive years, although her annual salary never reached $4,000. She wrote:

"It was my church donations which they questioned. You see, I am a Seventh Day Adventist and believe in paying ten per cent of all my income to the church. The church treasurer gives receipts for donations paid into the church. I kept all my receipts. Their investigation finds out that my internal revenue reports come out right to the penny with receipts to prove same. I had to take off from my job to appear in Des Moines for the investigation, which meant loss of pay for that day. . . ."

When the audit begins, the taxpayer faces a system which, in a real sense, is out to get him. First, the IRS agent *expects* to find that the taxpayer owes Uncle Sam more than he paid—ordinarily that is why the taxpayer's return was chosen for audit in the first place. The examiner himself is under pressure to bring in extra revenue. The Sevice rates him, in large part, by his "productivity"—the amount of money he brings in from taxpayers. Senator Montoya questioned Vincent Connery, former IRS agent and president of the National Association of Internal Revenue Employes, on whether he felt he had to "produce" in order to sustain his standing as an efficient revenue agent. Replied Connery, "The simple answer to that is 'yes.' "

In their eagerness to bring in money, IRS examiners are not always candid with taxpayers. They may not explain what kinds of proof of the taxpayer's claim IRS will accept, or whether the taxpayer's case has merit. Many ordinary taxpayers have a hard time supporting their deduction claims. A secretary wrote of her difficulties when IRS demanded she prove that she actually supported her dependent mother:

"I was only making around $5,500 or $6,000. I was told . . . [to] report all the money I spent on my mother in the last year . . . food, clothing, etc. I had to return the next day with a detailed account . . . I accounted for every penny . . . because I didn't want to go to jail—or so they made me feel."

Even sophisticated newspaper reporters have trouble supporting their claims. Syndicated columnist Tom Braden recently wrote:

"You have to be able to prove everything. For example, if you're a newspaperman and do a great deal of traveling, you'll have to produce the airline stubs which prove that you did indeed go to Los Angeles to write a story about Los Angeles which bears a Los Angeles dateline. Sometimes foolish people like me or people without secretaries—also like me—lose their airline stubs. It is expensive."

Sometimes IRS examiners will omit facts that might help the taxpayer. One former IRS agent has pointed out: "The overzealous examiner does not have to disclose to the taxpayer anything about the cases the Government has lost . . . They just state IRS' position as [an] amount of tax . . . and the poor taxpayer most of the time will pay. . . ."

Agents may even threaten to raise taxes without reason. Rudolph J. Passero of the National Society of Public Accountants told Senator Montoya about one time when an IRS agent, frustrated because he could not find any errors in a return, said, "I know there is something here. Now, how much do you want to pay to settle the case?" Passero reported the agent to his IRS superiors, but few unrepresented taxpayers are as willing to stand up for their rights against abusive IRS officials.

The well-represented taxpayers do much better by appealing the IRS agents' claims. Examination of the IRS' annual reports discloses that wealthy taxpayers, over the past five years, have protested more than $6.7 billion in examiners' demands before the Service's conference officials at the highest level. The IRS reviewers overruled the examiners and reduced the demands by an incredible seventy per cent of this amount—by $4.7 billion. Thus, these taxpayers actually had to pay, on the average, only thirty per cent of the amounts that overzealous agents had tried to claim. Big money was at stake in these settlements. The figures in one IRS document reveal that approximately eighty-four per cent of the money in dispute involved claims of $100,000 or more. Clearly, IRS is more willing to bend in favor of big taxpayers than smaller ones.

By comparison, average taxpayers fare poorly at the appellate level. For example, in 1971, according to IRS records, taxpayers with cases under $1,000 ended up paying an average of sixty-eight cents on the dollar, while those with tax cases of $1 million or more settled for an average of only twenty-four cents on the dollar.

But almost none—only two per cent—of the average taxpayers who have gone through the IRS audit ever appeal their increased taxes at all. Why not? Because appeals procedures are confusing, frightening, and expensive. Taxpayers can go to court, or can try to explain their side to Internal Revenue superiors at an IRS district conference. If that fails, they can trudge on still higher to an IRS appellate conference. Wherever they turn, average taxpayers find the procedures too much to cope with. It is so much easier to pay than to fight. Worse yet, many average taxpayers may not even know of their right to appeal. IRS does not routinely give taxpayers written notice of appeal procedures until *after* the taxpayer has formally disagreed with an examiner's findings and refused to pay an increased tax.

While most average taxpayers agree to pay what IRS says they owe, some fail to make the actual payment, and then the IRS Collection Division steps in. The IRS collection officer has the power to seize and sell almost all the taxpayer's goods. He can clean out bank accounts. He can seize paychecks. He can even sell a taxpayer's home.

Like the IRS examiner, the collector is under pressure to bring in money. Until this year, the IRS district office in San Francisco had a unique way of applying this pressure—the "point system." Employes seeking promotion had to fill out a five-page "work experience statement" which assigned points to some thirty-four different kinds of collection actions. Vincent Connery of the IRS employes' union described how the system worked. He said it was just like a contest:

"You get a point for going out and seizing somebody's money who is either on relief or Social Security or a pension. . . . You also get a point for notice . . . served on someone's life insurance policy. . . . It is more than a couple of points if you are regarded as a 'seizure man.' If an American businessman owed money, you go out and seize his business and you get points. Those points translate into promotion."

William L. Lefbom, chief of the San Francisco district collection and taxpayer service division, eliminated the "work experience" point system this year. IRS said it was "administratively cumbersome." But the pressure to bring in money goes on. Jerry Klepner, communications director of the IRS employees' union, has pointed out, "Supervisors know how much a man collects and how many cases he has closed. If the employe does not meet the standards, he loses his job or his promotion."

Most tax lawyers are skilled at keeping such IRS officials from their clients' doors. If tax appeals fail, they advise their clients how best to settle. They know, for example, how to arrange to pay back taxes over a number of years. And they know what kinds of compromises IRS might make. Even if these lawyers get a case after IRS has threatened to collect, they know where to go—in the agency or outside it—for help. Inside, successful tax lawyers talk to their collection division contacts. Outside, White House and other political connections might be effective. Or tax lawyers with clients friendly to Senator Russell Long of Louisiana or Representative Wilbur Mills of Arkansas might find either one helpful. Mills and Long, both Democrats, co-chair the powerful Joint Committee on Internal Revenue Taxation. IRS answers their letters within twenty-four hours. It was Mills' intervention, *The Wall Street Journal* recently reported, that called off an IRS tax investigation of shoe corporations, saving them, a former agent estimates, some $100 million in taxes.

Most of us do not fare so well. Once started, there is almost no way the average taxpayer can stop a collection action. A collector can simply move in and make the seizure. An angry trucker in the household moving business reported that IRS officers took his only moving van (worth $33,740) to satisfy a tax debt of $1,500, while he frantically sought help. He wrote, "Now I have no truck and no money." And, incidentally, no way to earn the money IRS says he owes.

Sometimes taxpayers suddenly discover that the IRS has seized their paychecks—even though they have paid their taxes and can prove it. A Midwestern certified public accountant described a common case. A black laborer had his paycheck seized even though he had two receipts which showed he had paid the tax due in full. Yet, wrote the CPA, the IRS collection department in Cincinnati was indifferent and simply said the man would get a refund in six weeks. "They never admitted," he wrote, "that they had made a mistake and never apologized for denying this man and his children food, clothing, and lodging, for at least one week."

Most average taxpayers have no place to turn for help when IRS seizes their pay. Even if the Service refunds the money in a few weeks, the hapless taxpayer has been deprived of his income, and his reputation with his employer has probably been hurt.

What can be done to give average taxpayers something like the help the rich (and their professional counsel) get from IRS? Senator Montoya has suggested that the Government provide a system of taxpayer advocates representing taxpayers with small claims. Ralph Nader has urged that IRS give those taxpayers facing audit or collection a short written notice that would outline, in plain language, the taxpayer's rights and duties, how he can appeal, and the names of IRS officials to whom he can complain. Nader also called for an "oversight" body, responsible to Congress, which would investigate citizen complaints, study IRS operations, and report its recommendations to Congress.

IRS, for this part, could keep track of the questions taxpayers ask most frequently at

IRS offices. This would help Congress decide which parts of the tax laws need to be simplified.

Much can be done in the way of reform. The tax system does not have to be a dense, dangerous jungle for the average taxpayer. But tax justice will not come by itself. Taxpayers will have to push their representatives in Congress hard, particularly those who put special treatment for a few ahead of tax justice for all the American people.

The best time to improve IRS practices is *before* you have a tax dispute with IRS. Your word to Congress can make a difference.

CONTACT

Here is what you can do to get action out of Congress and fair treatment out of IRS:

Be informed on the issues. Ask your Representative to send you a copy of the *Hearings on Taxpayer Assistance and Compliance Programs, Fiscal Year 1974*. Or get it from your public library. It is packed with information, and it is free.

Do not be afraid to complain. If IRS has treated you, or someone you know, unfairly, do not take it lying down. Let your Senators and Representative know. And write to the new Commissioner of Internal Revenue, Donald C. Alexander, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, D.C. 20224. He should be told what his employes are doing.

Get your local news media to help expose bad IRS practices. Talk to a reporter, or write a letter for publication, or ask an editor to write an editorial.

Urge your Representative and Senators to push for reform of tax laws and the IRS.

Help the ongoing study of IRS practices. The Tax Reform Research Group is collecting data to present to the Montoya Subcommittee hearings next year. Although TRRG cannot give help in individual cases, it will study complaints carefully. As patterns of abuses show up, it will investigate them and recommend reforms to the Subcommittee. If you send documentation, send copies only, not originals. Be sure to let the Group know whether it may publish your signed complaint, or whether it should keep your name confidential. Send information to: Tax Reform Research Group, P.O. Box 14198, Washington, D.C. 20044.

MILITARY PROCUREMENT

Mr. TOWER. Mr. President, recently the Senate finished consideration of its version of H.R. 9286, the military procurement authorization bill. During the debates the Senate came terribly close to upsetting the delicate balance the President has skillfully maintained between military preparedness and détente. Further monetary cuts that were proposed on the floor of the Senate during consideration of the military procurement bill would have robbed us of the strength to deter Soviet military aggression, if they chose to confront us on that level. In addition, our bargaining position during economic and political negotiations would have been diminished. We must be prepared to be as flexible as our opponents, able to compete militarily, economically and politically. The Armed Services Committee spent many weeks examining the President's budget submission in great detail. We reported the rock bottom budget authorization we felt America could afford, and in some cases recommendations even lower than some of us felt necessary. I am pleased to see the Senate permitted the bill to pass in substantially its reported form.

Mr. President, there have appeared in newspapers across the Nation a number of articles on the procurement bill and certain amendments thereto. Because I feel it might add weight to my arguments, I recommend them highly to my colleagues. Therefore, I ask unanimous consent that they be printed in the RECORD.

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

[From Review and Outlook]

DEFENSE, DEMAGOGY AND DÉTENTE

The Soviet-American detente was given another year of life last week when the administration staved off wholesale cuts in American arms during the Senate defense-spending debate. The margin was precariously narrow, in no small part because the administration has refused to demagog the defense issue. It seems likely that in a year or two the soft-sell will no longer be enough to win a halfway credible defense posture, the administration will have to turn on the demagogy, and detente will be over.

Consider the record in the Senate last week. Only by a vote of 51 to 44, could the administration reverse an earlier vote to unilaterally slash 40% of our overseas forces, on the eve of troop-reduction talks with the Soviets. Only by 49–47 could it win acceleration of the Trident submarine, its chief strategic proposal, as strategic arms talks go forward. It lost in an attempt to defeat a 23% foreign troop cut, and will have to rely on a Senate-House conference committee to whittle down the size of that reduction.

Even after further cuts have been avoided, the defense budget is below pre-Vietnam levels in terms of constant dollars. And because of the volunteer army, a far greater hunk of the budget is going to personnel costs and correspondingly less to hardware. Research and development on most programs was severely cut by a Senate subcommittee, and only partly restored by the full Armed Services Committee. The popular image of a bloated "military-industrial complex" has never been further from fact.

Meanwhile the Soviet Union has been moving ahead at an incredible pace on nearly every front of arms development. Even though the interim agreement on offensive strategic arms gives it many advantages, its testing has disclosed several new strategic missiles in the last few months. It has tested multiple warheads. It has reinforced and reequipped its armored divisions in Europe. It has built what Jane's Fighting Ships now considers the best navy in the world.

Surely the material is there if the President wants to take the issue to the nation, or even to demagog it a bit. But while it is quietly insisting on the need for arms spending, the administration refuses to play up the issue. For to make a lot of rhetoric about the Soviet threat would undermine its policy of detente, both in terms of domestic politics and, more importantly, in terms of actual relations with the Soviet Union.

Yet because the administration is publicly cozying up to the Soviets, it finds its quieter warnings are not taken seriously. This is one of its chief difficulties in the Senate. A good many Senators apparently are unable to conceive of detente on any basis except that the Russians have turned into good guys. And if they are good guys, why do we need arms?

This attitude is by no means limited merely to the Senate. There are well-informed people in the media, for example, quite capable of telling complaining military officers that the media cannot take the quiet warnings seriously while the public administration stance is friendship toward the Soviets. Or in other words, demagog it, then we will believe you.

Even this year, the administration would have had to do precisely that except for the ham-handed Soviet propaganda campaign against Andrei Sakharov and Alexander Solzhenitsyn. Especially given the careful groundwork laid by Senator Jackson's campaign on the Soviet Jews, this neatly upset the image, of the Soviets as good guys. Some in the liberal community of course argue that while the Soviets cannot be trusted with most-favored-nation status they can be trusted with military superiority. But on one of the key votes a number of liberal Senators—Kennedy, Humphrey, Stevenson—figured that we had better not trust them too far with arms either, and lined up with President Nixon and Senator Jackson.

In the future we cannot count on being blessed with Soviet clumsiness. Unless our popular and political culture can start to digest the notion that detente is not based on Soviet beneficence but on a balance of military power, the administration will be left with no choice but to present the Soviet threat in the rhetoric of high dudgeon. And it will go down in history that detente collapsed because a democratic political system is incapable of sustaining it.

[From the Denver Post, Sept. 19, 1973]

A BALANCED PLAN IN EUROPE: REDUCE TROOPS ON BOTH SIDES

The position of the Nixon administration has been consistent and firm over the past 4½ years on the question of troop cuts in Europe:

Any East-West troop reductions ought to be mutual and balanced.

Reports from Washington now indicate that the White House stand will get a full test earlier than anticipated.

The latest word is that the United States, with full concurrence by its allies in the North Atlantic Treaty Organization (NATO), will propose a phased reduction of both NATO and Warshaw Pact forces during the disarmament talks due to reconvene in Vienna next month.

The reported plan calls for a 10 per cent NATO cut and a 20 per cent cut by the Warsaw bloc—which would reduce the level of forces on both sides to about 700,000 men. A subsequent phase would reduce forces on both sides by another 15 per cent, according to the proposal.

The most significant reductions would be those involving American and Soviet troops. And the size and scope of these cuts will underscore how far the latest U.S.-Soviet move toward détente has progressed.

If equal cuts of 15 per cent were followed, as hinted by the White House, about 30,000 Americans and 65,000 Russians would be involved in initial withdrawals.

This would be a far cry from the plans being floated in the Senate, particularly by Sen. Mike Mansfield, the majority leader. Mansfield has called for a unilateral reduction of U.S. forces in Europe of 50 per cent, which would amount to a cut of about 150,000.

What is drastic about the Mansfield proposal is not the total, large though it is, but the fact that it would be undertaken without any assurance that the Soviet Union would follow suit.

Time and time again, the Russians have demonstrated that they are tough bargainers. The unilateral withdrawal recommended by Mansfield would severely weaken the U.S. bargaining position at Vienna.

A significant reduction of our costly military commitment to Europe ought to be our goal but it will undoubtedly have to come—as have other agreements with Moscow—one careful step at a time.

[From the New York Times]

WITHDRAWAL SYMPTOMS

(By James Reston)

WASHINGTON, September 27.—Though the Senate voted the other day to cut United States military forces overseas by 40 per cent, and then reversed itself under intense pressure from the White House, that challenge to the present balance of power in the world has sent a shudder through the Administration and the Western alliance.

It is the paradoxical mood of defiance and retreat in the Senate—defiance of the President and retreat from world responsibilities—that troubles both the President and the Allies, and that mood persists, despite the narrow reversal of the vote.

For the moment, it is not a critical problem, for the House, despite some defections, is still willing to maintain for a while the 471,000 land-based troops the United States maintains abroad. But even in the House many members who once backed the Administration's force levels abroad are now wondering whether this is still necessary, and if so, for how long?

The reasons for this growing skepticism are varied. The President himself has proclaimed the Nixon doctrine, limiting the nation's overseas commitments, and argued that his accommodations with Moscow and Peking have reduced world tensions and foreshadowed a "generation of peace." This in itself has produced pressure on the Hill to cut the defense budget, reduce the U.S. garrisons abroad, and reappraise or even eliminate foreign economic aid.

It has been the central political argument of the Administration during the last Presidential campaign and since that these last four years have been an era of transition: from war to peace, from a wartime economy to a peacetime economy, from a Federal budget dominated by defense to a budget dominated by social or human expenditures, from arms competition to arms limitation, and from a draft-dominated military force toward an all-volunteer force.

This theme is now producing new voting patterns in Congress. Many Southerners, who were pugnaciously international and all for foreign aid a decade or so ago, now resent competition from abroad and are allying themselves with Northern liberals, who used to be stanch supporters of internationalism, but who are now calling for vast transfers of funds from overseas to the problems of poverty and urban misery at home.

What we are seeing in these Congressional impulses to cut the defense budget, cut the troops abroad, cut the foreign aid, is also a reaction to the disappointments and tragedies of Vietnam. Withdrawal symptoms in a nation are even more painful than in an alcoholic or a drug addict, and the war has tended to encourage many members to withdraw not only from Vietnam but even from critical industrial areas like Western Europe and Japan.

There is also a tendency here as a result of Watergate and its excessive use of Presidential power, to oppose the White House, to dramatize the independence of the Congress, to resent the Europeans and the Japanese for their competition with the dollar and American trade, and all this is very sensible, but a 40 per cent reduction in all U.S. forces overseas seems a bit steep.

The Administartion would probably be on sounder ground in meeting these extreme demands if it were not so extreme itself. The President has been threatening to veto any bill that doesn't match his estimate of what the defense budget should be, and veto any appropriation bill that spends more than he thinks is inflationary at home—and this has irritated the Congressional leaders, and provoked Mike Mansfield, the majority leader in the Senate, who has been trying to cut overseas forces for years.

Mike got quite a few votes for his 40 per cent cut at least partly because everybody like Mike, and particularly the young new Senators, who didn't go through the long battle to establish American power in Europe and Asia, tend to think the detente with Moscow and Peking is a reality instead of merely an experiment.

Somewhere in this debate, there has to be a compromise between the majority leader who wants nothing less than a 40 per cent cut in the overseas forces and the Administration that wants to keep force levels overseas where they are.

The Administration won this latest battle with the Senate, and can probably keep on winning it with the help of the House, at least for a while, but the mood of retrenchment on the Hill is getting stronger all the time, and the confidence between the White House and the Congress, after Vietnam and Watergate, is getting weaker all the time. And this is a problem, particularly since the Administration is just going into critical negotiations with the Allies on the future of the NATO Alliance, with the Soviet Union on the balanced reduction of both Soviet and U.S. forces in Europe.

This the Senate knew, but it voted for a 40 per cent cut anyway, and reversed itself only when the probable consequences of the vote were made clear later in the day. In the end, the arguments of the Administration prevailed by a very few votes, but ironically, a few more votes were switched, not by the arguments of the White House, but by the arguments of Sakharov and Solzhenitsyn, the two eloquent voices out of Moscow, appealing to the United States not to make one-sided deals with the Soviet Union, without getting a few compassionate consessions from the Communist side.

[From the San Diego Union, Sept. 19, 1973]

DEFENSE IS LAST PLACE TO TRIM

Another "guns or butter" debate is warming up in Congress with consideration of a $20.4 billion military procurement bill. Once again we are caught up in the difficulty of reconciling our political process with the needs of national security. While politics and personalities can change the relative strength or weakness of different points of view in Congress, those changeable conditions have nothing to do with the number of men and weapons actually necessary to defend our country.

Congressional doves can no longer cry for an end to the Vietnam war as a means of producing billions to be spent on domestic programs. This leaves only the defense budget and foreign military aid as their target. The idea that military spending in the neighborhood of $80 billion is too much in "peacetime" is becoming dangerously popular with senators and representatives whose favorite programs are waiting to be funded but cannot be fitted into the federal budget under the ceiling which President Nixon is determined to maintain.

The Senate Armed Services Committee has concluded it is safe to trim another 156,000 men from our armed forces. This would reduce them even lower than the 2.2 million level projected by the Defense Department after a series of base closings and consolidations of military units announced earlier this year. The argument that these new reductions would be made in support forces rather than combat forces simply ignores the balanced relationship which must exist between the combat soldier and the logistics and communications network that must back him up if he ever has to fight.

The axe is also poised over the funding for such long-range weapons development programs as the B–1 bomber and the Trident missile submarine. The argument here seems to be that if we are safe enough now without these advanced weapons, and since detente is in the air, we need be in no hurry to develop them. This assumes that the Soviet Union is equally complacent with the capability of its strategic weapons. We know, however, that just the opposite is true. The Russians are pouring resources at an unprecedented scale into improving and expanding both their strategic and tactical forces.

The level of U.S. troops stationed in Europe is also being viewed as a budgetary question. It cannot be if we expect any results from the current effort to negotiate a mutual reduction of forces by the North Atlantic Treaty Organization and the Warsaw Pact. A unilateral troop reduction by the United States of America would only undercut NATO's bargaining position.

President Nixon has made the point that domestic programs will be meaningless if we fail to maintain adequate military strength. Put in simplest terms, if a country does not have enough guns to defend itself from an enemy, having butter on the table will not save it. With the Defense Department's buying power seriously eroded by inflation, the defense budget is the last place Congress should be looking for money to divert to new domestic spending. The fat just isn't there to be trimmed.

FOOD ADDITIVES AND HYPERACTIVITY IN CHILDREN

Mr. BEALL. Mr. President, since early this year I have been in communication with Dr. Ben F. Feingold, chief-emeritus, department of allergy of the Kaiser Foundation Hospitals and Permanente Medical Group, with respect to hyperkinesis, or hyperactivity.

This is a problem which is conservatively estimated to involve 3 percent of the elementary school population of our country. However, the instances of hyperkinesis varies greatly from community to community. For example, in south San Francisco a conservative estimate indicated that 5 percent of all pupils were hyperactive, while in Monroe County in upstate New York, the estimate is as high as 25 percent. The California Association for Neurological Handicapped estimated in the past 10 to 12 years the instances of hyperactivity among schoolchildren in California has risen from 2 percent to an average of 20 to 25 percent and in some cases 40 percent of the entire school population.

Dr. Feingold's research has indicated a possible link between hyperactivity in children and the growing use of food additives. By placing children on a diet that is free of artificial food flavors and colors, Dr. Feingold has been able to achieve dramatic results. Even more dramatic was the ability to trigger a return of hyperactivity, sometimes in a matter of hours, by putting artificial substances back into the diet.

At the present time many hyperactive children are being treated with drugs. If hyperactivity can be controlled simply by changing a child's diet, then we certainly should find it preferable to move in that direction. And if there is a link between artificial food additives and hyperactivity, then the entire use of artificial colors, flavors, and other additives must be examined.

Mr. President, next month the Senate Labor and Public Welfare Subcommittee on Health contemplates hearings in the drug area. I have written Senator KENNEDY today, in view of the importance of

Dr. Feingold's work, urging that he be one of the earliest witnesses called. I am particularly interested in Dr. Feingold's work because of my deep concern about the reading problem in this country and there is indication that many hyperactive youngsters also experience reading and other learning difficulties. As Dr. Feingold told me in his most recent letter:

I feel confident that through a broad-based program involving the education of parents, as well as educators, teachers, psychologists, pediatricians, and other professionals regarding the potentials of management with the salicylate-free diet, we can within a very brief period, perhaps a year or 18 months, correct a considerable percentage of the H–LD among the school children of this country.

I have been in contact with the Food and Drug Administration and the National Institute of Mental Health on this matter and I am hopeful that we can generate support for Dr. Feingold's research and efforts.

Mr. President, in the Washington Post of October 29 appeared an excellent article on this subject by Mr. Morton Mintz. I ask unanimous consent that a copy of this article be printed in the RECORD and also a copy of a recent address given by Dr. Feingold before a symposium on food health in London, England last month, be printed in the RECORD.

I also ask unanimous consent that my letter to Senator KENNEDY be printed in the RECORD.

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

STUDY LINKS FOOD ADDITIVES TO HYPERACTIVITY IN CHILDREN

(By Morton Mintz)

A medical specialist says that artificial colors and flavors in foods and beverages may be an important cause of a serious behavior disorder believed to affict millions of school children.

He bases his theory on experiments in which afflicted children come to behave normally when put on a diet free of synthetic colors and flavors, only to revert to their maladjusted condition when they violate the diet by so much as a bite.

The specialist is Dr. Ben Feingold of San Francisco. He is chief-emeritus of the Department of Allergy of the Kaiser Foundation Hospitals and Permanente Medical Group.

The disorder, called hyperkinesis or hyperactivity, interferes with a child's attention span—leading to reading, spelling and other learning difficulties—and is reflected in disruptive and even compulsively aggressive behavior.

The disorder occurs almost exclusively in boys. Usually only one child in a family is affected.

Hyperkinetic children generally—but not always—are genetically predisposed to alleriges. Usually they have normal or high IQs. And, says Feingold, they ingest substantial amounts of chemical colors and flavors, as shown by diet diaries.

Frequently, physicians prescribe for hyperkinetic children drugs that in adults are stimulants. The drugs are amphetamines and Ritalin, the trade-name of the CIBA-Geigy Corp. for methylphenidate hydrochloride.

Feingold has found that sharp increases in the disorder and in learning difficulties over the last 10 years have occurred in parallel with increases in the dollar value of the production of artifical flavors and soft drinks.

There are 2,500 to 3,000 flavors—some of them secret chemical formulations—but only 11 basic synthetic colors, Feingold says.

The colors and flavors constitute about 80 per cent of all food additives. They proliferate in "convenience" foods and products such as softdrink powders, the physician says.

Feingold reported initial findings to an American Medical Association meeting in New York City in June at an international food symposium in London in September. He said in a phone interview with The Washington Post that he is now preparing an article for the British Medical Journal, published by the British Medical Association.

At the time of the AMA meeting, Feingold said, he had achieved "dramatic results" with the special diet in 15 to 18 of 25 hyperkinetic children in his practice. Some of the children who did not improve did not stick to the diet, he said.

Currently, the allergist told a reporter, he has successfully treated more than 50 children. In addition, he said, other physicians independently have duplicated his results.

Feingold emphasized that the special diet doesn't always work, because there are apparently multiple causes of hyperkinesis. Sometimes it works in harness with standard allergy control procedures, he said.

Feingold told of a 7-year-old boy who had been hyperkinetic during much of his life. No therapy worked. But after a few weeks on the special diet the boy became well adjusted at home as well as at school.

The physician said that even a slight violation of the diet can cause symptoms of hyperkinesis to emerge within a few hours and to persist for 24 to 48 hours.

"In view of our ability to relate this behavioral disturbance in children to food additives by 'turning on' and 'turning off' these adverse clinical responses," Feingold told fellow allergists at the AMA meeting, "we raise the following question:

"Is it possible to attribute the increase in hyperkinesis and learning difficulty . . . to the increased consumption of these chemicals in our foodstuffs?"

Feingold told of a California study indicating that in the last 10 years the incidence of hyperkinesis in certain school populations increased from an average of 2 percent to 20 to 25 percent and, in some cases, to 40 percent. He said no correlation has been shown between rates of affiliation and socio-economic factors.

The dominant occurrence of hyperkinesis in boys and its absence among a victim's brothers and sisters may offer clues for researchers, but "we really do not know" the explanation, Feingold said.

"Do the additives ingested by the mother during pregnancy affect the unborn child?" the allergist wonders.

He points out that additives, like drugs, can cross the placental barrier to the fetus and affect its development. It is at least conceivable, he says, that increased consumption of food additives by pregnant women could be an "important factor" in conditioning a fetus to react to additives in childhood with hyperkinesis.

An average child's breakfast today may include foods "loaded" with enticing flavors and colors, including cereals, beverages, pancakes made from a mix and frozen waffles tinted by a chemical called tartazine, Feingold said.

A "conscientious and concerned" mother may give her child chewable vitamins. These, too, contain chemicals.

The child goes off to school where, at lunch, he gets more flavoring and colorings in hot dogs, luncheon meats, ice cream and beverages other than milk.

"Is it any wonder that our children are jumping and failing to learn?" Feingold asked at the AMA session.

The conscientious mother, or school authorities, may try to cope with the possibly chemically-created disorder by dosing the child with more chemicals—an amphetamine of Ritalin. These drugs, too, are dyed, Feingold said. Some children also are given strong tranquilizers that, again, are artificially colored.

How many children get the amphetamines and Ritalin, which CIBA-Geigy has heavily promoted for hyperkinesis, is unclear.

The number estimated in 1971 by the National Institute of Mental Health was up to 300,000. The current estimate made by CIBA-Geigy for Ritalin alone is 250,000.

A company spokesman said Friday that the firm was trying to clarify the figures in the light of testimony given at a Senate hearing in July, 1971, by CIBA-Geigy president Thomas O. Boucher.

He said that the firm in 1970 sold 243 million Ritalin tablets, that some 2 million persons took the drug, and that "its use for hyperkinesis is approaching 50 per cent . . . of production." In the same year, Ritalin accounted for $11 million in sales, or 15 per cent of the firm's total.

Feingold's research associates were Drs. Donald F. German, Alice Friedman, Richard Braham and Eliamae Simmons.

In a related development at Georgetown University, researchers have reported on a laboratory study of some food additives used to prevent spoilage of beverages and canned and frozen foods by disease-producing bacteria.

The additives act as strongly against animal and human cells as against the germs, the study indicates.

Further investigation is necessary, "but present evidence would urge caution in eating large quantities of food containing such additives," said microbiologist Thazepadath Sreevalsan.

The Georgetown study, done in collaboration with the National Institutes of Health, involved tissue cultures in which additives were shown to inhibit the growth of cells, to alter their shape, and in some cases to destroy them.

The results, reported in the Proceedings of the National Academy of Science in August, also showed that the chemicals did not act selectively merely against the bacteria that cause spoilage, but were at the same time anti-cell agents.

"There may be a mechanism whereby the stomach tissue in a whole organism is able to de-toxify the compounds in humans, but even in that case, ingesting too much might overload the mechanism and still pose a danger," said Associate Prof. Sreevalsan.

He said that most anti-bacterial food additives are fatty acids that, in the concentrations in which they are used to prevent spoilage, have not exhibited "any gross animal or human toxicity."

All human cells in the study are inhabited by these compounds, as well as by nitrite. For that reason, the large consumption of foods containing the compounds "may potentially interfere with the function of some human cells," Sreevalsan said. The same would apply to drugs such as salicylates—aspirin, for example—that also are fatty acids, he said.

The study was done with cells from human livers and intestines and with chicken embryo cells grown in laboratory tissue cultures.

Sreevalsan's co-researchers were Elliot Ginsburg, Daniela, Salomon, and Dr. Ernest Freese.

Adverse Reactions to Food Additives With Special Reference to Hyperkinesis and Learning Difficulty (H–LD)

(By Ben F. Feingold, M.D. *)

Foods are mixtures of chemicals, the bulk of which are proteins, fats and carbohydrates. In addition to these basic substances, numerous accessory chemicals occur in foods in varying concentrations. Some of these substances are natural constituents of the food product, while others known as food additives are incorporated either directly or indirectly during various stages of production, storage and processing. Those substances, except for chance contaminants, that accidently have become a part of food are known as non-intentional food additives, while those that are purposely incorporated are called intentional food additives.

While both the naturally occurring chemicals and food additives may be involved in the health and behavior of man, the scope of this discussion is limited to observations attributed chiefly to artificial flavors and colors.

Classification of intentional additives

Preservatives	33
Antioxidants	28
Sequestrants	45
Surface active agents	111
Stabilizers, thickeners	39
Bleaching and maturing agents	24
Buffers, acids, alkalies	60
Food colors	34
Nonnutritive, and special dietary sweeteners	4
Nutritive supplement	117
Flavorings—synthetic	1,610
Flavorings—natural	502
Miscellaneous: yeast foods, texturizers, firming agents, binders, anticaking agents, enzymes	157
Total number of additives	2,764

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The flavors and colors represent three out of fourteen categories that constitute a list of intentional food additives compiled in 1965 by the Food Protection Committee of the United States National Science Foundation and the National Research Council. (1)

It is important to note that of the 2,764 chemicals listed in this report, the flavors and colors constitute over 80 per cent of the total.

Colors and flavors make no contribution to the nutritional value of food. However, since both flavor and color are very important determining factors in consumer acceptance, they are frequently interlinked. As a result, they play identical and important roles in determining the economic success experienced in marketing food products, which in turn may subtly, yet at times very importantly influence the health and behavior of man.

Prior to 1856 when dyes were originally developed from coal tar derivatives, practically all colors added to foods were of natural origin. (2) However, following the development of synthetic colors, there has been a constant increase in the utilization of the synthetic products by the food, drug and beverage industries, so that over two million pounds of synthetic coloring materials are added to our food supply annually. This represents over 90 per cent of all the food coloring used, leaving 10 per cent from natural sources.

The various synthetic dyes are derived from four basic coal tar derivatives. (3)

Basic coal tar derivatives

Triphenylmethane.
Azo.
Xanthene.
Sulfonated indigo.

Test samples from each class have from time to time exhibited adverse effects. Derivatives of triphenylmethane, the azo dyes and indigo have known carcinogenic properties, while xanthene products manifest mutagenic potentialities.

By 1900, in the absence of regulations, there were approximately 80 dyes used in the United States for food coloring. (4) In many instances dyes from a batch used for dyeing cloth were used for food. By 1906, when the first regulations were instituted in the United States, the list was reduced to seven products, which were considered to be of known composition and studied physiologically.

The short term evaluation initially applied to the certification of dyes has proved unreliable with the result that the approved list of colors is constantly undergoing change. With long term usage of a dye, toxicity and carcinogenicity frequently become manifest, which leads to either exclusion or provisional listing. Again, on the basis of short term evaluation a new product is substituted. This constant practice of deletion and substitution merely reflects the inherent potential of coal tar dyes to produce adverse effects—a situation that will no doubt persist so long as coal tar derivatives are used for food processing.

The deficiencies of short term evaluation are well expressed in a report on food colors issued in the United Kingdom as early as 1954. To quote, "We cannot accept the contention that, because coal tar colors have been used in foods for many years without giving rise to complaint of illness, they are, therefore, harmless substances. Such negative evidence in our view merely illustrates that in the amounts customarily used in foods, the colors are not acutely toxic but gives no certain indication of any possible chronic (long term, continuing) effects. Any chronic effects would be insidious and it would be difficult if not imposible to attribute them with certainty to the consumption of food containing coloring matter."

The situation with regard to the reliability of colors as expressed in this statement explains in great measure the difficulty various public health authorities are having in arriving at mutual agreement for the authorization of colors to be incorporated into food products.

The following table which lists the synthetic colors permitted in several countries illustrates this situation.

SYNTHETIC FOOD COLORS PERMITTED IN SEVERAL DIFFERENT COUNTRIES

Dyes	Great Britain	Australia	Canada	Denmark	Finland	Germany (W)	India	Norway	Spain	Sweden	Switzerland	South Africa
Ponceau 4R	+	+	---	+	+	+	+	+	+	+	+	---
Carmoisine	+	+	---	+	+	+	+	+	+	+	+	+
Amaranth	+	+	+	+	+	+	+	+	+	+	+	+
Red 10B	+	---	---	+	---	---	---	---	---	---	---	---
Erythrosine BS	+	+	+	+	+	+	+	+	+	+	+[1]	+
Red 2G	+	---	---	+	---	---	---	---	---	---	---	+
Red 6B	+	---	---	+	---	---	+	---	---	---	---	---
Fast red E	+	+	---	+	+	---	+	+	+	+	+	---
Red FB	+	+	---	---	---	---	+	---	---	---	---	---
Orange G	+	---	---	+	---	---	---	---	---	---	---	+
Orange RN	+	---	---	+	---	---	---	---	---	---	---	+
Oil yellow GG	+	---	---	---	---	---	---	---	---	---	---	+
Tartrazine	+	+	+	+	+	+	+	+	+	+	+	+
Yellow 2G	+	+	---	+	---	---	---	---	---	---	---	---
Sunset yellow FCF	+	+	+	+	+	+	+	+	+	+	+	+
Oil yellow XP	+	---	+	---	---	---	---	---	---	---	---	---
Green S	+	+	---	+	---	---	---	---	---	---	---	+
Indigo carmine	+	+	+	+	+	+	+	+	+	+	+	+
Violet BNP	+	+	---	+	---	---	---	---	---	---	---	---
Brown FK	+	+	---	+	---	---	---	---	---	---	---	---
Chocolate brown FB	+	+	---	+	---	---	---	---	---	---	---	---
Chocolate brown HT	+	+	---	+	---	---	---	---	---	---	---	---
Black PN	+	+	---	+	+	+	+	+	---	+	+	---
Black 7984	+	---	---	---	---	+	---	---	---	---	---	---

[1] For coloring whole, halved or stoned fruit only.

The following table lists the U.S. Certified Colors:

COAL TAR DYES

(U.S.A. FD & C Colors)

Trimethylmethane dyes

Blue no. 1 (Brilliant Blue)
Green no. 3 (Fast Green F.C.F.)
Violet no. 1 (Benzyl Violet 4B)

Xanthene

Red no. 3 (Erythrosine)

Sulfonated indigo

Blue no. 2 (Indigo Blue)

Azo dyes

Red no. 4 (Panceau S.X.)
Red no. 40 (Allura Red A.C.)
Citrus red no. 2
Orange B
Yellow no. 5 (Tartrazine)
Yellow no. 6 (Sunset Yellow F.C.F.)

The necessity to restrict to a rather limited number the chemicals used for color is aided by the fortuitous circumstance that color perception functions through a single organ—the eye, which makes the chemistry and measurement straightforward, although the psychology and acceptance of color may be complex. As a result, the demands of the food processing industry for a great variety of hues, tints and quality can be met by blending a small number of chemicals.

On the other hand, flavor represents a composite sensation consisting of the concurrent reactions of the taste and olfactory re-

ceptors to the chemical stimuli and in many cases, in addition, are the reaction to tactile, temperature and pain receptors as well. In other words, flavor of a food or beverage represents the composite impression gained through taste, odor, texture and a group of feeling factors. For this reason flavor is complex from every standpoint—chemistry, measurement, psychology and acceptance.

Artificial pineapple flavor

[*In percent*]

PURE COMPOUNDS	
Allyl caproate	5.0
Isopentyl acetate	3.0
Isopentyl isovalerate	3.0
Ethyl acetate	15.0
Ethyl butyrate	22.0
Terpinyl propionate	2.5
Ethyl crotonate	5.0
Caproic acid	8.0
Butyric acid	12.0
Acetic acid	5.0
ESSENTIAL OILS, ETC.	
Oil of sweet birch	1.0
Oil of spruce	2.0
Balsam Peru	4.0
Volatile mustard oil	1.5
Oil cognac	5.0
Concentrated orange oil	4.0
Distilled oil of lime	2.0

The next table which lists the various chemicals contained in artificial pineapple flavor illustrates the complexity of the problem in attempting to reproduce what is found in nature. And even this mixture is not absolutely true to nature. (5)

The complex character of flavor explains the great difficulty in reproducing the various flavors occurring in nature. In many instances, the ingenuity of the chemists has approached the natural, but there is no synthetic product that can not be detected by an individual with a very acute sense of taste. Nature, abetted by both public demands and those of the food processors, has been a constant challenge to the food chemists, who have reacted with the development of thousands of chemicals which are being constantly introduced into our food supply as flavors. The search continues. Although several thousand chemicals are now available for food flavoring, the list continues to increase. The precise number of these chemicals in use is not known, since a number of secret formulae are protected by legislation. The United Kingdom (6) as well as several other countries have no regulations controlling the use of flavorings.

Recognizing that convenience foods are one of the richest sources of artificial flavors and colors, a recent report of the U.S. Department of Agriculture points up the widespread use of these chemicals. The report states that more than half of the foods purchased in the United States are ready to cook. Most of the remainder are ready to eat, which leaves only 3.3 per cent that are prepared by the consumer from basic ingredients, e.g. flour, shortening, eggs, milk, etc. This reflects the radical change in life style that has evolved over the past several generations which has emancipated women from many kitchen chores. Through the encouragement and promotion of the food processors, people have become more and more dependent upon convenience foods of every variety.

The literature on flavorings as well as other aspects of food additives is quite prolific. However, the reports on clinical patterns representing adverse reactions to food chemicals are extremely limited and do not reflect the incidence of this problem that would be anticipated in view of the very wide distribution of these chemicals in our food supply. An important factor contributing to the paucity of clinical reports is the lack of recognition that food additives are a relatively common cause of adverse clinical patterns.

Initially, it was believed that food additives served as happens (i.e. incomplete antigens) to conjugate with body proteins to form complete antigens which have the capacity to evoke allergic tissue responses. However, the studies on aspirin by Farr (7) and Samter (8) in the United States supported not only the non-immunologic nature of aspirin sensitivity, but emphasized the relationship observed clinically between aspirin intolerance and adverse reactions to tartrazine (FD & C yellow No. 5), a widely distributed azo food coloring. The observations of the British pharmacologist, Vane (9), strengthened this concept. Vane reported that aspirin and indomethacin, although structurally unrelated, inhibit prostaglandins, which influence the cascading activities of a number of body substances. These observations suggest that the adverse response to these drugs could be pharmacologic rather than immunologic in nature. Tartrazine (FD & C yellow No. 5), although structurally unrelated to aspirin can induce identical adverse clinical patterns in aspirin sensitive subjects. The converse is also observed. This clinical interrelationship in the absence of a chemical structural relationship is important in interpreting the clinical response and in programming the management of adverse reactions to artificial flavors and colors based upon a salicylate-free diet.

The salicylate-free diet was originally designed for the management of aspirin sensitive patients who failed to respond following the elimination of the drug, but did show a favorable response when all foods with a natural salicylate radical were excluded. As designed initially, the diet listed only foods with a natural salicylate radical. (10)

FOODS CONTAINING NATURAL SALICYLATES

Apricots.
Berries—Blackberries, Strawberries, Raspberries, Gooseberries.
Cherries.
Currants.
Grapes—Raisins, Wines, Wine Vinegar.
Nectarines.
Peaches.
Plums.
Prunes.
Almonds.
Apples.
Oranges.
Cucumbers, and Pickles.
Tomatoes.

In some patients even this exclusion failed to control symptoms until it was recognized that tartrazine (FD&C yellow No. 5), although unrelated by chemical structure, may induce adverse reactions in aspirin sensitive patients. Following the exclusion of tartrazine, some of the failures, but not all, responded. Accordingly, on the basis of the clinical relationship between aspirin and tartrazine (FD&C yellow No. 5), it was hypothesized that among the thousands of food colors and flavors incorporated into our food supply, there may be other additives, although unrelated chemically, which may induce adverse clinical responses. On the basis of this premise, the so-called salicylate-free diet was expanded to include not only all foods containing natural salicylates, but also all sources of artificial flavors and colors, with and without a salicylate radical. Since flavors and colors constitute approximately 80 per cent of all food additives, strict adherence to the diet will exclude the majority of all food additives. In view of the complexity of the formulae for flavors, the necessity for the empirical exclusion of all artificial flavors can be readily appreciated.

The conditions successfully treated with the salicylate-free diet are indicated in the following table:

ADVERSE REACTIONS INDUCED BY FLAVORS

Respiratory—Allergic rhinitis, nasal polyps, cough laryngeal edema, and asthma.

Skin—Pruritus, dermatographia localized skin lesions urticaria, and angio-edema.

ADVERSE REACTIONS INDUCED BY FLAVORS

Gastro-intestinal—Macroglossia, flatulence and pyrosis, constipation, and buccal chancres.

Neurological symptoms—Headaches and behavioral disturbances.

Skeletal system—Arthralgia with edema.

It is important to note that practically every major body system is susceptible to involvement by adverse reactions to food additives. Usually, only a single region is affected, but it is not uncommon for a mixture of these patterns to occur. (11)

Of the various clinical patterns induced by the adverse reactions to artificial colors and flavors perhaps the most important and also the most dramatic are the behavioral disturbances in children.

The exact incidence of this is not known, but figures vary from a conservative 5 per cent of all pupils in the South San Francisco, California school system to 25 per cent in Monroe County in upstate New York. The California Association for the Neurologically Handicapped estimates that in the past ten to twelve years the incidence of H–LD among the school children of California has risen from 2 per cent to an average of 20 to 25 per cent, and in some cases 40 per cent of the entire school population. These figures have no relation to socio-economic background. The great variations can no doubt be attributed to the definition of Hyperkinesis, Minimal Brain Dysfunction (MBD) and Minimal Neurological Damage (MND), as these children are frequently labelled. (12) Another factor that influences the statistics on incidence is the failure to recognize that hyperkinesis and learning difficulty are commonly interlinked and are actually different aspects of an identical problem. This is particularly true of dyslexia, a generic term applied to a whole category of reading and spelling disabilities.

Since reading disabilities among children are frequently an expression of the behavioral disturbance induced by hyperkinesis, it is interesting to refer to some figures on reading difficulties in the United States.

On March 22, 1973, in a presentation before the United States Senate by Senator Beall from the State of Maryland the following statistics were reported:

It is estimated that some 18½ million adults are functional illiterates;

That some 7 million elementary and secondary school children are in severe need of special reading assistance;

That in large urban areas 40 to 50 per cent of its children are reading below grade level;

That 90 per cent of the 700,000 students who drop out of school annually are classified as poor readers; and

The massive reading difficulties revealed in these statistics have been compiled by surveys of teachers and principals alike.

An additional alarming statistic was recently released from the Dallas, Texas school system. At commencement exercises throughout the city of Dallas recently (June 1973), anywhere from 500 to 1,000 of Dallas' 9,000 graduating seniors walked across the stage to be handed diplomas they could not read.

Although statistics outside of the United States are presently not available to me, the overwhelming response from many countries to a recent presentation on H–LD would suggest that similar problems exist in many countries throughout the world.

It is interesting to note that a graph projected for the increase in dollar value for the production of artificial flavors and soft drink beverages of various types parallels a graph for the increased incidence of H–LD among the school children of the U.S. for the past ten years.

The clinical pattern of the behavioral disturbance is chiefly that of hyperkinesis

which can range from simple restlessness to extreme hyperactivity, which, interfering with the child's attention span, is reflected in complete disruption both at home and at school.

At home they are less than completely dutiful children whose willfulness and stubbornness leads to hostility in the parents, to which the response is rebelliousness in the child.

At school they are disruptive and in conflict with their schoolmates. Their impaired attention span leads to learning difficulties, in spite of a normal or high IQ. It is these children who are taxing the facilities for special classes for learning difficulties in all school systems. They are challenging the ingenuity of our teachers who are constantly seeking techniques to cope with this ever increasing problem. These patients are baffling our pediatricians, our pediatric neurologists, psychologists, psychiatrists, and educators in the field of hyperkinesis and learning difficulties. A large number of these children are being treated with either methylphenidate (Ritalin), amphetamines, and tranquilizers.

In our experience we have successfully treated some of these children with the salicylate-free diet which eliminates the artificial flavors and colors.

To illustrate:

Case 1: A seven year old boy presented with a history of extreme hyperkinesis of several years duration. When at home, he stomped around, slamming the doors and kicking the walls and even charging oncoming cars with his bicycle. At school his hyperactive behavior was disruptive, resulting in his inability to learn. Numerous pediatricians were consulted as well as neurologists, psychiatrists and psychologists, including a complete medical and neurological survey at a teaching medical center. Nothing succeeded until the child was placed on a salicylate-free diet. After a few weeks of dietary control, the child became well adjusted both at home and at school. Infractions of the dietary program led almost immediately to a recurrence of the hyperkinetic behavioral patterns.

Case 2: A seven year old boy who because of hyperkinesis and learning difficulty, was treated with 40 mg of Ritalin daily from August 2, 1971 to June 2, 1972. The drug was interrupted for about 6 weeks because of intense drowsiness, but in August 1972 it was resumed at a dose of 20 mg daily.

Although the boy attended a special learning class, his hyperkinesis was not controlled, and his scholastic achievement was poor.

Reports from his school indicated:

January 17, 1973—Excessive fidgetiness, extreme distractability, inability to adjust to new situations, and irritability. The child talks constantly when he should be listening. The child was receiving 20 mg of Ritalin daily at this time.

April 3, 1973—The child was placed on a salicylate-free diet, but Ritalin 10 mg b.i.d. was continued.

April 17, 1973—The mother reported a marked improvement in the child's behavior with a report from school that he had improved greatly in his reading. Ritalin was reduced to 5 mg b.i.d.

May 11, 1973—The mother reported that the boy was doing very well both at home and at school. Ritalin was discontinued.

June 6, 1973—Continued improvement at home. Teacher reported great improvement at school. He has advanced in his studies so that he is now the best reader. He also has shown a remarkable change in his writing ability. The child is to be promoted to a higher grade.

Case 3: On May 30, 1973 a seven year old boy presented with a history of hyperactivity dating to early infancy. Before the age of three the child was described as unhappy, extremely hyperactive and uncontrollable. He was unable to focus his attention on any project for more than 2 to 3 seconds.

At 3 years and 6 months the child was placed on Ritalin following which he seemed less active, less distractable, exhibited a degree of "self control" and seemed better able to cope with routine demands.

At 5 years of age the child started school. He exhibited great learning difficulty involving the alphabet and numbers. His classroom behavior was disruptive, and he had great difficulty socializing with his peers.

At 7½ years Stelazine (a tranquilizer was added to his therapy in order to control to a greater degree his daytime behavior, particularly at schools, when Ritalin was not effective. Stelazine also aided in improving the sleep pattern as well as the constant minor muscular movements of the child.

May 30 to July 2, 1973 the child was given allergy skin tests which proved negative.

July 2, 1973 the child was still receiving Ritalin 10 mg four times daily, or 40 mg per day, and Stelazine 2 mg twice a day, or 4 mg daily.

A salicylate-free diet was ordered for the child.

July 8, 1973, six days after starting the diet, the mother reported "a changed child"—more self control. He is able to reason with his parents and peers. He is less distractable. The Ritalin was reduced to a single dose at 7 p.m. and Stelazine 2 mg at bedtime only.

July 15, 1973 at 7 a.m. the child ate a bakery doughnut which was not permitted on his diet. By 10 a.m. the child became hyperactive, argumentative and unable to exercise self control.

July 16, 1973, a.m., the child returned to his "new normal" established by the diet.

July 17, 1973 Stelazine was discontinued. A single dose of Ritalin, 5 mg, at 7 a.m. was continued.

July 23, 1973, 21 days after starting the diet, all medication was stopped.

July 27, 1973 he attended a party at school; ate some candy at 10 a.m. At 12 noon the hyperactive behavior returned and persisted until July 29, about 48 hours.

August 13, 1973 the child was doing extremely well.

The descriptive characteristics of the clinical pattern are as follows:

(1) Marked hyperactivity.

(2) Short attention span—jumps from one activity to another.

(3) Fidgetiness.

(4) Irritable—overly sensitive.

(5) Unpredictable and unmanageable.

(6) Quick tempered, explosive and panics easily.

(7) Tolerance for failure and frustration is low.

(8) Exceptionally clumsy—poor coordination; eyes and hands do not seem to function together; has trouble buttoning.

(9) Has difficulty drawing and writing.

(10) Can't seem to keep from touching everything and everyone around.

(11) Normal or high IQ but fails at school.

In addition, it is important to note that the involvement affects boys almost exclusively and that rarely more than one child in a family is affected.

The cardinal features observed following management with the salicylate-free diet include:

(1) The rapid, dramatic change in behavior. Although the history of hyperkinesis with associated disturbances are usually of many years duration (3 to 4 years) and at times dating back to infancy, a favorable response is observed within days after instituting the dietary control. The child loses his hyperkinesis, his motor incoordination, and becomes well adjusted to his environment. The sleep pattern improves.

(2) Drugs which have been administered for several years can usually be discontinued after about 2 to 3 weeks of management and rarely beyond one month.

(3) Improved scholastic achievement is also dramatic. Within a single quarter at school the child may show much improvement in his reading and writing abilities as well as with numbers. This is consistent with the observation that these children have either a normal or a high IQ.

Since the incidence of an allergic diathesis among the human population is estimated to be approximately 25 per cent, it is not surprising that allergy is not an uncommon concomitant of H–LD. Although adverse behavioral responses attributed to allergy without apparent involvement of additives have been reported, allergy does not seem to be a frequent primary cause of hyperkinesis. When allergic disease does accompany H–LD, in some cases it may be necessary to institute management for the allergy in order for the salicylate-free diet to be effective.

The ability to "turn on" and "turn off" the pattern of hyperkinesis, the discontinuance of drugs and the accompaniment of rapid improvement in scholastic achievement is strong evidence to support the relationship between H–LD and the ingestion of artificial flavors and colors. In most cases a review of the diet diary reveals a larger than usual ingestion of artificial flavors and colors.

In view of these observations the question is raised, "Is it possible to attribute the increase in H–LD among the children of school age to the increased consumption of these chemicals in our foodstuffs?"

It is not difficult to recognize the increased consumption of artificial flavors and colors when one reads the labels for the ingredients listed on each package of foods.

What does the average child in America get for breakfast? Usually a cereal loaded with non-essential flavors and colors which have been added to entice the child—a beverage, either chocolate, a fruit punch, Kool-Aid, Funny Face, etc.; pancakes made from a mix; frozen waffles dyed with tartrazine, frozen French toast with syrup, most of which are rich with many of the artificial flavors and colors.

Then, having a conscientious and concerned mother, the child gets vitamins, usually chewable, which are loaded with additives. To cap the ironical situation, the child is given a dose of either Ritalin or amphetamine before he is on to school. At school the same ritual is continued at lunch, with hot dogs, luncheon meats, ice cream and various beverages. Is it any wonder that our children are jumping and failing to learn

Except for terminology, there is no difference between artificial colors, flavors and many drugs. They are all low molecular weight chemicals. Recognizing this relationship, we can draw upon the observations on adverse drug reactions in clinical medicine, and particularly in the field of pharmacogenetics for an interpretation of the mechanism that may be involved in H–LD induced by artificial colors and flavors.

Studies in the field of genetics over the past few decades have demonstrated that each person has a unique "biological individuality" that determines a "pharmacological individuality". The pharmacological reactions of drugs depend to a great degree upon proteins that have a high degree of specificity. The quantity and the quality of these proteins can be altered through genetic mutations which influence drug metabolism, their binding abilities and drug receptor interactions. (13) (14)

There are a number of metabolic variations which are actually not abnormalities, since under normal conditions the individuals manifest no disturbances. However, in the presence of certain drugs they express their potentially dangerous character. For example: The abnormal hemoglobin Zurich

which is characterized by the replacement of a histidine residue by arginine at the 63-position of the amino acid sequence of the beta chain of hemoglobin. (15)

The molecule is abnormally sensitive to oxidative denaturation but not to the point where this occurs spontaneously at an appreciable rate. Under normal conditions heterozygotes show no unusual symptoms, aside from a slightly shortened life span of the erythrocytes. However, when such patients are given sulfonamides or other oxidant drugs, methemoglobinemia develops. The hemoglobin denatures and precipitates which results in a fulminant hemolytic anemia. Similar adverse effects have been observed with some other abnormal hemoglobins.

Another example is inherited deficiencies of the enzyme glucose-6-phosphate dehydrogenase (G–6 PH), a condiiton thought to affect some tens of millions of people. (16) Here again the pathology is essentially drug dependent, and hemolysis results from a number of compounds, e.g. the anti-malarial primaquine, para-amino-salicylic acid, phenacetin, the sulfonamides and also certain constituents of the broad favus bean. It is interesting to note that the gene carrying the determining characteristics for this enzymatic disorder is on the X-chromosome. This explains the greater frequency of the enzyme deficiency and drug sensitivity among males. This observation is highly suggestive that in H–LD the X-chromosome may be involved, which could explain the overwhelming preponderance among boys, as well as the occurrence in only one boy in a family.

A still further example of the contribution of genetics to the variability of drug metabolism is that observed with Isoniazid (INH) which is currently in common use for the treatment of tuberculosis. (17) Very early in the use of INH clinicians observed wide variations in the metabolism of the drug, whether measured by the decrease in serum level of INH or by the rate of urinary excretion in the form of acetyl INH. The problem was resolved following the demonstration that the general population is divided into two genetic groups, namely, "slow inactivators" and "rapid inactivators". INH inactivation is controlled by two autosomal alleles at a single genetic locus identified as R (rapid) and r (slow). Both homozygotes and heterozygotes for the rapid allele (RR and Rr) are rapid inactivators, while only the slow homozygotes (rr) are slow inactivators. In other words, slow inactivation of INH is a recessive trait.

TABLE VIII.—GENETICS OF ISONIAZID (INH)

[R=rapid inactivation; r=slow inactivation]

50 percent	{Homozygote (RR) / Heterozygote (Rr)}	=Rapid inactivation.
50 percent	Homozygote (rr) (recessive)	=Slow inactivation.

It is also interesting to note that slow inactivators (rr) are also more likely to show toxic effects from two drugs chemically related to INH—the antidepressant phenelzine, a mono-amine oxidase inhibitor, and the anthypertensive hydralazine.

This observation raises another important point relative to H–LD and the artificial colors and flavors, namely, the possibility of cross reactivity among each group of chemicals, resulting in more than one color or more than one flavor to be at fault in the same individual. This is supported by the recognition that the colors are derived from four basic structurally related groups, while the flavors, although occurring in the thousands also show a close structural relationship. Accordingly, the broad exclusion provided by the salicylate-free diet is necessary for successful management.

The Lesch-Nyhan syndrome, which has been described less than ten years ago may also serve as a guide in studying the possible genetic basis for H–LD as related to artificial colors and flavors. In this disease the defect which involves a deficiency of the enzyme hypoxanthine guanine phosphoribosyltranferase (HPRT) is an X-linked recessive condition that occurs exclusively in males. The importance of the Lesch-Nyhan syndrome as a guide in studying H–LD is twofold:

(1) The involvement of the X-chromosome with the exclusive implication of males.

(2) This is the first disease in which an identified biochemical abnormality can be associated with a specific aberrant pattern of behavior, namely, compulsion and aggression.

Although environmental influences have not been demonstrated for Lesch-Nyhan disease, nevertheless, it is conceivable that other variations of the X-chromosome or perhaps polygenic alterations may be responsible for environmentally induced behavior patterns, e.g. the artificial colors and flavors in H–LD.

In addition to metabolic disturbances and enzymatic variations, anomalies of the receptor sites can be at fault. Receptors may exhibit either increased or decreased sensitivity as is observed in coumarin tolerance and vitamin K activity.

It is also possible that the involvement of children with either normal or high IQs may be on a genetic basis.

Educators and child psychologists generally recognize that in the early years and through the preschool years girls exceed boys in learning achievement. By the beginning of school, however, there are no longer consistent differences. It is also at school age that the pattern of H–LD becomes apparent in most children. This could also be an expression of the pharmacological activity of the artificial flavors and colors exerting a repressive action upon normal physiological functions.

On the basis of the observations in pharmacogenetics, it is conceivable that H–LD is an expression of the pharmacological activity of artificial colors and flavors in individuals with genetic variation. It is possible that the adverse response to these chemicals exerts a repressor effect which prevents the normal expression of these children. A repressor effect could explain not only the rapid, dramatic improvement in the clinical pattern which follows elimination of the chemicals, but also the speedy recurrence of symptoms, within hours, following ingestion of the additives.

In addition, the rapid improvement observed both in the behavioral pattern and scholastic achievement would indicate that food chemicals induce a functional derangement due to the pharmacological activity rather than persistent organic changes. On the other hand, this position cannot be assumed for those children who fail to respond favorably. Is it possible that children who fail to respond experience irreversible damage induced by the chemicals? This raises another aspect of the problem for consideration. What is the role of food additives during pregnancy upon the child?

Investigators in the field of fetal development and pharmacology suspect that drugs during pregnancy may have a subtle effect upon the child which may be manifested later in life as behavioral disturbances. Food additives, like drugs, are low molecular chemicals which also have the capacity to cross the placental barrier and may have similar adverse effects upon the child following ingestion during pregnancy.

The control of hyperkinesis with subsequent improvement in scholastic achievement has been demonstrated following management with the salicylate-free diet. The precise identification of the specific factors among the thousands of food additives has not been determined. The nature of the pharmacological behavior of these chemicals is also undetermined. The incidence of H–LD among school children is not known but is generally recognized as being high and consistently rising. Nevertheless, with the recognition that this basic data is lacking, in view of the critical state of the problem and its extremely wide distribution among the school children, it would seem advisable that a broad based program for the management of H–LD with the salicylate-free diet be developed. The gains are many, and the risks are nil. The program involves no danger to the health and behavior of the child, nor are any drugs involved.

In order to implement the effectiveness of the program, it is essential to have widespread public awareness of the universal distribution of additives in the food supply and the potential of these chemicals for causing adverse reactions. A campaign for diligent scrutiny of package labels would alert the public regarding the imminence of the problem.

The recognition that Food Additives are linked to H–LD should open many areas for investigation, particularly in the fields of pharmacogenetics and neurophysiology. The availability of specific food additives as research tools could be valuable in determining the underlying genetic variations. Such observations could explain the prediction of H–LD for boys and also the selective involvement of only one child in a family. The food chemicals could also be helpful in studying the neurophysiological responses associated with other emotional and behavioral disturbances.

Confirmation of the thesis as concerns H–LD would justify an extension of the studies to other areas of emotional and behavioral disturbances, not only in children but also in adults. And further, the same concept could be applied to the study of the possible role of foods in the behavior of ethnic groups.

Such an extension of the investigations would necessitate increased knowledge concerning all the accessory natural compounds occurring in various foodstuffs. Presently, such information is lacking. Is it not possible that many emotional and behavioral disturbances of man may be due to the pharmacological behavior of accessory food chemicals which are still unknown, some in gross quantities, while others may occur only in trace amounts?

Such studies can be of extreme importance in future planning of food supplies for a growing population which will become more and more dependent upon synthetic food products, many of which will be flavored and colored with artificial additives. In addition, as the studies are extended to include all food chemicals, both natural and artificial, a new dimension could be available for evaluating the Food/Man equation.

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U.S. SENATE,
COMMITTEE ON COMMERCE,
Washington, D.C., October 30, 1973.

The Honorable EDWARD M. KENNEDY,
Chairman, Subcommittee on Health, Senate Labor and Public Welfare Committee, Washington, D.C.

DEAR TED: I urge that one of the earliest witnesses during the upcoming hearings on drugs be Dr. Ben F. Feingold, Chief-Emeritus, Department of Allergy of the Kaiser Foundation Hospitals and Permanente Medical Group.

Dr. Feingold has found that artificial food substances may be a cause of hyperkinesis, of hyperactivity, in children. Hyperkinesis is a major problem in the country. A conservative estimate is that moderate and severe disorders are found in about 3% of elementary school children; however, this varies from community to community. For example, it is estimated that the instances of hyperkinesis among school children in South San Francisco is a conservative 5% and it is as high as 25% in Monroe County in upstate New York. The California Association for Neurological Handicapped estimates that in the past ten to twelve years instances of hyperkinesis among California school children has risen from 2% to an average of 20 to 25%, and in some cases 40% of the entire school population.

A significant number of the children with hyperkinesis have special learning or reading disorders also. Dr. Feingold's research indicates a link between hyperactivity in children and artificial food coloring and flavoring.

For example, in one group of twenty-five hyperactive children, Dr. Feingold was able to eliminate or dramatically reduce the disorders for at least fifteen children by putting them on a diet that was free of artificial food flavors and colors. Even more dramatic was the ability to trigger the return of hyperkinesis, sometimes in a matter of hours, by putting artificial substances back into the child's diet.

Since early May I have been communicating with Dr. Feingold and with the Food and Drug Administration and the National Institute of Mental Health, in an effort to call attention to his findings and generate additional support for his efforts. At the present time many hyperactive children are being treated with powerful drugs. If hyperkinesis can be controlled simply by changing childrens' diets, then we certainly should find it preferable to move in this direction. Furthermore, if there is a link between those artificial food additives and hyperkinesis, then the entire use of artificial colors, flavors and other additives should be examined with regard to their potentially dangerous effects on humans.

Therefore, I strongly urge that the Committee give Dr. Feingold an opportunity to present his findings. I appreciate your cooperation.

With best wishes, I am

Sincerely yours,

J. GLENN BEALL, Jr.

PARAGUAYAN INDIAN HUNT

Mr. ABOUREZK. Mr. President, in an article by Prof. Richard Arens of Temple University in a recent issue of Nation, we see only another pitiful example of the barbarism and inhumanity which exists in countries whose governments are our friends.

The Paraguayan regime of Gen. Alfredo Stroessner is bent on a systematic liquidation of the Aché Indian nation. Achés are being hunted and indiscriminately killed regardless of age, sex, or position. Those willing to accept slavery may be kept alive as work hands without medical attention. The use of their language is discouraged and traditional music is prohibited.

The Paraguayan National Police Force has interred hundreds of political prisoners and continues to use incessant, stomach-turning torture as merely their standard operating procedure. Mr. Arens reports that even ranking members of the Paraguayan Government have attended torture sessions as a matter of course.

Mr. President, this year we are giving the Stroessner regime over $11.5 million in military and economic aid. Furthermore, we have long been involved in the training of Paraguayan military, paramilitary and police forces. This year alone we will give Stroessner and his repressive regime $2.5 million in military assistance, training and advice. Nothing could be more of an incentive to such an inhumane government than a continuing flow of aid.

Perhaps one reason why our aid continues to flow abundantly to this government is the close relationship which exists between General Stroessner and our U.S. Ambassador to Paraguay. Professor Arens reports that General Stroessner once told American reporters that he regarded the U.S. Ambassador as a member of his Cabinet.

Mr. President, I am shocked and appalled at the findings of Professor Arens. For the United States to support a government bent on the genocide of its people certainly makes the United States an "accessory to the crime."

I ask unanimous consent that this article be printed in the RECORD.

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

PARAGUAYAN INDIAN HUNT

(By Richard Arens)

On June 4, 1973, the University of Bern released an open letter to the Paraguayan Government. It charged that carefully organized massacres of Aché Indians (otherwise known as Guayakí, of Tupí linguistic stock), added to the detention of Aché Indians in "reservations" indistinguishable from Nazi concentration camps and calculated to insure physical and psychological collapse, had taken on genocidal proportions and had been carried on with the apparent approval and indeed connivance of Paraguayan governmental agencies.

The picture sketched by the University of Bern leaves one with a sense of horror hitherto induced only by the picture of the Nazi "final solution." In some respects, the picture is indeed more dismal.

Achés are being systematically hunted by armed raiding parties. Men, women and children are being indiscriminately mowed down in such "hunts." The preferred weapon of the massacre is the machete, which saves the expense of bullets.

An exception may be made for Achés who submit to being tamed and trained as killers of their own kindred. Their reward is a diet capable in insuring survival and the assignment of captured Aché women as their "wives." Both the Aché killers and their "wives" may be guaranteed survival during good behavior. Those willing to accept unadulterated slavery may also be kept alive for indefinite periods as work hands at a bare subsistence level and without medical attention. The use of their language is discouraged; their traditional music prohibited. The attendant death rate from diseases of malnutrition and sheer lack of will to survive is decimating them.

This inevitable attrition is accelerated by such acts as that reported by a team of anthropologists—that "about one-half . . . [of a] recently captured band [of Achés on a reservation] was liquidated, partly by the conscious withholding of food and medicine."

The rites of their religion are denied the Achés even in death. What is felt by the survivors is pervasive melancholy and a sense of degradation, rarely capable of verbalization, yet occasionally captured in a "weeping song," taped by an anthropologist, in which the singer laments the end of the Aché Nation and "regards himself as no longer an Aché and not even a human being . . . [and] as half dead."

Yet another group permitted to survive may be children, largely girls (ranging from 10 years upward). These are being sold as slaves, principally for sexual purpose. And as if in a nightmare world we read of yet another "weeping song," recorded on tape by an anthropologist in March of 1972 in which "the perhaps 30-year-old Aché woman Kanechirigi complains that she does not know what has happened to her daughters, who are now living in the houses of 'mighty Paraguayans.'" The price of an Aché girl, quoted by a German anthropologist, whose eyewitness account constitutes one basis of the open letter of the University of Bern, is in the neighborhood of $5.

Not unreasonably, the open letter of the University of Bern demands the immediate cessation of these crimes and the criminal prosecution of all those responsible, regardless of their station in life.

The Genocide Convention, which has been signed by Paraguay, and which must be viewed as a part of the customary Law of Nations, explicitly encompasses all of the activities described in the Bern indictment.

In addition to genocide, the convention renders "complicity in genocide" subject to punishment as an international crime and declares that persons committing genocide or accomplices therein "shall be punished whether they are constitutionally responsible rulers, public officials or private individuals."

The accusations contained in the open letter by the University of Bern are based upon extensive first-hand observation. The pioneering study in this field has been presented by a German anthropologist, Dr. Mark Münzel. Titled "The Aché Indians: Genocide in Paraguay," and published in 1973 by the International Work Group for Indigenous Affairs in Copenhagen, it cites first-hand account upon first-hand account, identifying eyewitnesses located throughout the Americas and Western Europe in a manner satisfying to the most fastidious of legal technicians. Dr. Münzel himself has been an eyewitness to some of these episodes. Photographs included in his report show the bloated bodies of the dying on the reservations. His attempts at persuading the killers, whom he met as they set out for an Indian hunt, to abandon their pursuits, have been fruitless. His denunciation of the practice, led to a strongly worded suggestion by the German diplomatic mission that he return to his German home base at the University of Frankfurt.

Col. Patrick Montgomery, the British Secretary of the Anti-Slavery Society, presented substantially identical allegations before the U.N. Commission on Human Rights in Geneva on March 29, 1973, based upon independent and further first-hand evidence. His report was uncontradicted.

The Roman Catholic Church in Paraguay has acknowledged the existence of these practices and has denounced them. So has the World Council of Churches. The British and German press have at various times featured accounts of the liquidation of these hapless people.

The extermination of the Aché population of Paraguay has been progressing over a period of more than a decade to the point where the Achés are almost extinct and the Anti-Slavery Society of Great Britain voices the apprehension "that plans may already exist for the liquidation of other tribes before the limelight has a chance to prevent it."

Liquidation of the Achés has progressed apace with road building and "settlement" of "civilized" communities upon once virgin soil, in short, with commercial penetration which has been heavily financed from the United States.

The involvement of the Paraguayan Government has been direct and immediate. Its knowledge of these practices is incontrovertible. General Stroessner, the dictator of Paraguay, has himself been repeatedly informed, most recently perhaps by the International Commission of Jurists, which sought to "intervene" with him against these massacres.

Clinching evidence concerning the explicit Paraguayan governmental collaboration in the extermination of the Aché Indians has been furnished by eyewitnesses. The typical hunt leading to the roundup and massacre of the native population was consistently observed to be accompanied either by the military vehicles of the Paraguayan armed forces or by trucks "put at the disposal of the Reservation by the Ministry of Public Works and Communication with a soldier as the driver."

Paraguay has been under the iron rule of Gen. Alfred Stroessner, dictator since 1954. Its nominal governmental structure has from time to time been cosmetized to provide a more tolerable appearance to the outside world.

Hundreds of political prisoners are detained without trial under conditions of the utmost deprivation, degradation and torture. Standard operating procedure for the handling of political prisoners, as reported by Amnesty International, includes "prolonged beating for periods of up to two hours nonstop with whips and sticks, burning of sensitive parts of the body with cigarettes and the removal of fingernails." Further refinements are exemplified by the application of electricity to the body of the prisoner "with a prodlike instrument called *picana electrica*" and total immersion to the point of near suffocation in a tub filled with excrement. Amnesty International has reported that such torture sessions have been attended by the ranking members of the Paraguayan general staff as well as the 25-year-old son-in-law of General Stroessner. Medical emergencies, appearing to be imminently life-threatening, may be treated at the police hospital, the Policlinico Rigoberto Caballero, though it does not seem clear whether the available medical treatment is designed to be life-saving or to provide more sophisticated forms of coercion. In a manner strangely reminiscent of the situation obtaining in Athens under the rule of the Colonels, this police installation is within easy walking and hearing distance of the U.S. Embassy.

General Stroessner has played host to numerous fugitives from post-World War II Nuremberg justice. In the early years of his regime, a Herr Contric, a former S.S. man, acted in an official and leading advisory capacity in the Paraguayan system of internal repression. Amnesty International has asserted that it has evidence that Dr. Josef Mengele, "the doctor of Auschwitz," had been acting in a similar advisory capacity in Paraguay. So have other Nazi fugitives. It appears that under U.S. pressure, Nazi are no longer *visibly* engaged within the Paraguayan system of "law and order," though the influence of both Herr Contric and the Herr Doktor is discounted by few objective observers of the Paraguayan scene.

U.S. aid has been flowing into Paraguay, the poorest country in South America, in massive volume significantly since 1954, the year of Alfredo Stroessner's accession to dictatorial power. American investment has been both private and governmental. Standard encyclopedias—ranging from the *Americana* to the *Britannica*—point to a multimillion-dollar inflow of U.S. capital. The impoverishment of the Paraguayan masses of course remains unaffected. Members of the general staff thrive, sometimes as in Vietnam, on the proceeds of a heroin traffic directed to the United States.

Statistics published by the Paraguayan treasury reflect 50 per cent of available budgetary expenditures on military and police operations. The U.S. Government, which in 1971 granted $400,000 in military aid to Paraguay, has been training Paraguayan military personnel and there is every reason to justify the belief that it has participated in the training of paramilitary and police personnel as well. It would not seem unfair to infer that the Paraguayan military vehicles accompanying Aché hunts are of American manufacture.

General Stroessner, of course, has been Washington's man in Asunción. Widespread military facilities, airstrips and roads leading to them, pushed through inhabited as well as virgin territory once populated by Achés have been made available to the United States.

On a visit to Washington in March 1968, General Stroessner told American reporters that he regarded the United States ambassador as a member of his cabinet. (A similar statement was once made in an unguarded moment by Colonel Papadopoulos in Athens.) General Stroessner used the occasion of his Washington visit to offer the dispatch of Paraguayan troops to Vietnam.

Any assertion of the Nixon Administration that it lacks all knowledge and control of racial and political persecution—and specifically the genocide of the Aché Indians in Paraguay—would seem as credible under these circumstances as its recent protestations of innocence of events in Athens or Saigon.

The release of the University of Bern letter was noted in the *Basler Nachrichten* and by Swiss radio and television. It was greeted by total silence from the American press, radio and television. The London bureau of *The New York Times* was explicitly informed and was obviously sympathetic to giving the story the prominence it deserved. Yet no such story appeared.

How explain the silence of the American media while Achés die?

A PIECE OF I. W. ABEL'S MIND

Mr. FANNIN. Mr. President, several publications recently have carried an advertisement paid for by United States Steel. This advertisement is unusual in that while it is paid for by a large corporation, the text is a statement by I. W. Abel, president of the United Steelworkers of America.

In this statement Mr. Abel very appropriately expresses the need for America to improve productivity if we are to survive as a strong and prosperous Nation in a world of increasingly competitive world trade.

Mr. President, I was very pleased to see this advertisement and I hope that it may indicate a new spirit of cooperation between unions and management in meeting the challenges of world trade. Without such cooperation the economic future of our country is bleak. The Phoenix Gazette ran an editorial on October 19, 1973, commenting on the statement by Mr. Abel. I ask unanimous consent that this editorial be printed in the RECORD.

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

A PIECE OF I. W. ABEL'S MIND

I. W. Abel, president of the United Steelworkers of America, is as strong and forthright a union leader as you'll find anywhere. He's never been accused of going to bed with management, and he's not about to. Nevertheless, there was his photograph, a part of a full-page ad in The Wall Street Journal—an ad paid for by United States Steel itself.

What's more, he was—at the "invitation of USS"—telling "how America can become more productive."

The term "increased productivity" has more often than not had a nasty ring to it so far as unionists were concerned, bringing back memories of speedups and stretchouts and other practices associated with the sweatshop days. Abel would have none of that, of course.

Abel is alarmed that between 1960 and 1972 the average annual productivity rise in the U.S. was 3.1 per cent; the growth rate in a number of foreign countries was double that and higher. Last year 18 per cent of all steel sold in the U.S. was produced elsewhere.

Quoting Abel: "What happened? Things have been so good for so long that we've become wasteful and inefficient. So wasteful that, incredibly enough, many firms nowadays actually expect to scrap 20 per cent of what they produce!

"Let me be blunt: I believe we are standing at a pivotal point in our history. If we adopt a don't-give-a-damn attitude, we risk becoming a second-class economic power."

Abel's answer to the productivity problem: ". . . stepping up the efficiency of each worker. Does this mean work speedups, job eliminations? Hardly. It does mean cutting down on excessive absenteeism, tardiness, turnover and overtime . . . improving the morale of workers, more effective work incentives—and really listening to the man at the work-bench. I've always believed that all the brains in the great American economy weren't in the executive suite!"

There it is in plain language, a blueprint for continued economic success—not from a theoretical economist but from a hard-nosed labor leader.

RELIEF FOR SMALL BUSINESSMEN

Mr. CHURCH. Mr. President, on October 3, I described to the Senate the plight of the Nation's independent retail petroleum marketers under the administration's phase IV petroleum regulations.

At that time I noted that the regulations virtually ignored the giant oil companies which are enjoying record profits with each new economic quarter.

I was somewhat relieved to learn last week that the Cost of Living Council has finally decided to grant some relief to these service station owners. Beginning October 31, they have announced that the independent petroleum marketers will be allowed to pass through costs incurred from their suppliers, the major oil companies.

Under the regulations which have recently been issued for comment, the administration seems finally to have realized the folly of putting the burden of absorbing rising costs on the small businessman who is at the end of the marketing line of a large and complex industry. The spiraling profits of the major oil companies still remain virtually untouched, but, at least, it seems that these small businessmen, who perform so many public services, will be less victimized by the administration's economic programs.

The entire situation was, I think, recently summed up very succinctly by an editorial in the Weiser, Idaho, Signal-American. Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

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

AMEN, SENATOR CHURCH

This writer will yield to no one in his admiration and sympathy for the operators of gasoline service stations.

It is hard to conceive of any business, except possibly community newspapers, which performs more free services for its customers. What a gasoline station operator does in the way of washing your windshield and windows and other services could amount to more, in terms of labor cost, than the amount of the customer's purchase on a given occasion.

What thanks does the service station operator get for all this?

Maybe after he manages to build up his business to the point where it makes him some sort of a living, some oil company opens up another station across the street to compete with him.

All of this makes recent remarks by Sen. Frank Church highly pertinent.

Church terms as appalling the decision of the Nixon Administration to impose strict controls on operators of service stations while virtually ignoring the giants of the oil industry.

Church reports major oil suppliers and refiners are increasing their profits from 10 to 50 per cent.

"It is appalling," said the senator, "that the Cost of Living Council has selected the retailers, a largely unorganized group of small businessmen, which has never experienced a high margin of profit, for strict regulations, while virtually ignoring the giants of the same industry."

Amen, Senator Church!—RPR

AN EDITORIAL BROADCAST BY WRAL–TV, RALEIGH, N.C.

Mr. THURMOND. Mr. President, I desire to share with my distinguished colleagues a television editorial broadcast on October 23 by station WRAL–TV in Raleigh, N.C.

This station is headed by a distinguished and courageous American, Mr. A. J. Fletcher, who recently celebrated his 86th birthday. Mr. Fletcher is the son of a much-beloved Baptist minister in the mountains of western North Carolina. Many years ago, Mr. Fletcher moved to Raleigh where he became a successful attorney and businessman.

Mr. President, Mr. A. J. Fletcher and I do not belong to the same political party. But we share the same principles. And, incidentally, our distinguished colleague, the junior Senator from North Carolina (Mr. HELMS) was an associate of Mr. Fletcher prior to last November when Senator HELMS was elected to this body. It was through the courtesy of Senator HELMS that I was privileged to read the editorial to which I referred earlier.

I ask unanimous consent that the WRAL–TV editorial of October 23, 1973, be printed in the RECORD at the conclusion of my remarks.

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

WRAL–TV VIEWPOINT, OCTOBER 23, 1973

As former Attorney General Elliot Richardson made plain at his press conference and as the President's decision to hand over the tapes confirms, there exist no grounds—no grounds whatever—for impeaching President Nixon. The shrieking demands for impeachment are concocted, for the most part, of hot air and hate. They emanate from that same shrill clique—Bella Abzug, George Meany, Rep. Ogden Reid of New York—who have been after Mr. Nixon since the day he took office.

One may quarrel with the President's decision to fire Archibald Cox, the Special Watergate Prosecutor, just as Mr. Richardson quarrels with it. But impeachment is something else again, and certainly there is no suggestion that, in firing Mr. Cox, the President committed an impeachable offense. The President had a right to hire him, and he had a right to fire him.

It is plain from Mr. Richardson's explanation that the conflict between the White House and the Special Prosecutor involved the confidentiality of White House records. Mr. Nixon feels an obligation to keep those records private, except where overriding circumstances can be demonstrated. He is not the first President to take this position. He will not be the last.

In the case of the Watergate tapes, overriding considerations did exist. The public interest plainly required something more than high-principled assertions, however well-grounded, that no whisper from within the Oval Office should ever be overheard in public.

This is why the Watergate Committee pressed for disclosure of the tapes, and why, on Friday night, Mr. Nixon agreed to make available to the Senate Committee a certified transcript of those portions of the tapes relating to the Committee's investigation—minus certain language delicately described as "pungent." It was this reasonable compromise that Mr. Cox defied; and it was this defiance, with its promise of a drawn-out court fight over White House records, that led Mr. Nixon to demand Mr. Cox's removal.

Mr. Cox's sleuthing did not turn up barrels of sensational new evidence. According to Mr. Richardson, Mr. Cox's dismissal had nothing to do with any "coverup," despite rumors to that effect gleefully spread by Mr. Nixon's detractors.

Now, with the White House decision to comply fully with the Court of Appeals' decision on the Watergate tapes, the final and most damaging charge against the President folds up. Mr. Nixon has defied no Court Order, contrary to assertions by [those] who prematurely pronounced the President in contempt of court.

. . . For the awful truth is that the President's most vociferous critics are not to be mollified by the fact that, with the surrender of the tapes, the President has done all that he can fairly be expected to do.

They do not care. They do not care either that Mr. Nixon brought us out of a futile and debilitating war in Southeast Asia—even if he did require longer to bring us out than his predecessors required to get us in. They do not care about his timely action to subdue the widening conflict in the Middle East.

They hate Nixon, and they are obsessed with Watergate. But their obsession should not be allowed to rule the rest of us, and no fair-minded man will stand by and watch them pull down the government out of spite.

THE LIFE OF PABLO CASALS

Mr. KENNEDY. Mr. President, as the world mourned the death of Pablo Casals last week, tributes from every section of the globe characterized him as a man of principle and of talent, a man who dedicated his life to a demonstration against tyranny. And we in the Senate join in that tribute.

Pablo Casals lived his life in the tradition of those who favor the Greek definition of happiness—the use of one's powers along lines of excellence in an area affording them scope.

If the pursuit of truth and beauty is the foundation of our cultural heritage, the life of Pablo Casals is the embodiment of that pursuit.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the New York Times article on the life of Pablo Casals.

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

CASALS, THE MASTER CELLIST, WON WIDE ACCLAIM IN CAREER THAT SPANNED 75 YEARS

(By Alden Whitman)

"I think it goes like this," a cello student struggling with a Johann Sebastian Bach suite once told Pablo Casals.

"Don't think," the master cellist replied. "It is better to feel."

With this emphasis on an inner sensitivity to a composer's intentions, Casals was able to demonstrate what luminescent and human music could be drawn from the strings of a rather awkward instrument. In concerts and recordings over some 75 years, he provoked awe and applause for the profundity of his insights, the felicity of his playing and, above all, the soaring purity of his interpretations of baroque and classical composers. Bach was his specialty, but he was also at home with Boccherini, Mozart, Brahms, Beethoven, Schumann and Dvorak.

At the same time Casals (he pronounced the name KaaSAALS) won much admiration and acclaim as a man of probity and principle for his humanitarianism, his personal musical "crusade for peace" and his one-man stand against the regime of Francisco Franco in his native Spain. Few musicians achieved in their own time the international renown accumulated by Casals.

Part of this fame, in the United States at least, came very late in life and rested on Casals' talents in conducting, which he fancied as his real métier and which he had practiced, mainly in Europe, since 1920. Conducting gave him a sense of fulfillment, he said, because orchestras, with their human teamwork, are "the greatest of all instruments."

Early in his career, on his first American tour in 1901, a falling rock crushed the fingers of his left hand. His first thought, as Casals recalled it, was, "Thank God, I won't have to play the cello any more." He associated that reaction with his desire to conduct.

After a period of semiactivity in Europe starting in 1945, Casals went to Puerto Rico to live in 1956. He was then 79 years old and seemed spent. The next year, however, he started the Festival Casals, which became an annual springtime program of concerts. He had a heart attack just before the opening of the first festival, but he recovered buoyantly in the following years, using an orchestra brought together by Alexander Schneider, the violinist and an old friend. The concerts drew thousands of mainlanders to the island and introduced the post-World War II generation of music lovers to Casals.

Then in 1961 he joined Rudolf Serkin's Marlboro Music Festival in Vermont, where each July he conducted the orchestra and gave master classes in the cello. And, beginning in 1962, he conducted a choral work in New York every year. His first presentation was his own oratorio, "El Pesebre" ("The Manger"), a lengthy composition dedicated "to those who have struggled and are still struggling for the cause of peace and democracy."

WHITE HOUSE CONCERT

In this period of resurgence, Casals gave a widely publicized cello recital at the United Nations in New York in 1958 to mark that organization's 13th anniversary. Three years later he played to a distinguished gathering at the White House on the invitation of President John F. Kennedy.

The public attention that Casals generated in those years helped also to swell sales of his cello recordings, and this, in turn, created new esteem for his wizardry with the bow. Thousands who never saw him nonetheless came to know him intimately.

Another element of his appeal to the public was his apparent refusal to age or grow stale. "Sometimes I feel like a boy," he told an interviewer in 1964. "Music does that. I can never play the same piece twice in the same way. Each time it is new."

Watching him rehearse an orchestra when he was 89, an astonished student exclaimed: "When the maestro came onto the stage he looked 75. When he stepped on the podium he seemed even 10 years younger. And when he began to conduct he could have been a youngster ready to chase Easter eggs."

INNOVATIONS IN PLAYING

In the musical world, Casals' enduring reputation was associated with two accomplishments: his single-handed restoration to the repertory of Bach's cello music, especially the six magnificent unaccompanied suites; and his innovations in bowing and fingering that gave the cello a new and striking personality in orchestral and solo works.

He greatly lightened the work of the left hand, for example, by changes of finger positions, thus adding to its mobility. He also showed that it was possible to attain fresh subtleties in tone by freer bowing.

His own style was aristocratic. He made the most difficult passages seem simple yet luscious, all the while shunning pyrotechnics and gimmicks.

Casals came upon the Bach suites by accident when he was 12 years old and browsing with his father in a Barcelona music shop.

"I forgot entirely the reason for my visit to the shop and could only stare at this music which nobody had told me about," he said years afterward. "Sometimes even now, when I look at the covers of that old music, I see again the interior of that old and musty shop with its faint smell of the sea.

"I took the suites home and read and reread them. For 12 years after that I studied and worked every day at them. I was nearly 25 before I had the courage to play one of them in public."

When he did play them, the suites were disclosed as a transcendent musical experience, not the abstract exercises they had previously been believed to be.

"For me, Bach is like Shakespeare. He has known all and felt all," Casals told Bernard Taper in a Profile published in The New Yorker in 1961. "He is everything. Everything except a professor. Professor Bach I do not know. When people ask me how I play Bach, I say, 'I play him as the pianist plays Chopin.' There is such fantasy in Bach—but fantasy with order."

Casals was of medium stature—not much taller than his Groffriller cello—and not heavily built. The top of his head had been bald since his early 20's. In repose, his face and his blue-gray eyes (behind round glasses) tended to be somber, but a smile imparted radiance and geniality to his face.

He was direct in his speech, exceedingly polite, a careful dresser (youthful photographs show him to have been quite a dandy in a romantic way) and quietly dignified. He relaxed by reading, playing tennis, chatting with friends, smoking a pipe (he was rarely without one) and, in his late years, by watching Westerns on television.

To hear Casals was a moving and memorable experience. He sat with his eyes closed, his head turned sidewise and a little lifted, as though he were communing with some secret muse. His fingering and his bowing were so flawless that they seemed automatic, yet it was evident that they resulted from concentration.

He had superb savoir-faire. Once when a loose cuff bothered him, he stopped playing, slowly took off the cuff, put it on the floor and resumed playing where he had left off. When a string broke he would retire from the stage, replace it and, returning to his chair, start the solo from the beginning, such was his drive for perfection.

When Casals played a chamber music program at Perpignan, France, in July, 1951, Howard Taubman, then music critic of The New York Times, wrote:

"As a musician, Casals is all of a piece. Whether he conducts as he did in the second orchestral program of the Bach-Mozart-Beethoven festival . . . or plays the cello, there is a fine-grained consistency running through all his musical labors . . .

"His work at the cello . . . was remarkable for its modesty and restraint, and if one listened closely one could hear innumerable felicities of technical mastery. As an admiring violinist observed, 'Do you note the four shades of color he got in one bow?' "

Casals was an ardent supporter of the Spanish Republican Government. He never reconciled himself to the Franco regime, which he considered tyrannical. With the Franco victory in 1939 he went into self-imposed exile, living until 1956 in Prades, France, some 40 miles from the Spanish frontier.

Up until 1958 he refused to visit the United States because it recognized Franco. "I have great affection for the United States," he said when he moved to Puerto Rico, "but as a refugee from Franco Spain I cannot condone America's support of a dictator who sided with America's enemies, Hitler and Mussolini. Franco's power would surely collapse without American help."

But Casals bent his attitude sufficient to play at the United Nations in 1958 because of "the great and perhaps mortal danger [of nuclear war] threatening all humanity."

Then in 1961 he relented further and played at the White House. In subsequent years he came to this country for regular yearly visits.

Pablo Carlos Salvador Defilló de Casals was born in the Catalan town of Vendrell, 40 miles from Barcelona, on Dec. 29, 1876, the second of 11 children of Carlos and Pilar Defilló de Casals. His father was the town organist.

"From my earliest days," Casals recalled, "music was for me a natural element, an activity as natural as breathing." He could sing in tune before he could talk clearly, and at the age of 5 he was a soprano in the church choir. His father taught him the piano, violin and organ, and when he was 8 he began substituting for his father as church organist.

Shortly after Pablo's 10th birthday he heard a cello for the first time when José Garcia performed in Vendrell. After some coaxing, the elder Casals bought his son a cello and gave him a few lessons. Pablo was fascinated by the instrument and proved so adept at it that he quickly exhausted his father's pedagogical abilities.

ENROLLED IN MUSIC SCHOOL

With his mother's backing and against the wishes of his father (who wanted the boy to become a carpenter), Pablo—not quite 12—went with his mother to Barcelona, where he enrolled in the Barcelona Municipal School of Music. To earn his living he played evenings for dances with a trio at the Café Tost, and later he persuaded the owner to devote one night a week to classical music.

That night attracted serious musicians to the bistro, including Isaac Albéniz, the composer and pianist. When Casals was graduated from music school at the age of 17 with first prizes for cello, piano and composition, Albéniz gave him a letter of introduction to Count Guillermo de Morphy, a music patron who was an adviser to Queen Mother Maria Christina in Madrid.

The Count, taken with the young cellist, introduced him to Maria Christina, who was also charmed and who granted him a monthly stipend of 250 pesetas (about $50) for his studies.

Casals lived in Madrid from 1894 to 1897, going to school at the Royal Conservatory of Music, playing duets with the Queen Mother (she was a fair pianist), chatting with the child who was to become Alfonso XIII and being guided in his general education by the Count de Morphy.

From Madrid, Casals and his mother went to Brussels, but, miffed by an unfriendly reception at an audition there, he went to Paris, where he played at the Foloes-Marigny at a wage barely sufficient to keep him and

his mother from starvation. After a short time they returned to Barcelona, where Casals got a job teaching at the music school. For two years he taught cello, played it in the Barcelona Opera orchestra, gave concerts in churches and formed a string quartet, all the while saving money for a return to Paris.

In the fall of 1899, just before his 23d birthday, he arrived in that city again, carrying a letter of introduction to Charles Lamoureux, the eminent conductor, from the Count de Morphy. When Casals presented himself for an audition, the conductor was annoyed by the intrusion. Nonetheless, the cellist sat down and began to play parts of the Lalo Cello Concerto. With the first notes, Lamoureux hoisted himself up from his desk and stood facing Casals until he finished playing, whereupon he embraced the young man and said, "My boy, you are one of the select!"

SENSATIONAL DEBUT

Lamoureux immediately engaged him to play the Lalo concerto with his orchestra, and Casals made his Paris debut Nov. 12, 1899. He created a sensation there, as he did in London shortly afterward. In Britain he also played for Queen Victoria.

From then on his career was made, and he never lacked for engagements or for an audience. He commanded top fees, but lived economically.

For the next 20 years, until 1919, Casals, using Paris as his base, played in the principal cities of Europe and the Americas. He made his New York debut in 1904, playing the Saint-Saëns Cello Concerto with the orchestra of the Metropolitan Opera and winning a chorus of critical bravos. Later that season he was the cello soloist here in Richard Strauss's "Don Quixote," with the composer conducting his own tone poem.

Many of Casals's performances in those years were chamber music, which he played with Jacques Thibaud, the violinist, and Alfred Cortot, the pianist. In the United States he also gave chamber music recitals with Harold Bauer, the pianist, and Fritz Kreisler, the violinist, and with Kreisler and Ignace Paderewski, the pianist.

In that period Casals formed intimate friendships with such musicians as George Enesco, Maurice Ravel, Camille Saint-Saëns, Sergei Rachmaninoff, Gregor Piatigorsky, Emanual Feuermann, Artur Schnabel, Eugene Ysaye and Paul Hindemith.

In 1914 Casals married Susan Metcalfe, the American lieder singer. It was his second marriage; the first, to Guilhermina Suggia, a Portuguese cellist, in 1906, had ended in divorce six years later. For several years Casals was the piano accompanist for Miss Metcalfe, a soprano, and at one point he considered dropping his career to further hers. However, the couple parted in 1920.

After World War I and with the breakup of his marriage, the cellist turned his energies to Barcelona, where, in 1920, he founded the Orquestra Pau (Catalan for Pablo) Casals and subsidized it for seven years at a total cost of $320,000 until it became self-supporting. In these years (and afterward) he was its principal conductor.

Early in the nineteen-twenties Casals also founded the Workingmen's Concert Association in Barcelona, which gave its members, in return for nominal dues, an opportunity to attend Sunday morning concerts of his orchestra and to set up their own musical groups.

As busy as Casals was in Barcelona, he also found time to give concerts in the United States and in Europe and to appear in what seemed increasingly to be his favorite role, that of a conductor. He led the London Symphony, the New York Symphony and the Vienna Philharmonic.

When the Spanish Republic was proclaimed in 1931, Casals became one of its eager and hard-working supporters, all the more because the Republic restored many of his native Catalonia's ancient rights and granted the area a good deal of autonomy. He was president of Catalonia's music council, the Junta de Musica, and, during the Civil War, he gave hundreds of benefit concerts abroad for the Republic and put a large part of his personal savings at its disposal. The Government, in turn, named streets and squares for him and encouraged his exertions to bring great music to the common people.

Casals was in Barcelona in January, 1939, when the Franco forces burst into the city, but he made good an escape to France, vowing never to return to Spain while Franco was in power. (Apart from a fleeting trip to Spain in 1955 to attend the funeral of his long-time close friend and housekeeper, Mrs. Francesca Vidal de Capdevila, he never did.)

After several demoralizing weeks of despondency in Paris, during which he grieved for his country, he went to live in Prades among the thousands of Spanish exiles. There he helped to organize the care of the Catalans held in French camps and solicited funds for them from his friends all over the world. He continued to live in Prades in World War II.

Toward the end of the war he went on tour again. In the autumn of 1945, however, he cut short a concert trip in Britain and retired to Prades.

In explanation, he said he had assumed that an Allied victory would doom not only Hitler and Mussolini but also Franco. The democracies, he went on, had disillusioned him by not acting to topple Franco. He was therefore suspending his concert career until Spain was freed. He had, he pointed out, ceased playing in Germany with the rise of Hitler, had not played in Italy in the thirties, nor had he appeared in Russia after the Bolshevik Revolution. He said he could not separate his beliefs as a human being from his conduct as an artist.

Casals lived quietly and simply in Prades for close to 12 years. In 1950, however, he was prevailed upon to soften somewhat his vow of musical silence and take part in a Bach bicentenary festival. The event, which attracted hundreds of music lovers from many parts of the world, was held in the big Church of St. Pierre in Prades. The critics found that Casals' bow had lost none of its magic.

In that and subsequent Prades festivals Casals appeared in a triple role—as soloist, as chamber music ensemble player and as conductor. In these concerts he was joined by many internationally famous musicians, including Dame Myra Hess, Rudolf Serkin, Joseph Szigeti and Isaac Stern.

Some indication of a further shift in Casals's thinking came in 1951 in a colloquy with Albert Schweitzer, the humanitarian and philosopher. "It is better to create than to protest," Dr. Schweitzer said in urging the cellist to return to the concert stage. "Why not do both—why not create and protest both?" Casals replied. And he seemed to follow that course in his last years.

After a period of self-examination, Casals went to Mexico in 1956 for his first concert date outside the Prades area. It was there, in 1960, that "El Pesebre" had its premiere. The oratorio became the banner of his peace mission, which he carried to many major cities in the Western world. Discussing this crusade, he said in 1962:

"As a man, my first obligation is toward the welfare of my fellow men. I will endeavor to meet that obligation through music, the means which God has given me, since it transcends language, politics and national boundaries."

In August, 1957, when he was 80, he married Marta Montanez, one of his cello students, who was then 21. They lived in a cheerful modern house on the beach at Santurce, P.R., where Casals liked to take an early morning stroll before beginning his day by playing a Bach work on the piano. "It is like a benediction on the house," he said.

Casals had the unstinted admiration of his fellow artists. And one of them, Mr. Stern, put their feelings this way:

"He has enabled us to realize that a musician can play in a way that is honest, beautiful, masculine, gentle, fierce and tender—all these together, and all with unequivocal respect for the music being played and faith in it."

Appearing in New York last summer for a free Central Park concert with Mr. Stern—it was cut short by rain before the cellist could perform—Casals pronounced what could stand as his epitaph.

"What can I say to you?" he asked the assemblage. "I am perhaps the oldest musician in the world. I am an old man, but in many senses a very young man. And this is what I want you to be, young, young all your life, and to say things to the world that are true."

Mr. KENNEDY. Mr. President, there are men and women of enormous musical talent throughout the world and there are men and women who have committed their lives to personal sacrifice for a principle in which they believe. But never have we been privileged to know a person of greater creative talent and energy than Pablo Casals. And never have we witnessed a life of greater sacrifice than Pablo Casals' for whom every moment away from his homeland was an agony.

We were privileged in this country to have the opportunity to listen to the music of Pablo Casals over the years, and all Americans were so proud to have him visit the White House on November 13, 1961. President Kennedy said on that occasion:

> We believe that an artist in order to be true to himself and his work must be a free man or woman.

And Pablo Casals lived that belief.

The real test of the contribution of any human being to the world around him is whether or not that contribution ends at death. Those who have by their work, or their example, or their talent improved the human spirit, advanced the struggle for freedom, and contributed to the wave of creative energy which builds and moves us beyond where we are to where we are going have made a contribution which cannot be diminished by death.

Pablo Casals looked deeply inside himself and at the same time looked far beyond himself and determined that he must take a stand against tyranny and oppression, against the deprivation of personal freedom. And that stand made us all free men and women. For he showed that as long as one person will stand up against the awesome weight of military and dictatorial power, the human spirit is free.

We were privileged to share the same century with Pablo Casals. Hundreds of years from now, free people will still appreciate his contribution to the force of freedom; we were especially favored, we could touch the man that made that gift.

DR. M. G. WHITLOCK

Mr. THURMOND. Mr. President, one of the truly outstanding examples of service to mankind is the life and work of Dr. M. G. Whitlock of Trenton, S.C., which is in my native county of Edge-

field. His services as a family physician through the years have left a wellspring of admiration and devotion among the people of his community. Now retired, at the age of 89, Dr. Whitlock has ministered to the health needs of three generations. His contributions to the well-being of thousands of people are countless in the areas surrounding Trenton.

Dr. Whitlock, beloved for the nature of his life as well as his work, has been remembered in a special way by the people who know him best. A group of dedicated friends recently honored Dr. Whitlock at a testimonial gathering in his home town. They also announced plans to furnish a room in the Edgefield county hospital in his honor.

Mr. President, it is through the lives of devoted and dedicated people, such as Dr. Whitlock, that America has been a great nation. Selfless service to others and solid adherence to the Christian tenets of faith, family and integrity have been the bedrock of his life. These are worthy principles for everyone to follow.

The recognition by his many friends of the important part he has played in their lives is richly deserved. I join the people who paid tribute to Dr. Whitlock in wishing for him many years of health and happiness in his retirement.

Mr. President, at the time of the testimonial meeting and dedication of the Whitlock room at the hospital, local newspaper articles described the event and its meaning to the community. I ask unanimous consent that two of these articles be printed in the RECORD at the conclusion of my remarks, as follows: "200 Gather To Pay Tribute to Dr. Whitlock," Edgefield County News, Edgefield, S.C., October 4, 1973; and "Friends Pay Tribute to Dr. Whitlock," the Ridge Citizen, Johnston, S.C., October 4, 1973.

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

TWO HUNDRED GATHER TO PAY TRIBUTE TO DR. WHITLOCK

Nearly 200 friends and admirers of Dr. M. G. Whitlock gathered at Ebenezer Baptist Church in Trenton last Thursday night, September 27, at 7:30, to pay tribute to one of their most esteemed and widely known citizens.

Doctor Marcellus Giroud Whitlock, more familiarly known simply as "Doc," was born near Trenton on October 14, 1884, and next Sunday week he will be 89 years old. He graduated from the University of Georgia Medical School when he was 26 years old. He was married to Maggie Smith of Edgefield County and they had two children. His son Ray is a druggist in Spartanburg and his daughter Marguerite is a plant nurse at Riegel Textile Corporation, proving that both children have medical inclinations.

Dr. Whitlock is proud of his 8 grandchildren and 11 great-grandchildren. It is safe to assume that they are equally proud of him.

"Doc" has always been a "man's man," inasmuch as he loves fishing and hunting, and has been known to shoot a sharp game of pool.

He has always been known as a good family practitioner, also, and many have had reason to bless his healing powers.

When the Trenton Community Development Association started a fund to furnish a room at the Edgefield County Hospital in his honor, contributions poured in from far and near as an expression of their love for this beloved physician.

From faraway Okinawa, Hildebrand wrote praising him as the doctor who brought him into the world. D. T. Mathis, of Sweetwater, who had known him all of his life, added his words of praise and commendation. The Rev. J. T. Littlejohn, who first knew "Doc" when they both lived in the Red Hill community in their younger days, paid tribute to him. Mr. Littlejohn, in his usual witty style, told several humorous anecdotes relating to their shared experiences.

Gil Sexton, president of the Community Development Association paid tribute to their beloved physician, Hite Miller introduced members of "Doc's" family, all of whom were there except a few grandchildren.

Ray Whitlock, Doc's son, responded to the outpouring of praises heaped upon his father.

A covered dish supper served in Trenton folks' usual bountiful and delightful way was a fitting climax to a well-deserved and universally enjoyed testimonial to one who still shares his happiness with everyone.

FRIENDS PAY TRIBUTE TO DR. WHITLOCK

About 150 people gathered last Thursday night in the Fellowship Hall at Ebenezer Baptist Church when our own Dr. M. G. Whitlock was honored with a supper and presentation service of a room to be furnished in his honor at the Edgefield County Hospital.

Gil Sexton, president of the Community Development Association, presided. Mrs. Phil Musgrove sang "He touched Me" and "His Eye is on the Sparrow." Gene Huiet introduced Dr. Whitlock's family, Mrs. Marguerite Stogner, her two daughters, Mrs. Mattie Emma Hilton and daughter, and Dr. Ray Whitlock and four children and their families.

Hite Miller spoke words of appreciation to Dr. Whitlock for his many years of service to the community as the room was dedicated to him.

Rev. J. T. Littlejohn was speaker for the occasion. He has known Dr. Whitlock for 61 years and remembers his riding a motorcycle as he made house calls. T.V.'s Dr. Kiley on "Dr. Welby, M.D." has nothing on our Dr. Whitlock and our doctor is the "real thing" not just a fictitious T.V. character.

Even though Dr. Whitlock has retired from his faithful service to the community his tireless hours spent as the family doctor will never be forgotten.

CAMBODIA: ORPHANS OF CONTINUING WAR

Mr. KENNEDY. Mr. President, the Congress has once again been requested by the President to provide special funding for emergency military equipment and supplies for Cambodia. Once again, in the name of peace with honor, Americans are being asked to help fuel war, instead of helping to heal the wounds of war. And once again, the administration finds it possible to respond rapidly to military requests even as it neglects urgent humanitarian needs.

Nothing serves to illustrate this more than the plight of the orphans of war in Cambodia. No one really knows how many there are. But the desperate conditions in which many live are all too easily seen.

In addition to the nearly 3 million refugees—or nearly half the population of Cambodia—and tens of thousands of civilian war casualties in need, a recent Study Mission of the Subcommittee on Refugees found that official estimates of the number of war orphans range up to 260,000—children who have lost one or both parents.

Their plight is graphically reported in a recent dispatch from the New York Times correspondent, Sydney Schanberg. As he reports, and as the hearings of the Refugee Subcommittee over the past 3 years have amply documented, "virtually all Government spending and American aid goes for the war—bombs, bullets, artillery pieces—and almost nothing for the problems created by the war—widows, orphans, amputees and other victims."

Mr. President, as the Congress begins consideration of authorization of more funds for more war in Cambodia, I hope we will also consider some of the needs of the victims of this continuing war—like the orphans of Cambodia. I ask unanimous consent that the report by Mr. Schanberg be printed in the RECORD.

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

[From the New York Times, Oct. 17, 1973]

FOR HORDES OF CAMBODIAN ORPHANS, THREE SMALL ORPHANAGES—AND TWO TOYS

(By Sydney H. Schanberg)

PHNOM PENH, CAMBODIA, October 16.—Cambodia has three orphanages. They have 114 children and two toys.

In addition, there are tens of thousands of orphans on their own in this country, where at least half a million of the seven million people have been killed or wounded in three and a half years of war.

Some are in refugee camps. Others are on the streets as shoeshine boys, beggars and pickpockets. And still others, some as young as 10 and 11, have joined the army.

There is an entire company of orphans in the 13th Brigade, which fights southwest of Phnom Penh. Some joined the brigade with their fathers, who were killed.

Nothing special is being done for this vast orphan community because governmental intervention in people's lives is not a Cambodian tradition.

That role has been assigned to the family—that is, the "extended" family, which includes even the most distant cousin. But the war has overwhelmed the ability of families to care for their own sick and wounded—there are just too many of them.

PAGODAS OVERFLOWING

It has also overwhelmed religious institutions. The Buddhist pagodas, where people could always go for help, are so overcrowded with refugees that disease and malnutrition have become fairly common.

So the orphans remain anonymous and overlooked, scrambling for survival.

The orphans in the three institutions in Phnom Penh do not have to scramble quite so hard as some for survival, but they are victims nonetheless.

Without toys, infants in the orphanage for those under 6 play with scraps of discarded wrapping paper. In the orphanages for older children the youngsters need books and clothes. The meals are spartan.

Adoptions are extremely rare because older children are not wanted, and though there are many requests for infants and very young children, most of those in the infants' orphanage are either deformed or ill.

As a visitor enters the infants' orphanage—a large converted private house with some outbuildings—the children who can walk come running forward calling "Pa! Pa!" which is a Cambodian as well as English word for father.

VICTIMS OF SURGERY

They slide close, looking up with yearning eyes. Inside the house, deformed and crippled infants drag themselves across the floor to snuggle up to the visitor and to put their

heads in his lap. Clumsy surgery has been performed on some of them, their limbs cut open and closed again with chilling results.

There are other afflictions. One boy cannot speak. A girl has a hare lip. There are fingers missing, limbs bent in the wrong direction, an eye missing from birth.

Their deformities are usually the reason they are here, for their parents, refusing to care for a less-than-perfect child, abandon them on streets, at pagodas and in hospitals. Other orphans who are healthy are abandoned by unwed mothers.

"Once in a while foreigners will take sick children, but not deformed ones" said a Government official at the orphanage. "We have a shortage of well infants here now, so we have asked the governors of all the provinces to send us their orphans up to 6 years old."

There are 20 children in the infants home. It has a stated capacity of 100, though with that many children it would be severely overcrowded.

"We try our best" said the official, "but we do not have the money, so we cannot achieve what we want to."

Virtually all Government spending and American aid goes for the war—bombs, bullets, artillery pieces—and almost nothing for the problems created by the war—widows, orphans, amputees and other victims.

Of the approximately $300-million in American aid last year, only $1.2-million was earmarked for welfare purposes—for use by international relief agencies. American officials have always said privately that it was futile to give war relief money to this Government because it would only end up in corrupt hands.

The only toy in the infant orphanage is a small pink plastic teddy bear, which one child in a crib clutches against his face.

The other toy is across the street, where the two other orphanages are housed in a two-story building. It is an old doll with greasy hair and a ragged, soiled dress that resembles some of the clothes the orphans wear. A little boy in such clothes was playing with the doll, trying to untangle its hair.

Another little boy nearby sat eating his lunch with his hands since he had no utensils. The lunch was rice.

The upstairs of the large barracks-like building is run by the Government and, as an extension of the infant orphange, is for children 6 and above. Downstairs is an orphanage for all ages run by a private Cambodian group, the Association for the Assistance of Children, which receives some help from the Government.

AJC RESOLUTION ON MIDDLE EAST CRISIS

Mr. CHURCH. Mr. President, the American Jewish Committee, the oldest intergroup relations organization in the United States, passed a resolution at its national executive council meeting in St. Louis on October 27, 1973, "expressing its satisfaction and sense of relief at the news that a cease-fire has been achieved in the Middle East" and noting "that overwhelming, bipartisan majorities in the Congress have again reaffirmed the commitment of our country to the survival of Israel and the recognition that 'a strong and secure Israel is essential to the interests of the United States.' "

I ask unanimous consent that the statement on the Middle East adopted by the American Jewish Committee be printed in the RECORD.

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

STATEMENT ON THE MIDDLE EAST

The American Jewish Committee joins with Americans everywhere in expressing its satisfaction and sense of relief at the news that a cease-fire has been achieved in the Middle East. We mourn the loss of every life—Israelis whose most solemn religious day was shattered by the massive aggression of their neighbors, and Arabs, who were the victims of their leaders' misguided policy.

The American Jewish Committee voices its appreciation for the firm and prompt actions taken by the President and his advisors to support and resupply Israel, and for the skillful and intensive United States diplomatic efforts to deter the U.S.S.R. from further exploitation of the hostilities in order to expand Soviet influence in the Middle East.

We are also pleased to note that overwhelming, bipartisan majorities in the Congress have again reaffirmed the commitment of our country to the survival of Israel and the recognition that "a strong and secure Israel is essential to the interests of the United States." We urge that this reaffirmation promptly be given practical application through congressional approval of the Presidents' request for financial assistance to replace Israel's immense material losses.

By their acceptance of the United Nations Security Council's cease-fire resolution of October 22, Egypt, Syria and their Soviet backers at last appear to recognize that peace can be achieved in the Middle East only through negotiations "between the parties concerned." Now that a cease-fire in place seems to be achieved, the Security Council resolution should be implemented, preferably by the Security Council itself, by the immediate convening of a conference of the parties on a specified day and at a designated place, to negotiate an agreement of peace pursuant to the principles and provisions of the Security Council's Resolution 242 of November 22, 1967 as is required by its decision of October 22, 1973. Urgent steps must also be taken to assure that all prisoners of war are accorded their full human rights under the Geneva Convention and to arrange for their expeditious release.

The recent tragic events have caused all the parties in the Middle East dispute to reappraise their conceptions of themselves and of each other. This offers a unique opportunity, through the give and take of negotiations, to achieve the "just and durable peace" called for by the Security Council Resolution of October 22, 1973 which will explicitly affirm the right of Israel to exist as a Jewish state within secure and recognized boundaries, and will provide a sound basis for all peoples in the area to live together in peace.

With peace, the Soviet Union will be less able to manipulate the Arab-Israel conflict in its drive to dominate the Middle East, and the Arab states will no longer have reason to practice oil blackmail against the world. In such a climate, the stability which follows will serve the vital interests of the United States and its friends and allies around the world, and will make possible the economic development of the region for the benefit of all its peoples.

Every effort must now be made to help create a just and lasting peace. We call upon all Americans to join together in that effort, so that the tragic loss of life in the Yom Kippur War and all the wars that preceded it over the past 25 years will not have been in vain.

AHA AND THE UNITED NATIONS

Mr. CASE. Mr. President, I ask unanimous consent to print in the RECORD an informative article entitled "AHA and the United Nations" by Jesse Gordon which recently appeared in the September/October issue of the Free Mind.

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

AHA AND THE UNITED NATIONS

(By Jesse Gordon)

When delegates from 50 nations met at San Francisco in the spring of 1945, World War II was not yet over, but a determination to establish an international organization to keep the peace was paramount in the minds of the delegates. After two months of intense negotiations the language of the Charter of the United Nations was agreed upon.

Twenty-eight years have passed since the nations of the world pledged themselves "to save succeeding generations from the scourge of war."

In judging the political performance of the UN and in making the organization the scapegoat for the difficulties of its members, a number of important considerations are often conveniently forgotten. The first of these is the origin of the UN. The UN was *not* set up by small or medium powers. It was set up by the great powers themselves under the shock and experience of two devastating world wars. Kurt Waldheim, the secretary-general of the UN, states: "The UN was set up by the great powers to avoid in the future the mistakes, weaknesses and misunderstandings which, twice in less than 30 years, had led them into total war. We ignore this historical fact at our peril."

The American Humanist Association is active among the hundreds of non-governmental organizations sponsoring the UN.

The A.H.A. realizes there is an urgent need for greater understanding and support of the United Nations by the millions of citizens who are the constituents of non-governmental organizations. The A.H.A. is represented in the NGO group by Mrs. Henrietta Rogoff with Mr. Jesse Gordon, alternate.

In 1945, the UN came into existence accompanied by the usual flowery speeches. It was seen as "the great hope of humanity," "the hope of the world," and "the last, great hope for peace."

Has the UN fulfilled the "hope" that so many people placed in it as "The last great hope of humanity?" Or, is it just a useless debating society?

First of all, the UN has contended with a world of many revolutions—peaceful and otherwise. The original membership of the UN was 51; it now numbers 135, with the two Germanys recently joining. The UN has many achievements to its credit. It can count among its successes, in the political area, the negotiated settlement of disputes affecting Indonesia, Kashmir, and West New Guinea, among others. The Middle East "question" has, of course, been before the UN almost continuously since 1947. It can be shown that UN presence in the area has prevented many incidents from developing into a wider war.

One might ask the question: What might have happened in the Congo and neighboring states in 1960 if it had not been for the UN peacekeeping force there? Critics point to Soviet intervention in Hungary and Czechoslovakia and the impotence of the UN to act in those situations.

It all comes down to big power politics and political objectives. The U.S. role in Indochina could similarly be examined for violations of the U.N. charter.

What are the principles of the charter?

The charter is based on seven main principles:

(1) The equality and sovereignty of all member states.

(2) Fulfillment "in good faith" by all members of obligations assumed under the charter.

(3) Peaceful settlements of disputes.
(4) Renunciation of the threat or use of force.
(5) Cooperation with the UN in any action it takes.
(6) Encouragement of non-member states to abide by its principles.
(7) Non-intervention by the UN in the internal affairs of any state.

The Charter also calls for freedom of religion. Many faiths, each with a different conception of God, are represented at the UN. A moment of silence opens and closes each General Assembly session, and there is a Meditation Room at UN headquarters which is open at all times. There is no mention of God in the Charter just as there is none in the U.S. Constitution.

The UN Charter pledges all members to cooperate for the promotion of human rights. Although the authority of the United Nations is limited to debate, study, publicity, and recommendation, it has exerted immeasurable influence on behalf of human rights.

In 1948 the General Assembly adopted the Universal Declaration of Human Rights. Its clauses on the civil, political, economic, and social rights of human beings have influenced the written constitutions of a number of new nations. Its provisions have been incorporated in several important peace treaties.

The General Assembly has also produced draft conventions—treaties—in the human rights field. Some forbid particular offenses such as genocide, forced labor, and slavery. Others set standards in particular areas such as political rights of women. Such conventions must be ratified by the individual UN members in accordance with their constitutional processes. In addition, the Assembly has produced two comprehensive human rights covenants, one on civil and political rights and one on economic and social rights, both ratified by more than 30 governments.

For many years UN experts have offered advisory services to governments on human rights questions. Various UN-sponsored international seminars on human rights have been held. The UN has also served as a central point to which aggrieved groups may complain of specific human rights violations. But there is disagreement as to how the UN should handle such complaints. One proposal would establish a UN office, that of High Commissioner for Human Rights, to receive inquiries and complaints from both governments and private parties and to advise and conciliate at their request. The High Commissioner would have no power to overrule a government, but his views would carry moral authority.

EASTERN WILDERNESS AREAS

Mr. KENNEDY. Mr. President, I am hopeful that the Senate will have an opportunity to act soon on legislation to set aside wilderness areas on the east coast. The Senate Interior Subcommittee on Public Lands recently completed its consideration of S. 316, the Eastern Wilderness bill. The full Interior Committee is currently reviewing the legislation.

I requested that the Wilderness Society furnish me with a copy of their analysis of the bill as reported out by the subcommittee.

I also requested a copy of "Toward An Understanding of the Wilderness Act" prepared by the Wilderness Society and a copy of a statement made by the Society on Eastern National Forest Lands. I ask unanimous consent to print them in the RECORD.

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

EASTERN WILDERNESS AREAS ACT REVISED

The Subcommittee on Public Lands of the Senate Interior Committee recently completed its revised draft of S. 316, the Senate Eastern National Forest Wilderness bill. This subcommittee version of S. 316 must now be considered by the full Senate Interior Committee, which drafts the final version sent to the Senate floor. A September mark-up by the full committee is anticipated.

As revised, S. 316 would establish on eastern, southern and midwestern national forests 18 new wilderness areas within the National Wilderness Preservation System and name 37 wilderness study areas for consideration in accordance with Wilderness Act procedures.

(The U.S. Forest Service has consistently sought to transfer effective control of the wilderness area designation process from the Congress to itself. Analysis of this bill as now written shows clearly that the committee recognizes the dangers to wilderness preservation in such a transfer.)

Conservation leaders who have examined the marked-up bill reportedly regard it favorably. They indicate that the bill fully upholds the Wilderness Act of 1964 and retains the act's original definition of wilderness. They regard the bill as strengthening protective provisions of the Wilderness Act by prohibiting, subject to valid existing rights, all mining and grazing.

The normal power of eminent domain—i.e. condemnation—is restored to the Forest Service for inholdings within wilderness areas. However, special safeguards are provided. For example, owners of private lands may continue to hold and use their lands in the same manner and for the same purposes as they did prior to the act's passage if such use does not "frustrate" or block management of the surrounding wilderness. Furthermore, private owners of non-commercial residences or of agricultural inholdings (used for other than timber cutting) may contract to sell such inholdings to the Secretary of Agriculture while retaining the right of use and occupancy for up to 25 years or, if the owner prefers, the balance of his life and that of his spouse. This is a standard provision in acts establishing new national parks where private lands must be acquired by the government.

Most importantly, conservationists report that the revised bill provides for wilderness study areas, to be administered and protected the same as designated wilderness areas until Congress decides their fate. A review period of five years is set for the 37 study areas. Within this time the Forest Service must complete its studies and submit recommendations to Congress. Since this time limit does not apply to Congressional action, protection actually continues until Congress acts.

S. 316 also provides that *within wilderness study areas* established roads open to public motorized use on the date of the act's passage may remain open upon a finding of necessity by the Secretary of Agriculture for continuing such use.

The 55 areas (see list) lie within 20 states east of the foothills of the Rocky Mountains. Some 100 areas were originally recommended to the committee for immediate designation or study; obviously many have been omitted. In certain cases acreages fall short of that recommended by citizen groups, but in a few cases the acreage is larger. Persons and organizations concerned about wilderness have begun making their views known to their senators and congressmen on these proposed units and acreages.

Under normal Congressional procedure the bill will be reviewed again by the full Senate Interior Committee, probably in September, providing an opportunity for specific revisions. Since many Members of Congress are at home during the August recess—which lasts until September 4—a number of local conservationists say they plan to discuss with them personally their views of the revised S. 316.

EIGHTEEN NEW WILDERNESS AREAS PROPOSED

The bill, as reported to the full committee, would immediately establish 18 wilderness areas, which were among the 28 listed in the original version of S. 316:

State, National Forest, Wilderness Area, Acres in Revised S. 316:
Alabama, Bankhead, Sipsey, 12,000.
Arkansas, Ouachita, Caney Creek, 14,433.
Florida, Appalachicola, Bradwell Bay, 22,000.
Georgia, Chattahooche, Cohutta, 34,500.
Tennessee, Cherokee.
Kentucky, Daniel Boone, Beaver Creek, 5,500.
Mich., Hiawatha, Big Island Lake, 6,600.
Mo., Mark Twain, Irish, 19,880.
Mo., Mark Twain, Glades ("Hercules"), 16,400.
N.H., White Mountain, Presidential-Dry River, 23,100.
N.C., Nantahala, Joyce Kilmer, 15,000.
Tenn., Cherokee, Slickrock.*
S.C., Sumter, Ellicott Rock, 3,600.
Tenn., Cherokee, Gee Creek, 2,570.
Va., George Washington, Laurel Fork, 11,656.
W. Va., Monongahela.
Va., Jefferson, James River Face, 8,800.
Vt., Green Mountain, Lye Brook, 14,100.
Vt., Green Mountain, Bristol Cliffs, 6,500.
W. Va., Monongahela, Dolly Sods, 10,215.
Wis., Chequamegon, Rainbow, Lake, 6,600.
Total 254,054.

THIRTY-SEVEN WILDERNESS STUDY AREAS NAMED

As revised by the subcommittee, S. 316 would also designate 37 "wilderness study areas." Eleven of these were named for immediate designation in the original bill, while 21 were designated for study in H.R. 2420.

State, National Forest, Study Area, Acres in Revised S. 316.
Ark., Ozark, Upper Buffalo, 10,590.
Ark., Ouachita, Belle Star Cave, 5,700.
Ark., Ouachita, Dry Creek, 5,500.
Ark., Ozark, Richland Creek, 2,100.
Fla., Ocala, Alexander Springs, 10,000.
Ill., Shawnee, Larue-Pine Hills, 2,800.
Ill., Shawnee, Lusk Creek, 11,000.
Ind., Hoosier, Nebo Ridge, 32,500.
La., Kisatchie, Kisatchie Hills, 10,000.
La., Kisatchie, Saline Bayou, 5,000.
Maine, White Mountain, Caribou-Speckled Mountain, 12,000.
Mich., Hiawatha, Rock River Canyon, 5,400.
Mich., Ottawa, Sturgeon River, 13,200.
Mo., Clark, Bell Mountain, 10,200.
Mo., Clark, Rockpile Mountain, 9,000.
N.H., White Mountain, Wild River, 20,000.
N.H., White Mountain, Kilkenny, 24,000.
N.H., White Mountain, Carr Mountain, 10,000.
N.H., White Mountain, Great Gulf Extension, 12,000.
N.C., Pisgah, Craggy Mountain, 1,100.
N.C., Croatan, Pocosin, 17,000.
Ohio, Wayne, Clear Fork, 19,000.
P.R., Caribbean, El Cacique, 8,500.
S.C., Francis Marion, Wambaw Swamp, 1,500.
Tenn., Cherokee, Citico Creek**, 16,000.
Tenn., Cherokee, Big Frog, 3,000.

*Citico Creek unit appears separately as wilderness study area of 16,000 acres.

**Joyce Kilmer and Slickrock units, totaling 15,000 acres, are listed for immediate designation as wilderness areas.

Tex., Davey Crockett, Big Slough, 4,000.
Tex., Sabine, Chambers Ferry, 4,000.
Va., George Washington, Ramsey's Draft, 6,700.
Va., Jefferson, Mill Creek, 4,000.
Va., Jefferson, Mountain Lake, 8,400.
Va., Jefferson, Peters Mountain, 5,000.
W. Va., Monongahela, Cranberry, 36,300.
W. Va., Monongahela, Otter Creek, 20,000.
Wis., Nicolet, Black Jack Springs, 2,600.
Wis., Chequamegon, Flynn Lake, 6,300.
Wis., Nicolet, Whisker Lake, 2,700.
Total, 395,990.

TOWARD AN UNDERSTANDING OF THE WILDERNESS ACT

The Wilderness Act as passed by the Congress on September 3, 1964 established the National Wilderness Preservation System. The preamble to the Act declares it to be "the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness." Elsewhere the Act states that "wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use." Wilderness is not required to be "virgin", whether a forest, desert, swamp, ocean beach or other. At some time in the past it may have been logged, burned, over-grazed, lived on, even roaded, provided that at the time it is placed in the National Wilderness System any evidences of the past activities of man are, in the words of the Act, "substantially unnoticeable". There is no maximum nor minimum size limit.

Federally-owned lands on the national forests, the national parks, and the national wildlife refuges which meet the broad definition of wilderness contained in the Act may be placed in the National Wilderness System. By passage of the Act some 9,000,000 acres of national forest lands which were already being administered as wilderness by the Forest Service under its own administrative regulations went into the System. The Act establishes the procedure by which additional national forest lands may be placed in the Wilderness System and likewise qualified lands in the national park system and the national wildlife refuge system. The final step in this procedure requires passage of an act of Congress for each area added. Areas placed in the National Wilderness System continue to be a part of the same national forest, park, or wildlife refuge and administered by the same agency as before.

Just what may be done and what may not be done in an area placed in the National Wilderness Preservation System? The intent and purpose of the Wilderness Act is to assure that man does not change every acre within the United States; that some places shall be kept where nature is dominant and man comes only as a visitor—where man does not build his material things, where man does not change the face of the earth, where man does not interfere with the natural course of the waters of the earth. In short, wilderness shall be those designated places where the processes of nature continue without interference or interruption by man. It recognizes man's need for wilderness, ranging from scientific study to conservation of all forms of life, soil and water to refreshment of the human mind, body and spirit. Highly significant, wilderness assures a genetic reserve of plant and animal species which elsewhere we are altering or destroying in a wholesale way.

Within statutory wilderness the individual remains largely free to come and go and to conduct himself as he finds personally pleasing (within the usual limits of decent regard for property and for the equal rights of others). Within units of the National Wilderness System the individual retains his previous rights to enter, to camp, walk, swim, canoe, horseback, bird watch, study nature, fish and hunt (the last two subject to state and federal laws and regulations as usual). Motorized transportation of any sort is prohibited, as being inconsistent with the objectives of wilderness preservation; so that for practical purposes movement is by foot, by horse, by canoe or sailboat.

Commodity exploitation is prohibited; except that mining may be done on national forest wilderness until 1984 (an incompatible use, but one of the prices paid to get passage of wilderness legislation after an eight-year fight in the Congress). This prohibition means that there may be no logging, no drilling for oil, no mining of minerals (except as noted above), no fishing nor hunting *for commercial purposes*. The agency administering the area may not manipulate the habitat, as the intent of the Act is that man shall not interfere with the normal processes of nature within the wilderness.

No works of man may be built within legal wilderness. This means that no buildings may be constructed, no power or other utility lines erected, no roads built, no dams nor reservoirs allowed. A unit of the national wilderness system is intended to be a place free of the works and the machines of man. The one exception is foot and horse trails—a recognition that most of us cannot get around even in the most magnificient wilderness without some sort of well-defined pathway.

There is a general exception to most of the above provisions with respect to the agency responsible for administering the particular wilderness area. The Wilderness Act permits the agency, insofar as it may be necessary to administer and protect the area as wilderness, to have patrol and fire roads over which agency motor vehicles only may be operated; to suppress fire, insects, and diseases; to have lookout towers and patrol cabins; and to take any measure required in an emergency for the health and safety of persons.

The Wilderness Act is not an ideal piece of legislation; nor does it pretend to establish the ideal wilderness. In the fine print of the Act are limited, special exceptions permitted under certain conditions. Certain provisions apply only to wilderness on national forests, but not in national parks and wildlife refuges. The Act represents a compromise among human beings with conflicting desires. Its intent and purpose, however, is clear: to assure that man shall have some places in this country to which he can go when seeking surcease from the noise and speed of machines, the confines of steel and concrete, the crowding of man upon man; that he or she shall have some place to go when the need is felt to be in harmony with nature and to know its peace and beauty undisturbed by man.

EASTERN NATIONAL FOREST LANDS DO QUALIFY FOR WILDERNESS DESIGNATION UNDER THE WILDERNESS ACT

(The following statement is taken directly from testimony submitted by The Wilderness Society at the hearing on S. 3699 before the Senate Agriculture Committee at Washington, D.C. on July 20, 1972.)

What makes it appear that a second and different system is needed in order to protect the wild lands on our eastern national forests? In our view it arises because the U.S. Forest Service has taken it upon itself to deny that the act of Congress known as the Wilderness Law can be properly applied to the eastern national forests.

The Forest Service has made up its own interpretation of the Wilderness Law's definition of wilderness and publicly declared that no area which has ever been logged, had roads in it, or contained any works of man can qualify for placement within the National Wilderness Preservation System. If one were to accept this interpretation, one might well suggest that a new statutory system is needed if we are going to preserve the choice wild areas on our eastern national forests.

But this interpretation of the definition of wilderness contained in the Wilderness Act—an interpretation unique to the Forest Service—is contrary to the reading and application of that definition by the Congress of the United States, by the President, by the Department of Interior, the National Park Service, the Bureau of Sport Fisheries and Wildlife, and by most citizen conservation organizations (local and national). The Congress has repeatedly placed in the National Wilderness Preservation System by legislative enactment areas which have been logged, roaded or contained the works of man. And the President and the Department of Interior agencies have repeatedly recommended to the Congress for addition to that System areas which at some time in their past have been logged, roaded or contained works of man.

The Act defines wilderness broadly, and principally in subjective terms. The concept of "virgin" or of never having been touched by man is nowhere present either in the definition or elsewhere in the law. On this point the controlling clause in the definition—which clause the Congress has consistently applied—says that an area of wilderness is one which "*generally appears* to have been affected primarily by the forces of nature, with the imprint of man's work *substantially unnoticeable*." (emphasis added) This clause was deliberately written into the definition in order that areas which have been affected by man's activities, yet which merit receiving the protection of the Wilderness Act, shall qualify therefor. The history of our eastern national forests and other eastern wild lands was well known to the framers of the Act. They took care to frame a definition which would include such wild lands, whether found in the east or the west without geographical distinction. What is needed is that the U.S. Forest Service shall apply the Wilderness Act under the same interpretation used by the Congress and the President. Then there will be no point to proposing a new statutory system of protection.

Appended to this statement is a partial list of areas which the Congress has placed in the National Wilderness Preservation System despite recognized past histories of some degree of logging, roading or works of man. We would further point out that the Wilderness Law contains just one definition of wilderness; and that single definition is applied by Congress to all candidate wilderness areas without regard to east or west or to agency jurisdiction. And finally we would call attention to the fact that three areas on eastern national forests (one in New Hampshire and two in North Carolina) were placed in the National Wilderness System by passage of the Act on September 3, 1964. These areas were already in the Forest Service's own administrative wilderness system preceding passage of the Wilderness Act and each had some history of logging or roading or works of man. Particularly the Shining Rock Wilderness on the Pisgah National Forest in North Carolina had been extensively logged, roaded and lived on by the mountaineers, but it had so far recovered its natural qualities through the restorative processes of nature (and thanks to the protection afforded by the Forest Service) that it was put into the National Wilderness Preservation System by the Congress when it passed the Wilderness Act.

It is worth pointing out that under the Wilderness Law it is the Congress and only the Congress who has the authority to decide whether an area shall be placed or not placed within the National Wilderness Preservation System. For the Forest Service to presume to make a blanket judgment of exclusion for all potential wilderness areas on the eastern national forests is to presume to preempt to itself the power of the Congress. Under the

provisions of the Wilderness Act the authority of the Forest Service with respect to possible additions to the wilderness system is limited to laying the Service's recommendations before the Congress in order that the latter may make the decision—not to attempt to deny to the Congress, the Congress' exclusive right of decision.

As a practical matter, two separate legislative systems could lead to little more than confusion and stalemate. Whenever a candidate area were brought before the Congress, the discussion would not be on the merits of the proposed area but would become an argument as to which statute the area should be considered under. The situation would be further confounded because the two statutes would be administered by two different committees of the Congress, Agriculture on the one hand and Interior on the other, resulting in jurisdictional disputes.

Mr. KENNEDY. Mr. President, two simple points sum up the reasons why it is crucial this legislation on eastern wilderness areas be acted on favorably and quickly:

First, there is no area of this Nation in greater need of wilderness areas. And, second, there is no area of this Nation in which there is greater difficulty in setting aside lands for conservation or preservation.

It is ironic that as the cities spill into the suburbs and the suburbs into the rural areas, as the population increases in already overpopulated areas, and as the human needs and desires for wilderness areas increase, the possibilities for setting aside forest lands dwindle, the natural resources of the Eastern States are further depleted, the forest lands are threatened by the same forces of development and the pressures of population that have impinged on our water, marine, and coastal resources.

Mr. President, it might be helpful at this point to review for a moment the general definition of "wilderness"—an area which generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable. With that definition in mind, it becomes much clearer why we have so little time left on the east coast for this type of preservation effort. The legislation covers areas within 20 States east of the foothills of the Rocky Mountains; and some of those States are fortunate enough to have several areas that could qualify as "wilderness areas." In New England there are only three areas that would qualify to be immediately established as wilderness areas, and none of those is in Massachusetts.

We have hope in Massachusetts of a sensible, statewide effort at land use planning if we are successful in getting enacted into law the National Land Use Policy Planning and Assistance Act. We have worked with special legislation to try innovative kinds of preservation efforts for unique areas in the Commonwealth; but all of these efforts are directed at preserving and protecting resources that are threatened by development and at the same time protecting the interests of residents who have made these areas home.

Of the 18 areas for immediate designation as wilderness areas, 3 are in New England. Of the 37 areas designated as wilderness study areas, 5 are in New England. The 6 million people of Massachusetts live within hours of these precious resources and it is perhaps most crucial that these areas be preserved for those who have no wilderness left in their own State.

Mr. President, there is some suggestion by opponents of this legislation that wilderness areas are only for the hardy, for those who are healthy enough to back pack it, for those few who have the time and the stamina to rough it. And while it is true that probably not every American will visit a wilderness area, we are richer as a country and as a people for the preservation of the best of our Earth that it is our privilege to inhabit. But beyond all of that, I think it is quite clear that we in the Congress have made provisions over the years for all types of recreational activity. We have scenic areas that cars can be driven through. We have sports and recreational activity in many State and federally protected areas. In short, I do not think that the family who prefers to drive to a picnic area and who can now do that in so many Federal parks and seashores is in anyway threatened by the opening up of a "wilderness" area to those who prefer to enjoy our natural resources in a more primitive way.

The forest lands which are proposed for designation in S. 316 are areas best suited for wilderness; areas where logging has long since stopped in most cases. We are not removing timber lands, but land most adaptable to a wilderness experience.

Sixty-five percent of the population of this country lives east of the Mississippi. We have no time left. We must begin now to protect our dwindling wilderness. We are generous enough as a nation to save this for our children. And we are proud enough as a people to want to save it.

ENDING OUR 40-YEAR EMERGENCY

Mr. CHURCH. Mr. President, the Daily Idahonian recently published an excellent editorial on the fact that the United States has been in a state of national emergency since 1933. It also commented favorably on the recent report issued by the Special Committee on the Termination of the National Emergency regarding "Emergency Powers Statutes." As the Daily Idahonian said:

The preliminary statement by the Senators reflects concern over the failure of the Congress to control the law-making process. They contend there has been a considerable erosion of what they call the "structure of divided powers, the bedrock of our constitutional system," and they see a compelling need to stem the "unmistakable drift toward one-man government."

And the editorial concluded:

While the likelihood of soldiers showing up in Friendship Square to take over the town tomorrow is limited, the power is there, and when the power is there the possibility is there, too. The power and the possibility, should be ended.

I ask unanimous consent that "Ending a 40-Year Emergency" be printed in the RECORD.

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

ENDING A 40-YEAR EMERGENCY

Our 40-year national emergency is over.

In fact, the four national emergencies that are currently in effect, declared in 1933, 1950, 1970 and 1971, are all over, and they should be so declared.

Most of us probably haven't realized that we've been living under a declared state of national emergency since a declaration to that effect by President Franklin D. Roosevelt in 1933. For most of us it hadn't made much difference. Probably even fewer members of the public are aware of the potentially awesome powers that are handed over to the President in a state of national emergency. They include the power to:

Seize property.

Organize and control the means of production.

Seize commodities.

Assign military forces abroad and call up reserve forces amounting to two and a half million men.

Institute martial law.

Seize all means of transportation and restrict travel.

Regulate all private enterprise.

And control the lives of all Americans in a bewildering variety of other ways.

Fortunately, few of these powers have been exercised, but that's clearly too much power for the President to have. Also fortunately, it appears that something is finally about to be done about it.

The effort to clear up this maze of laws began last year, as the battle between Congress and the President over which branch of government was going to run the country heated up. Congressional disenchantment with its own performance over the years, and some prodding by activist legislators such as Sen. Church of Idaho, led to the formation of a Special Senate Committee on the Termination of the National Emergency. The Senate named Church, a Democrat, and Sen. Charles McMathias, Jr., a liberal Maryland Republican, as co-chairmen.

Last week the committee issued its first report on its work of the past year. The committee found 470 statutes that give special powers to the President during a declared national emergency, and there may be more, because they have never been systematically put together in one bunch.

The committee's next step is to publish a report on the Executive Orders that have been issued under these emergency powers statutes. Already, the chairmen say, they have found "a number of disturbing questions about the adequacy of present procedures for accountability of Executive actions." Remedial legislation on this score may be needed, they say.

The final report of the committee will include recommended legislation based upon the results of several studies they are making in cooperation with the Executive Branch.

The preliminary statement by the Senators reflects concern over the failure of the Congress to control the law-making process. They contend there has been a considerable erosion of what they call the "structure of divided powers, the bedrock of our constitutional system," and they see a compelling need to stem the "unmistakeable drift toward one-man government."

The measured approach to this bipartisan committee to a serious governmental problem augurs well for some significant changes in the government's way of doing things. It is to be hoped that the committee's recommendation will get a thoughtful and responsive hearing in Congress, and that constructive action will follow.

While the likelihood of soldiers showing up in Friendship Square to take over the town tomorrow is limited, the power is there, and when the power is there the possibility is

there, too. The power, and the possibility, should be ended.

SENATOR MUSKIE ON ISRAEL

Mr. RIBICOFF. Mr. President, a few days after the latest conflict began in the Middle East, the distinguished senior Senator from Maine delivered a most perceptive address in Chicago. Senator MUSKIE pointed to the unique human values which Israel has maintained even while existing in a sea of Arab enmity. He also stressed the need for face-to-face negotiations between Israel and its neighbors as the only hope for a real peace.

Today it is important to acknowledge the identity of interests between the United States and Israel and to make certain that Israel receives the support it needs to gain a lasting peace.

Because of the eloquence and importance of this speech, I ask unanimous consent that the full text of Senator MUSKIE's remarks be printed in the RECORD.

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

REMARKS OF SENATOR EDMUND S. MUSKIE

We meet tonight to honor an idea and a reality, a vision and its fulfillment—the state of Israel, now, again, at war for its survival as a democratic state.

In this time of danger, in the middle of confused reports of battle, while all our hopes rest on the valor and strength of a few men at arms locked in combat on two distant fronts, it is important for us to remember what Israel is all about.

The dream of Israel is as old as the struggle of all men to be better than they are. Israel is the prophecy of Isaiah and of Ezekiel, the threat of desolation overcome by the glory of salvation.

And the mission of Israel—to be "a light unto the nations"—is a mission Americans share. For it is the same role that an American visionary, Ralph Waldo Emerson, set for us: "To . . . liberate, to take in the immigrant, to open the doors of the sea and the fields of the earth."

We are joined together—America and Israel—by the faith we share, really a utopian faith that men can live in justice, working toward perfection, committed to liberation and confident of success. Our common dream is our common bond.

That common dream, however, is once again under assault. A treacherous attack on Israel has shattered the peace of the highest Jewish Holy Day and the hopes for peace of the whole world. Israel has met that attack and is repelling it with confidence and skill. And Israel is not alone.

Americans understand that the stakes in the Middle East are not limited to a few hills in the Golan Heights or the stretch of desert in the Sinai Peninsula. Beyond the geography of today's battleground is the continuing struggle of all free people to win lasting security.

Israel is proving again that her security can only be preserved through strength, that, in a hostile environment, peace can only be assured by the power to deter aggression or defeat it.

The clearest lesson, then, from this newest onslaught of terror against the Jewish nation is that America must not waiver in its support of Israel's right to live in peace. Some have argued that we contribute to tension in the Middle East by helping to provide Israel with the means to protect herself. But the deliberate Egyptian and Syrian attack disproves that theory utterly.

Even if we cannot yet be sure what led those nations to commit this senseless aggression, we can certainly dismiss the idea that they acted in response to an Israeli provocation. The joint offensive launched on the Day of Atonement is not the action of an aggrieved party, lashing blindly back at those who menace it. It is a calculated act of aggression designed to strike Israel at her most vulnerable moment of the year and to use a holy time of commemoration to attack a neighbor.

Israel was ready, because Israel must always be ready to fight for her life.

The second lesson—for the rest of the world—in Israel's conduct this week is that it teaches all of us how to respond to threatened and real force. Recently we saw Austria succumb to the threats of Arab terrorists by agreeing to close down the facilities at Schoenau Castle for Jewish emigrants from the Soviet Union. And all of us who had honored Austria for the help she gave the fleeing Hungarians in 1956 and the refugee Czechs in 1968 were saddened to see her sacrifice that humanitarian tradition to the blackmail of the terrorist.

The Austrian action has been particularly saddening for those of us in Congress who have worked for the rights of the Jewish people of the Soviet Union to move to Israel if they so choose. The Congress has made it clear that much as we all want to liberalize trade relations with Moscow, we are prepared to defer such action because of higher goals. Before making new trade arrangements with the Soviet Union, we must be satisfied that Russian Jews are free to build new lives for themselves wherever they choose to go.

The clear resolve of Congress on this issue has already brought some progress. It appears that the head tax imposed on Jewish emigrants has been modified. But we cannot be sure that all such unfair restrictions have been eliminated.

For more than two million Soviet Jews, Russia's ratification of the universal declaration of human rights and provisions of its own laws are too often dead letters.

Soviet leaders would be profoundly mistaken if they underestimated American feelings on this issue. The concern is not limited to the American Jewish community. It is widely shared throughout our country, and its impact on Congress is heavy.

The example of Austria yielding to blackmail—and the contrasting example of Israel's resolve—is instructive to us and to the other oil-importing nations of the developed world: for we must not allow ourselves to be blackmailed by oil-producing Arab states simply because we believe Israel has the right to live in peace and to be confident of her own security.

America's support of Israel is not directed against any other state. Our support is based on our desire to achieve a lasting settlement in the Middle East, based upon acceptance of Israel's sovereign right to exist—and on permanent borders which are secure and defensible in case that sovereign right is ever challenged again. Americans have learned from history that great nations must never compromise fundamental principles for the sake of expedience. The oil-producing nations must understand clearly that we will not give in to any oil blackmail which has as its purpose the destruction of Israel's fundamental rights.

Finally, however, there is a third lesson to be drawn from the new fighting in the Middle East. And that is that even secure, defensible borders are not adequate in themselves to guarantee a secure future for Israel. With the 1967 cease-fire lines as its borders, Israel has been able to act with admirable restraint in this war. As Senator Ribicoff said yesterday in the Senate, "Israel refrained from seizing the advantage by attacking when it knew for certain that there would be massive crossings of the ceasefire lines by both Egypt and Syria. It did so—and not without cost—so that there would not be a shred of doubt as to who began this war." But those same borders could not serve to prevent the Arab attack in the first place.

No physical boundaries, important as they are, can serve as permanent obstacles to neighbors who refuse to accept Israel's very right to exist. We can hope that the Yom Kippur attack is a last, desperate, military attempt to upset the political status quo in the Middle East, but we would be foolish to think that, even after another defeat, the Arab nations would be prepared to negotiate a lasting settlement without some territorial adjustments.

It may be, ironically, that the situation will now be more open to bargaining than it has been for the last six years. Any negotiations, of course, have to begin with a willingness on the part of the Arab states to sit down with Israel to seek agreement without preconditions. Israel has been seeking such negotiations for six years—but the Arab states have refused. No lasting settlement can be imposed on the Middle East by outside powers, for it is not probable that the difficult territorial questions can be resolved in any way other than face-to-face talks between Israel and her neighbors.

But the United States and the Soviet Union, through the United Nations, can use their power to guarantee the terms of any settlement Israel and the Arab nations are able to achieve. If the price of peace in the Middle East is a permanent international guarantee of physical security, we must be willing to make that guarantee good. For Israel's primary interest is in stable relations with her neighbors—and if there is a way to promote such relations through enforceable international agreements, we must seek such accommodations and help to implement them.

For no one should be misled by Israel's necessary readiness to use military power when threatened. The reality of Israel in the Middle East is the hope she offers to her neighbors and to the world.

In an area which was the cradle of civilization, Israel is the new example of progress. In a land that history shunted aside, Israel is the force of modernity.

The twentieth-century ways of Israel have a special importance in the Middle East. There, until the birth of Israel, traditionalism had too often been a synonym for stagnation. Now a new nation born of our oldest Western tradition has shown the way to progress.

More than any other developing society, Israelis have found the elusive middle way to preserve the values of the past—ties of family, of religion, of culture—and to advance the values of the present—of free inquiry, of material development, of individual fulfillment. Among all the struggling nations of the third world, Israel stands out as a model for emulation, an instructor in the art of reconciling history and the future.

To the other "people of the book"—to Israel's Arab neighbors—the lessons learned, the failures suffered, the advances scored can be the textbooks for their own development. In an atmosphere of cooperation, the contribution Israel can make to the well-being of the region would be without limit.

In the midst of war it may seem rash and naive to talk of the promises of peace. But 25 years ago there was little evidence to support the vision with which Israel was born. And there is no knowing what potential for good may have been realized 25 years from now.

No one who has been to Israel and had his eyes opened to her energy and her promise would predict for her a future of perpetual conflict. I was fortunate enough to visit Israel two years ago, and the images that remain with me are of strength, but not violence, of hope, not menace.

I remember, for instance, going to Kibbutz Gesher on the west bank of the Jordan River where I saw the bomb shelters. The walls of

those bunkers were decorated by children's pictures, and not one picture showed a scene of the fighting which was the everyday reality for the youngsters there.

The paintings were of flowers and of sunshine. The dream of the artists was of peace, not of the war that has been their fate.

And at a Nahal settlement in the Golan Heights, I remember talking to a 23-year-old farmer-soldier named Yeheskel. I asked him what, in that still endangered and bitter terrain, he and his friends did with the little leisure they had.

"We have our books," he said, "and we love this view over the Sea of Galilee. And we talk about the future, about peace."

It is possible, of course, to go to Israel and to feel the inconsolable anguish of the memorial at Yad Veshem for the six million European Jews whose murder will always be a living memory. And it is possible to climb that forbidding hill at Masada and feel the spirit of intransigence of the beseiged zealots who chose death in glory over submission to Roman rule.

But to see only the martyrdom, or the "Masada complex," or the military strength of Israel is to be blind to the resources and the resourcefulness of three million Jews who have created an oasis of progress and promise in the midst of hostility and backwardness.

As Israel overcomes these new dangers, as she battles for a lasting peace, and as America supports her in that effort, both nations will find a reaffirmation of their common vision, so eloquently stated in the promise of Isaiah:

"Out of Zion shall go forth the law and the word of the Lord from Jerusalem . . . they shall beat their swords into plowshares and their spears into pruning hooks; nation shall not lift up sword against nation, neither shall they learn war any more."

"NO" TO CONDEMNATION OF PRIVATE PROPERTY

Mr. CHURCH. Mr. President, the Senate Interior Committee, of which I am a member, will soon begin consideration of S. 424, the National Resource Lands Management Act. This proposal, if enacted, will serve as the organic act for the Bureau of Land Management. From the standpoint of the Agency's efficiency, a single governing statute would be better than the random selection of public laws to which the BLM now looks for authority.

I am, however, troubled by a certain provision in this bill. I take this occasion to express the reasons for my concern and to define the action which I intend to take when S. 424 is considered by the Interior Committee.

Idaho has a large stake in the scope of authority to be granted the Bureau of Land Management, under this act. How much is at stake is clearly depicted by the amount of land owned by the Federal Government in Idaho: some 33.9 million acres, nearly two-thirds of the State. Of this amount, 12 million acres are administered by the Bureau of Land Management. Idahoans must look to these lands for the grazing of cattle and sheep; for the mining of valuable minerals; for trees that feed a thriving lumber, wood product, and paper industry; for the water utilized in the irrigation of farms and food processing plants; for the damsites where electrical power is generated. We also use these public lands for hunting, fishing, and outdoor recreation, all of which contribute to Idaho's booming tourist industry.

My objection to S. 424, in its present form, relates to the provision in the bill which would confer on the Bureau of Land Management the power to condemn private property. This is a giant step beyond consolidating the functions of the BLM under one statute.

Giving the Bureau free reign to condemn private property is simply not justified. For decades this agency has managed Federal lands without the plenary power of eminent domain. Why must it now be granted that right? In a State where two-thirds of the land is owned by the Federal Government it surely cannot be argued that the BLM needs this power in order to forcibly acquire title to still more property.

Mr. President, I have witnessed the inequities which are built into the power to condemn private property. I was among those Senators, who, last year, obtained an additional $4 million in purchase money from the Land and Water Conservation Fund to acquire private land in Hells Canyon in order to prevent its subdivision and commercialization. When we obtained the funds, it was my understanding that the lands were to be purchased from willing sellers. However, the Government's appraisal fell below the price that the owners believed to be the fair market value of their property. This led to the Forest Service's decision to acquire the lands by condemnation. Needless to say, the landowners involved were not happy with this turn of events. They have taken the case to court, Challenging the authority of the Forest Service to condemn their land. However, the Forest Service maintains that it does possess the legal right to condemn such inholdings, conferred upon it by the enabling legislation creating the agency nearly a century ago.

Under S. 424, the Congress confronts again this same issue: Should the BLM be given the right to exercise the power of eminent domain by which private property may be condemned? I think not.

When this measure is considered by the Senate Interior Committee, I shall offer an amendment to strike from the bill the language which would give the Bureau of Land Management the power to condemn private property.

Mr. President, the action I propose to take with respect to S. 424 is in line with the effort I have made over the years to restrict the Government's condemnation powers to a minimum, consistent with the public interest. As author of the Wild and Scenic Rivers Act, I saw to it that the power to acquire private property along the river banks was strictly limited. As for the Wilderness Act, which I floor-managed to passage in the Senate, the right to condemn areas was expressly denied the Forest Service, even though the wilderness lay within the boundaries of a national forest. Similarly, in drafting the legislation that created the Sawtooth National Recreation Area, restrictions were prescribed to keep the use of eminent domain at a minimum.

The Forest Service's organic act under which that agency claims general authority to condemn private lands lying within the boundaries of national forests, was enacted long before I was born. It was already old law at the time I first came to the Senate in 1957. But, we need not repeat an old mistake in writing a new organic act for the Bureau of Land Management. Here is a case where we should learn from past experience.

SENATOR MAGNUSON RECEIVES ALBERT LASKER PUBLIC SERVICE AWARD IN HEALTH

Mr. KENNEDY. Mr. President, on October 18, our distinguished colleague, WARREN MAGNUSON, was given the Albert Lasker Public Service Award in Health. I need not tell any of you what a special and richly deserved award this was.

The Lasker Awards are the most prestigious in American medicine and have been called America's Nobel Prize for Health. This was the first time in history that one of us—a Member of the U.S. Senate—has been honored with this award. I am sure that there would be no dissent in this body to the statement that the Lasker Foundation found the right man to be first, for no one in the Congress has done more for the health and human needs of the American people than WARREN MAGNUSON.

The Lasker Award carries with it a $10,000 prize. But it will surprise none of his friends in the Senate to learn what WARREN MAGNUSON did with that honorarium. He gave it away—to further cancer research at the Fred Hutchinson Cancer Center in his hometown, Seattle.

As a further honor to Senator MAGNUSON, the Lasker Foundation moved the awards dinner out of New York for the first time and presented the award to him in Seattle.

At the awards dinner, the major address was given by one of the world's most distinguished heart surgeons, Dr. Michael E. DeBakey. Perhaps no man in the United States better comprehends the true fruits of medical research than Dr. DeBakey. He is saving lives today with research that had not gone beyond the laboratory a few years ago.

At this time when Federal support for medical research is under severe attack by the administration's budget cutters, I think it would be wise for all Members of the Senate to read what Dr. DeBakey had to say in honoring our colleague from Washington.

Mr. President, I ask unanimous consent that Dr. DeBakey's speech be printed in the RECORD and that the two accompanying newspaper articles be printed following the speech.

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

KEEPING OUR WORLD LEADERSHIP IN MEDICAL RESEARCH

(By Michael E. DeBakey, M.D.)

Senator Magnuson, Mrs. Lasker, Dr. Hogness, Mr. Carlson, Distinguished Guests:

I feel highly privileged to be participating in this special tribute to The Honorable Warren G. Magnuson, United States Senator and Distinguished Chairman of the Senate Subcommittee on Health, Education, and Welfare. Senator Magnuson was one of the chief sponsors of the National Heart Institute, which was established in 1948 by act of Congress. Since that time, he has persisted

in his efforts to support medical research and education. Senator Magnuson has demonstrated a passionate interest in health and education, an interest that stems from a genuine concern for basic human needs. For his efforts in improving the health of our people, every American is in his debt.

On July 25 of this year, I had the privilege of testifying—as I have on many previous occasions—before Senator Magnuson's Subcommittee. I was pleased to point out the unprecedented advances made against heart disease during the past quarter century. In the three decades since World War II, the remarkable progress made in scientific research has brought America to a preeminent position as a world leader in medical science. This progress almost exactly parallels the growth of the National Institutes of Health, which have made it possible not only to train researchers but also to support worthy research projects that might otherwise not have been possible. The resultant expansion of basic science research has provided much of the impetus for the advancement of medical knowledge, and, in turn, for the application of that knowledge at the patient's bedside.

Without exception, the major medical discoveries that have extended the quality and duration of life during the past quarter century can be traced to the research laboratory, whether they be spectacular feats like organ transplantation or less dramatic discoveries like drugs to treat epilepsy. The research laboratory gave us vaccines, antibiotics, and other "miracle" drugs that have controlled such previously fatal infections as poliomyelitis, diphtheria, pneumonia, mumps, and measles. Psychotropic drugs developed in the research laboratory have returned thousands of previously institutionalized patients to a productive place in society. Improved methods of diagnosis and of monitoring the vital signs of patients have greatly aided doctors in ministering to the health of the people. Effective medication has reduced the death rate from high blood pressure by 50 per cent. Just a decade ago, the incidence of hospital deaths from heart attacks was about 30%, as compared with a low 6% in the best centers today. Thus, in a short 10 years we have reduced the death rate by 24%, and that reduction is directly attributable to the new knowledge we have gained from medical research. In my own field of cardiovascular surgery, the dramatic results of open-heart surgery continue to convert incapacitated patients to happy, useful human beings. Thousands of previously doomed men and women are going about their normal activities today because medical research made possible artificial arteries as a substitute for diseased or worn vessels and gave us the heart-lung machine to permit surgery directly on the heart to replace malfunctioning valves, to correct congenital anomalies and, more recently, to restore normal coronary arterial circulation. The list of accomplishments of medical research is too long to enumerate, but none of them would have been possible without the support you have given to medical research from your tax dollars.

Let me cite you a clear example of the way medical research pays off by relating the clinical history of a patient of mine whom I have followed for the past two decades. When this patient first came to me twenty years ago, he was severely limited in his walking capacity, and the threat of gangrene was imminent because arterial disease was blocking the vessels supplying blood to his legs and feet. Were it not for medical research, we would have had to amputate his legs. Instead, we were able to replace his disease vessels with artificial arteries and thus restore normal circulation to his legs. After the operation, he resumed his normal activities and his work as an executive. Since then, I have seen him annually for follow-up examinations, and he has had no more trouble with his legs.

Thirteen years later, the patient returned to the hospital. He was in heart failure from a defective mitral valve. Again, we were able to save his life by applying the fruits of medical research. We replaced his defective valve with an artificial valve, and his heart function returned to normal. Since that time, he has had no evidence of heart failure.

A few years later, the patient returned to see me because of carotid arterial disease. He had had several small strokes as a result of arteriosclerosis occlusion of the carotid arteries supplying blood to the brain. Untreated, his condition would have led to a large stroke that would have caused paralytic disability or possibly death. But again medical research intervened. We operated on both blocked arteries in his neck, replaced the diseased vessels, and restored normal circulation to his brain. Since then, he has had no further manifestations of stroke.

Three years ago, the patient returned to the hospital because of a massively bleeding ulcer, which required partial resection of the stomach. He recovered completely from that operation and resumed his normal activities. This patient is now 74 years old and still leads a useful, happy, productive life as a business executive.

Any one of these serious medical conditions could have led to his permanent disability or even death, and yet each time, we were able to restore his health so that he could lead a normal life, remain economically independent, and continue to be a taxpayer instead of becoming a tax-burden. The knowledge used in the effective treatment of each of these conditions came directly from medical research. Without that research, this man would not have been able to maintain a responsible position in his community and to make contributions to society throughout the past twenty years.

His case is not, as you might think, unusual or atypical. Because of the new knowledge we have gained from laboratory research, we are able every day to discharge similar patients from the hospital to return to normal living and resume productive, self-sufficient lives.

These accomplishments did not, however, occur overnight, notwithstanding press announcments of "breakthroughs." Almost every medical advance has come after years of persistent, and often tedious, efforts of scores of researchers. Many frustrations have usually preceded the so-called "breakthrough"—blind alleys, uncertainties, and disappointments. To be fruitful, research must be pursued with persistence and dedication. We cannot support only the moment of discovery, but must finance all the many months or years of arduous work that precede it.

As much pride as we deserve in our accomplishments, we must not be satisfied to rest on our laurels. For we still have a very long way to go in health. To cite just one statistic, about 23 million Americans still suffer from high blood pressure, some unaware they have the disease. Yet if untreated, hypertension can result in death from stroke or heart failure. Many other diseases remain inscrutable—not only cancer, but muscular dystrophy, multiple sclerosis, arthritis, cystic fibrosis—the list can be extended considerably. In all of these, we are making progress, but not as rapidly as we could if we were willing to give more financial support to medical research.

Our ultimate goal, you see, is not treatment, but prevention. We want to eliminate the factors that cause heart disease, stroke, cancer, and the numerous other fatal or disabling diseases. America has an abundance of fine minds eager to study these conditions, but it takes money, and only you can provide that. The sophisticated equipment needed to do research today is costly, and special laboratory facilities for controlled conditions must be built to specification. Scientists and technicians must be trained to do research, and education costs money. The investment, however, is one of the wisest you can make, for our failure to invest in finding the causes and cures of disease increases our expenditures for patient care without increasing our effectiveness. Ultimately, *you* are the beneficiary; the new knowledge uncovered in the research laboratory will eventually be used to clinical advantage. If we skip training one generation of doctors and researchers because of lack of funds, it will take several generations to catch up again, and we can never compensate for the loss of knowledge in those unproductive years.

For more than a decade, in my testimony before congressional committees, I have urged the establishment of Comprehensive Cardiovascular Research Centers throughout the country, in which we could concentrate the most capable research scientists in a concerted attack upon heart disease. Our personal experience at the Cardiovascular Research and Training Center in Houston has demonstrated the wisdom of bringing an interdisciplinary team of basic, clinical, and physical scientists together in one institute to try to solve the riddles of cardiovascular diseases. In 1972, Congress passed the historic National Heart and Lung Act, which authorized 15 such centers throughout the country, but because of lack of funds we still do not have a single federally-supported center for heart or lung disease in the entire nation.

We desperately need new research knowledge in the cardiovascular field. Arteriosclerosis is the underlying cause of heart disease in about 80% of patients; yet we know relatively little about its basic causes. In a certain proportion of patients, some major risk factors have been incriminated—excessive blood fats, high blood pressure, diabetes, and cigarette smoking—but much more work will be needed to ascertain whether elimination of any one, or a combination, of these factors will reduce the incidence of heart disease significantly. The National Heart and Lung Institute is now supporting three major clinical trials in this field, but because of limited funds, the trials will not become fuly operative unti 1974, and then will involve only 27,000 subjects.

Actually, the kind of support we are looking for is relatively small—only 1 or 2% of our total national budget. We must, however, order our priorities sensibly. We now spend $400 per person for defense, but consider how useless any investment at all would be in defense if bad health ravaged our people. We spend $40 per person for highways, but what good are highways if we are not well enough to use them? The very basis of all human activity is health, and yet we spend only $7 per person for medical research. Heart disease is still the leading cause of death in this country, and yet we are willing to devote less than one dollar per person to heart research. These expenditures are not only unwise; they are uneconomical. Last year our lack of health knowledge cost us about $315 per person, but we have been willing to spend only $7 per person to gain the necessary knowledge to rid ourselves of this economic burden. We spent $30 per person for health services for heart disease, but we allocate less than one dollar per person to eliminate this costly expenditure.

If we want our government to give health a higher priority in the allocation of our tax dollars, we must insist upon it by letting our representatives in the Congress and in the Administration *know* our wishes, for we, the people, instruct our government in such matters. Curiously, Americans budget for television sets, boats, beer, tobacco, cosmetics, fashions, gasoline, second homes,

and vacations, but they grudgingly allocate money to maintain their health. It is a sad truism, however trite, that we must lose our health to appreciate it. I have heard patient after patient sorrowfully voice that adage to me. As a doctor, I know the inexpressible pleasure of seeing a patient leave the hospital after heart surgery, well and happy, when just a short time before he entered my office critically ill and almost devoid of hope. But can you imagine the depression a doctor feels when he must tell a patient, "I am sorry that there is nothing we can do for you; we haven't yet learned how to treat your illness"?

Doctors have to say that more often than they should, simply because, as a people, we have not been willing to allocate adequate funds to find out how to cure and prevent many human diseases. Fifty per cent of heart attack victims die before they reach the hospital; that is a frightening statistic and one that we must improve. If we let our government officials know that we consider health our foremost priority, they will carry out our wishes, and the national budget will reflect those wishes. During the past year or two, President Nixon has demonstrated commendable initiative in his expressed desire to eradicate cancer and heart disease. The true significance of this initiative will be fully appreciated when adequate funds are allocated to effect his all-out war.

For example, in 1971, when he signed the Congressionally-devised National Cancer Act, President Nixon said that all the money that was needed would be provided to wipe this killer from the face of the earth. Yet in the last fiscal year which closed June 30, his Administration impounded $60 million of the money that Congress had voted for the fight against cancer. In other words, they believed him—Democrats and Republicans alike—but he didn't seem to believe himself.

The Congress therefore decided to bite the bullet on this issue. Earlier this year Senator Magnuson and the distinguished Majority Leader of the Senate, Mike Mansfield, requested the General Accounting Office to look into two significant areas—the impoundment of $1.1 billion in health funds in Fiscal 1973, and a comparison of the Administration Fiscal 1974 budget requests with the initial professional requests made by the Government scientists as to their minimum needs for running health programs.

They got the data they wanted, although it wasn't easy. For example, the two Senators obtained an internal HEW document in which Doctor Frank J. Rauscher, personally appointed by the President to run the war against cancer, informed the White House Office of Management and Budget that he needed at least $640 million this year "to carry out the objectives the Executive and members of Congress had all enunciated."

Despite this memorandum, the President recommended $500 million for the fight against cancer. This is the same President who, when he signed the National Cancer Act with great fanfare back in 1971, said:

"The time has now come for us to put our money where our hopes are . . . As far as the cure is concerned, and as far as the time when it is found, it will not fail because of lack of money . . . To the extent that money is needed, it will be provided."

At a joint press conference with Senator Mansfield on July 28 of this year, the senior Senator from Washington took the gloves off. Here is only part of what he had to say:

"The much bally-hooed Conquest of Cancer program is more myth than reality, and research budgets to combat other dread diseases have been gutted on the pretext of maintaining that myth.

"I have had more than a passing interest in health and education for many years. I can point out—with some irony—that I became Chairman of the appropriations subcommittee that handles the health and education budget at the same time Richard Nixon became President of the United States. I can also point out—with some irony—that my subcommittee's bill has been vetoed four times since I became Chairman.

"I take no pride in being the most vetoed member of the United States Senate. I don't want this bill vetoed again this year. It is far too important. This bill takes care of more basic human needs than any appropriations bill handled by the Congress. But I can't buckle under the kind of callous logic that hamstrings medical research, cuts off student aid and closes Community Mental Health Centers.

". . . I will end by asking one simple question. If this great country of ours must fight a war, which war should we choose—an unwinnable war in Cambodia or a winnable war against cancer. The secret bombing raids cost $140 million. The Cancer Institute's budget request was cut $140 million."

Most of us feel a humanitarian concern about feeding the hungry and helping the underprivileged not only in our country but in the rest of the world as well. Such concern is a truly admirable American trait. We should, I believe, feel a similar responsibility for leadership in health. The rest of the world, in fact, looks to us for that leadership. In my personal experience in countries throughout the globe, including such major powers as the Soviet Union and China, I have seen foreign doctors and scientists vie for opportunities to spend periods in the United States training and learning the latest diagnostic and therapeutic techniques. By maintaining our leadership in the medical sciences, we can upgrade the health not only of our own people but of other nations as well.

Such leadership in world health can also serve as an extremely useful diplomatic instrument in effecting world harmony by encouraging international collaboration in improving the human condition. We exert prodigious efforts in ameliorating international tensions, and we allocate significant monies for foreign aid, but one of the best ways to promote amical international relations is to engage the cooperation of peoples all over the world in finding ways to improve the quality and duration of human life.

The international scientific community is bound together by a common goal of uncovering new knowledge for the betterment of man, and this international community can serve an important diplomatic function demonstrating the transcendance of this common goal over the self-seeking interests of individual nations. It is admirable that President Nixon, in creating the Joint Committee for Health Cooperation with the Soviet Union, has taken cognizance of the diplomatic function which the scientific community can serve. The approach to the eradication of human disease *must* be international, for disease is no respecter of frontiers, and so we must work with our counterparts throughout the world to solve health problems. At the same time the goal of world peace and harmony will be advanced by the peoples of different countries concentrating on a common goal. I was in Russia when President Nixon and Mr. Brezhnev signed their historic agreement this year, and it was truly heartening to hear the impassioned sentiments expressed by the Russian people about this agreement. Earlier this year I was also in China, where I observed the same eagerness on the part of the medical community there to collaborate with American scientists in exchanging scholars and information for the benefit of both countries. In all other countries I have been in, I have consistently found that the physicians look to America for leadership in health matters.

But we cannot maintain this world leadership in health unless we increase our present expenditures for medical research. While the proportion of the Gross National Product devoted to science and technology, including medical research, has declined in the United States during the past decade, it has risen in Japan and the Soviet Union. Russia also now leads the major nations in researchers, with 37 researchers per 10,000 population, as contrasted with 25 researchers in the United States per 10,000 population.

It is not a matter of supporting *either* medical research and education *or* health care, for the three are interdependent. Any improvements in health delivery will be limited by present medical knowledge until medical research uncovers new information. And improving the *mechanics* of health delivery will be futile if we do not have enough doctors to implement that delivery. As President of one of this country's major medical schools, I can tell you that the need for support of medical education and research is critical. But the American people have always responded unselfishly when their support was needed. I am confident that you will respond now. And with allies like The Honorable Warren G. Magnuson in the Senate to help us, I am optimistic about the future. On this occasion of honoring Senator Magnuson, it is fitting to conclude with a quotation from Benjamin Disraeli, which remains as valid today as it was when written almost a century ago—

"The health of the people is really the foundation upon which all their happiness and all their powers as a state depend."—(Speech, July 24, 1877).

[From the Seattle Times, Oct. 18, 1973]

MAGNUSON TO BE GIVEN PRESTIGIOUS LASKER AWARD

(By Al Dieffenbach)

Senator Warren G. Magnuson will be honored tonight wtih the $10,000 Albert Lasker Award in Health at a black-tie dinner in the Olympic Hotel.

He will be the first senator to win the prestigious award, which only rarely has been given to a non-scientist. The Lasker Award has become known as the Nobel Prize of America because 24 Lasker recipients have also won Nobel honors.

This will be the first time the award-presentation ceremony has been held outside New York City, a further tribute to Magnuson.

Dr. Michael E. DeBakey, the distinguished heart surgeon who was chairman of the awards jury that selected Magnuson, will give the major address at the $25-a-ticket awards dinner.

Dr. DeBakey noted in commenting on the award that Magnuson's longtime support of medical research led to the scientific work that won Lasker and Nobel honors for a number of scientists.

Dr. DeBakey today was to accompany Magnuson and Senator Norris Cotton of New Hampshire, a ranking Republican, on a tour of Providence Hospital's heart and blood-vessel-research unit headed by Dr. Lester R. Sauvage and Dr. Peter B. Mansfield.

Magnuson is to receive the award from Mrs. Albert Lasker, president of the Albert and Mary Lasker Foundation, which has sponsored the awards since 1946.

Mrs. Lasker, 73, a New York philanthropist, has actively pursued an interest in American medical matters since 1942. She spent part of yesterday touring various units of University Hospital and the University of Washington School of Medicine.

Now chairman of the Senate Appropriations subcommittee that handles funding for health programs and medical research Magnuson has been a powerful force in Congress.

He began to show his interest in those

fields in 1937, his first year in Congress when he introduced a bill that led to creation of the National Cancer Institute.

The Senator, now 68, subsequently sponsored legislation that built and funded the National Institutes of Health, one of the largest health-research agencies in the world.

Some of his other efforts on behalf of the people's health have resulted in funding for hospitals and mental-health programs, laws on flammable fabrics, and packaging to prevent accidental poisoning and funding of training programs for health professionals.

With his constituents in mind, the senator also has led the campaigns for the Fred Hutchinson Cancer Research Center here, the federal aid for expansion of Children's Orthopedic Hospital and the congressional moves to keep the Public Health Service Hospital open.

[From the Seattle Post-Inteligencer, Oct. 19, 1973]

ALBERT LASKER AWARD IS GIVEN TO MAGNUSON

(By Tom Read)

Sen. Warren G. Magnuson last night received the $10,000 Albert Lasker Award for Public Service during a lavish reception-dinner at the Olympic Hotel.

Magnuson was chosen to receive the coveted award particularly for his years of championing health legislation in Congress.

Mrs. Mary Lasker, New York philanthropist and widow of the late Albert Lasker, presented the award—a $10,000 check and beautiful statute of the Winged Victory of Samothrace, symbolizing victory over death and disease.

Immediately upon receiving the check from Mrs. Lasker, the senator said he'd had problems with cancer in his family, and thought he had a good use for the money.

He summoned Dr. William Hutchinson, president of the Fred Hutchinson Cancer Research Center, to the rostrum and presented the $10,000 check to him for the center's cancer research work.

World famous heart surgeon and researcher Dr. Michael DeBakey, who chaired the awards jury that chose the senator, delivered the principal adddress.

He traced major research and progress in medical research, particularly in the area of heart disease, declaring that this progress almost exactly parallels the growth of the National Institutes of Health.

Dr. DeBakey cited a clinical case in which a patient faced the loss of his legs because of blocked blood vessels. "Were it not for medical research we would have had to amputate his legs. Instead, we were able to replace his diseased vessels with artificial arteries and thus restore normal circulation to his legs," he said.

Dr. DeBakey developed the theme of the need for research and of the need for funds to support this effort. He reported how Magnuson and others uncovered a federal document in which the head of the National Cancer Institute informed the White House he needed at least $640 million to carry out objectives, yet President Nixon recommended $500 million after declaring a national war on cancer.

In summary, DeBakey said:

"It is not a matter of supporting either medical research and education or health care for the three are interdependent. Any improvement in health delivery will be limited by present medical knowledge until medical research uncovers new information. I am confident you will respond now.

"And with allies like the Honorable Warren G. Magnuson in the Senate to help us, I am optimistic about the future. On this occasion of honoring Senator Magnuson, it is fitting to conclude with a quotation from Benjamin Disraeli, which remains as valid today as it was when written almost a century ago:

"'The health of the people is really the foundation upon which all their happiness and all their powers as a state depend.'"

Others rose to add their words of praise and thanks. Edward Carlson, Seattle hotelman and president of United Air Lines; Dr. John Hogness, president of the Institute of Medicine and next president of the University of Washington; Rev. Everett Jensen, Lutheran clergyman, church administrator and lifelong friend of Magnuson.

Dr. Hogness, who was the master of ceremonies, read several messages of congratulations from persons unable to attend last night's event."

"There is no one in public life today who has been more vigorous in promoting health," Gov. Dan Evans.

"This honor is a rare but richly deserved one," Sen. Henry M. Jackson.

"I extend my personal congratulations. Your many contributions are ongoing proof of your service," Sen. Ted Kennedy.

"This award is a fitting recognition that your good work is appreciated well beyond the halls of Congress," Congressman Joel Pritchard.

"I salute you for your services to your fellow man," Congressman Mike McCormack.

Nearly 500 persons attended the fete, first the reception in the Spanish Ballroom, then in the Grand Ballroom where the dinner was served.

From across the nation and across the political aisle came Senator Norris Cotton, New Hampshire Republican and ranking GOP member of the Senate appropriations subcommittee on health which Magnuson chairs.

Cotton is in a position to see first-hand how effectively Magnuson guides appropriations for medical research, to keep open the Public Health Service Hospital, to expand Children's Orthopedic Hospital.

Since 1937—his first year in Congress—Magnuson has been in the forefront of health legislation and it is for this service that he was chosen by the Lasker Foundation.

As a young congressman he introduced legislation that led to the creation of the National Cancer Institute. As the years passed and the public's awareness of the need for research grew and as his influence in Congress grew, Magnuson sponsored, supported and battled successfully. His success was such that over the years he became the Congressional leader in obtaining research funds for the National Institutes of Health.

He also became the chief spokesman in the Senate for the funding of numerous other health programs including community mental health centers, hospital construction, and aid for medical, nursing and other allied health schools.

As chairman of the Senate Commerce Committee, Magnuson managed to advance a number of well-known bills in the area of preventive medicine and in the areas of flammable fabrics, child protection and toy safety, poison-prevention packaging, cigarette labeling and controls on radiation emanating from electronic products.

A PERMANENT SPECIAL PROSECUTOR

Mr. CRANSTON. Mr. President, the revelations of the past 6 months are not the only instances of political corruption and misconduct which have lessened public confidence in the administration of justice in recent years.

I have believed for some time that we need some permanent mechanism which will restore in the long run public confidence that wrongdoers in positions of public trust will be investigated and prosecuted.

The best first step would be for Congress to study ways to set up a permanent means of triggering independent investigations and prosecutions of breaches of the public trust by persons who hold high positions of power. Some way must be found to overcome the built-in conflicts of interest which exist, or appear to exist, whenever the powerful are asked to investigate themselves.

I have confidence that we eventually will overcome the crisis of Watergate. Our system of government is strong enough to do that task.

But the record of official misconduct during past decades years is not good. Few cases have been prosecuted.

Too often, there is an appearance that corruption in high places is being swept under the rug. Because of the political nature of the office, an Attorney General can come under enormous pressure not to prosecute some cases.

There is another reason why an independent permanent agency to look into and prosecute charges of official misconduct can restore credibility to government. As former Special Prosecutor Archibald Cox has remarked, often the most important decision a prosecutor makes is the decision not to prosecute.

Such a decision affecting persons in high public office, even if taken by an Attorney General as outstanding as Elliot Richardson, might lack general public acceptance. Such a decision by an independent special prosecutor would have greater credibility.

The restoration of public confidence in the administration of justice, and in our institutions responsible for order and justice under law, is vitally important to the future of our Nation. No one political party today commands a consensus capable of restoring the degree of confidence necessary. We must seek to establish some independent institution which would guarantee to the public that those in positions of high trust will not abuse that trust.

Last June, when the need for a special prosecutor in the Watergate affairs arose, and our attention was focused on that matter in relationship to the nomination of Elliot Richardson as Attorney General, I asked my staff to consider how, legislatively, we might create some such permanent institution, so that we would not find our country improvising each time a crisis like Teapot Dome or Watergate develops. The matter is so complicated—as we are discovering anew as we grapple with the temporary special prosecutor in the wage of the Cox firing—that we have not yet reached any decision as to how to proceed legislatively.

I have consulted with other Senators, however, and will push ahead. As, hopefully, we determine how best to replace Mr. Cox, some light may be shed on the best procedure to follow in dealing with the long range problem.

Lloyd Cutler, distinguished Washington attorney, has called for the establishment of an office of permanent prosecutor to investigate and prosecute cases of political corruption. Mr. Cutler persuasively argues that we need to address

official and campaign misconduct on a continuing basis, not once every 50 years.

A permanent special prosecutor is one way. It may be that a bipartisan independent commission empowered to appoint an ad hoc special prosecutor in a case of unusual national dimensions would be the soundest approach. I am sure that Mr. Cutler would agree that there are other ways which ought to be examined as well. But his proposal is worth considering.

I ask unanimous consent to have printed in the RECORD the full text of Mr. Cutler's proposal which appeared in the New York Times of October 26.

There being no objection, the article is ordered to be printed in the RECORD, as follows:

PERMANENT PROSECUTOR

(By Lloyd Cutler)

WASHINGTON.—A half-century ago, Owen J. Roberts was appointed Special Prosecutor to investigate the Teapot Dome scandals, which had reached President Harding's Attorney General and other top members of his Administration. His appointment restored public confidence that those who had violated the public trust, whatever their rank, would be prosecuted. Public confidence was not misplaced.

This year, Archibald Cox was appointed Special Prosecutor for a similar purpose. His appointment also restored public confidence, now abruptly shattered by his dismissal.

In between, many Administrations have had their minor Watergates and Teapot Domes, and many Attorneys General have made an effort to investigate the alleged misdeeds of high officials in their own Administration or in the one preceding. But these investigations have been notable both for the lack of public confidence they commanded and for the paucity of the felony convictions they achieved.

This lack of confidence goes up and down with the public's perception of the moral fiber and the political behavior of each incumbent Attorney General. But it is never wholly absent. It derives primarily from the people's intuition that any Attorney General, to retain his office, must to some degree be the President's man, and that he must weigh in the balance of any major prosecutorial decision its potential for embarrassing his President. Last week removed any possible doubt on this point.

Public doubt that official and campaign misconduct will be prosecuted is perhaps the gravest weakness of our political system. The Congress should therefore move speedily to recreate the office of the Watergate Special Prosecutor. But we cannot afford to address the lack of public confidence only once every fifty years, when things get so bad that the existing institutions must be set aside. We need to address it on a continuing basis.

If a Special Prosecutor like Owen J. Roberts or Archibald Cox can hold the public confidence, why not have one all the time, on an institutional basis? Why not enact a statute creating a permanent office of Special or Public Prosecutor? The post would be filled by a distinguished lawyer appointed by the President with the advice and consent of the Senate, holding office for a fifteen-year term to span a number of Administrations. He would be supported by his own staff and Congressional appropriation. He would be authorized to make investigations solely into charges involving official misconduct and campaign law violations, to present such cases to grand juries, and to prosecute them in the courts. To curb any possibility of political ambition, a Special Prosecutor could be barred from subsequently holding any elective Federal office.

There is a close and successful precedent for such an office. The office of the Comptroller General is now filled for a fifteen-year term by a Presidential appointee confirmed by the Senate. It has its own staff and Congressional appropriation. It is charged with investigating and reporting on the expenditure of public funds. The Comptroller General has always commanded the fullest public confidence.

There may be a constitutional objection raised to the idea of a specialized independent law-enforcement agency outside the executive branch, but it can be overcome. While the Constitution charges the President to "take care that the Laws be faithfully executed," Congress has enacted and the President has signed many laws creating independent administrative agencies either within or outside the executive branch, empowered to issue binding orders, to impose civil penalties for violation, and to bring enforcement actions in the Federal courts. The Attorney General holds a statutory office not mentioned in the Constitution, and Congress certainly can transfer some of his present statutory powers to other officials. If thought constitutionally necessary or politically desirable, the statute creating the new office could preserve the Attorney General's parallel power to prosecute such cases himself; and it could also authorize the President or the Attorney General to remove the Special Prosecutor for specified types of misconduct.

By creating a continuing Special Prosecutor for these limited purposes, we would not demean the office of the Attorney General. He still would be solely responsible for enforcing the thousands of other laws on the statute books, and for advising the President on all legal issues. To the contrary, a continuing Special Prosecutor would enhance the Attorney General's credibility by relieving him of a role he cannot convincingly perform.

We can get some lasting public benefit out of Watergate. By making a minor improvement in the system, we would achieve a major result. We would restore public confidence that those who betray the public trust will be found out and punished.

PRESIDENTIAL INCOME TAXES

Mr. CHURCH. Mr. President, recently we have been reading accounts of how the President of the United States, with an official salary of $200,000 a year, has paid as little as $792.81 in Federal income taxes for the year 1970.

This interesting information comes from the Providence, R.I., Journal-Bulletin.

It is not alleged that the President violated any laws on his tax returns, but that he took advantage of several tax loopholes—including donations of Vice Presidential papers—to bring down, indeed to virtually eliminate, his tax.

If true, these revelations demonstrate clearly just how much we need tax reform in this Nation. The fact of the matter is that if these reports are true, the President—with a $200,000 salary, not including other income he receives—paid roughly the same in Federal taxes as an unskilled workman who earns $7,000 a year, claims one exemption and does not itemize deductions. This is unbelievable.

Recently, Mr. President, the Times-News in Twin Falls, Idaho, reprinted an editorial on this subject originally carried in the Portland Oregonian. I ask unanimous consent that it be printed in the RECORD.

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

NIXON'S RANKLE

History may record that Richard M. Nixon's downward plunge in national approval by Americans is largely attributable to their belief that he has taken advantage of them, the taxpayers, by using tax gimmicks to avoid state and federal taxes.

Many Americans can take in stride the campaign crimes and dirty tricks committed in the name of Nixon. They may consider him badly advised in his struggle to stop inflation and increase employment. They may give him full credit for getting out of Indochina and achieving breakthroughs with the Communist leaders to end the Cold War. But these are national and international matters. Taxes are right in the living room.

Some will understand, if they do not approve, President Nixon's acquisition of estates in Florida and California with the aid of his own credit and the cash of millionaire friends. The President did not elaborate on earlier statements, many times revised, on the separation of federal expenditures between presidential security and personal property purposes when asked again at his press conference Wednesday. Presidential security is, of course, a national necessity. But the President and his White House aides will not disclose his tax returns and will only affirm that these were audited by the Internal Revenue Service.

What has been reported is that his deductions on the federal income tax form were very large and that these consisted of interest, real estate taxes and a high appraised value for his vice presidential papers donated to the National Archives for tax benefit purposes.

The Providence, R.I., Journal-Bulletin now has reported that it has documents from government sources showing that President and Mrs. Nixon paid $792.81 in federal taxes in 1970 and received a $72,614.43 refund, and paid taxes in 1971 of $878.03 while receiving a refund of $58,889.41. The newspaper said the Nixon vice presidential papers were valued at $570,000. Based on the President's salary and allowable deductions for that purpose, the newspaper said, "the Nixon's presumably claimed a deduction of $60,000 for the gift of the papers in 1969, and $100,000 in subsequent years."

Putting aside the deduction for interest on debts owed by the Nixons, including those to rich friends who loaned the money to buy the estates, the question of the tax break for vice presidential papers rankles. Can these be considered personal papers? Most people, we believe, would consider them government documents, bought and paid for by the taxpayers in the official functioning of the vice presidency. And they were donated to the National Archives, which paid for them again in the form of tax deductions which less fortunate taxpayers must make up in their own tax bills.

It may be argued that high earners and wealthy men and women who do not hold public office use similar, legal tax offsets, and this is true. The private foundations thrive on such contributions for tax purposes. But it is not easy, nor would it be, for hard-working American wage earners to accept a system in which the President of the United States and Mrs. Nixon paid 1970–71 taxes, in the Journal-Bulletin's words, "roughly equivalent to taxes paid by someone who earns about $7,000 a year, claims one exemption and does not itemize deductions."

CONCLUSION OF MORNING BUSINESS

Mr. ALLEN. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

RECESS UNTIL 2 P.M.

Mr. ALLEN. Mr. President, acting at the direction of the distinguished majority leader, I ask unanimous consent that the Senate stand in recess until the hour of 2 o'clock this afternoon.

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

At 12:48 p.m., the Senate took a recess until 2 p.m. today; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HASKELL).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, October 30, 1973, he presented to the President of the United States the bill (S. 607) to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes.

QUORUM CALL

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECESS TO 2:26 P.M. TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 20 minutes.

There being no objection, at 2:06 p.m., the Senate took a recess until 2:26 p.m. today; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HASKELL).

ARKANSAS RIVER BASIN COMPACT, ARKANSAS-OKLAHOMA

Mr. McCLELLAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 11

The PRESIDING OFFICER (Mr. HASKELL) laid before the Senate the amendments of the House of Representatives to the bill (S. 11) to grant the consent of the United States to the Arkansas River Basin compact, Arkansas-Oklahoma, which were on page 6, line 9, strike out "repletion" and insert "depletion".

On page 18, line 14, strike out "article XII" and insert "article XIII".

Mr. McCLELLAN. Mr. President, on January 4 I introduced S. 11, a bill to consent to the Arkansas River Basin Compact. I was joined in sponsoring the bill by the distinguished Senator from Arkansas (Mr. FULBRIGHT), the distinguished senior Senator from Oklahome (Mr. BELLMON), and the distinguished junior Senator from Oklahome (Mr. BARTLETT).

S. 11 passed the Senate on June 28. On September 17, 1973, the House of Representatives passed S. 11 with two technical amendments.

Mr. President, the technical amendments have been reviewed by the chairman and ranking minority members of the Senate Judiciary Committee with the Senate Public Works Committee. We consider them acceptable and necessary amendments and do recommend their approval by the Senate.

I move that the Senate concur in the amendments of the House to S. 11.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas.

The motion was agreed to.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask for the yeas and nays on the vote that will occur on the treaties.

The yeas and nays were ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask that the Senate now go into executive session.

The PRESIDING OFFICER. The Senate will now go into executive session.

The Senate proceeded to consider executive business.

Mr. ROBERT C. BYRD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STAFFORD). Without objection, it is so ordered.

PATENT COOPERATION TREATY AND ANNEXED REGULATIONS, EX. S (92D CONG., 2D SESS.); STRASBOURG AGREEMENT CONCERNING THE INTERNATIONAL PATENT CLASSIFICATION, EX. E (93D CONG., 1ST SESS.); STATUTES OF THE WORLD TOURISM ORANIZATION, EX. R (93D CONG., 1ST SESS.); CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE, EX. F (93D CONG., 1ST SESS.)

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to vote on the four treaties.

The yeas and nays have been ordered.

PATENT COOPERATION TREATY AND ANNEXED REGULATIONS (EXECUTIVE S. 92D CONG., 2D SESS.)

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the resolution of ratification.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Michigan (Mr. HART), and the Senator from Minnesota (Mr. MONDALE) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN) is necessarily absent.

The Senator from Alaska (Mr. STEVENS) is detained on official business and if present and voting, would vote "yea."

The yeas and nays resulted—yeas 95, nays 0, as follows:

[No. 470 Ex.]

YEAS—95

Abourezk	Fong	Moss
Allen	Fulbright	Muskie
Baker	Goldwater	Nelson
Bartlett	Gravel	Nunn
Bayh	Griffin	Packwood
Beall	Gurney	Pastore
Bellmon	Hansen	Pearson
Bennett	Hartke	Pell
Bentsen	Haskell	Percy
Biden	Hatfield	Proxmire
Brock	Hathaway	Randolph
Brooke	Helms	Ribicoff
Buckley	Hollings	Roth
Burdick	Hruska	Saxbe
Byrd, Harry F., Jr.	Huddleston	Schweiker
Byrd, Robert C.	Hughes	Scott, Hugh
Cannon	Humphrey	Scott, William L.
Case	Inouye	Sparkman
Chiles	Jackson	Stafford
Church	Javits	Stennis
Clark	Johnston	Stevenson
Cook	Kennedy	Symington
Cotton	Long	Taft
Cranston	Magnuson	Talmadge
Curtis	Mansfield	Thurmond
Dole	Mathias	Tower
Domenici	McClellan	Tunney
Dominick	McClure	Weicker
Eagleton	McGee	Williams
Eastland	McGovern	Young
Ervin	McIntyre	
Fannin	Metcalf	
	Montoya	

NAYS—0

NOT VOTING—5

Aiken	Hart	Stevens
Bible	Mondale	

The PRESIDING OFFICER. On this vote, the yeas are 95, and the nays are 0. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification, as amended by the declarations, is agreed to.

STRASBOURG AGREEMENT CONCERNING THE INTERNATIONAL PATENT CLASSIFICATION (EXECUTIVE E—93D CONG., 1ST SESS.)

The PRESIDING OFFICER. The question is, will the Senate advise and consent to the resolution of ratification? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. MONDALE), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), is necessaily absent.

The Senator from Alaska (Mr. STEVENS) is detained on official business, and if present and voting, would vote "yea."

The yeas and nays resulted—yeas 95, nays 0, as follows:

[No. 471 Ex.]

YEAS—95

Abourezk	Fong	Moss
Allen	Fulbright	Muskie
Baker	Goldwater	Nelson
Bartlett	Gravel	Nunn
Bayh	Griffin	Packwood
Beall	Gurney	Pastore
Bellmon	Hansen	Pearson
Bennett	Hartke	Pell
Bentsen	Haskell	Percy
Biden	Hatfield	Proxmire
Brock	Hathaway	Randolph
Brooke	Helms	Ribicoff
Buckley	Hollings	Roth
Burdick	Hruska	Saxbe
Byrd, Harry F., Jr.	Huddleston	Schweiker
	Hughes	Scott, Hugh
Byrd, Robert C.	Humphrey	Scott, William L.
Cannon	Inouye	Sparkman
Case	Jackson	Stafford
Chiles	Javits	Stennis
Church	Johnston	Stevenson
Clark	Kennedy	Symington
Cook	Long	Taft
Cotton	Magnuson	Talmadge
Cranston	Mansfield	Thurmond
Curtis	Mathias	Tower
Dole	McClellan	Tunney
Domenici	McClure	Weicker
Dominick	McGee	Williams
Eagleton	McGovern	Young
Eastland	McIntyre	
Ervin	Metcalf	
Fannin	Montoya	

NAYS—0

NOT VOTING—5

Aiken	Hart	Stevens
Bible	Mondale	

The PRESIDING OFFICER. On this vote the yeas are 95 and the nays are 0. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

STATUTES OF THE WORLD TOURISM ORGANIZATION (EXECUTIVE R, 93D CONG., 1ST SESS.)

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the resolution of ratification? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Michigan (Mr. HART), and the Senator from Minnesota (Mr. MONDALE) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN) is necessarily absent.

The Senator from Alaska (Mr. STEVENS) is detained on official business, and, if present and voting, would vote "yea."

The yeas and nays resulted—yeas 95, nays 0, as follows:

[No. 472 Ex.]

YEAS—95

Abourezk	Byrd, Harry F., Jr.	Dominick
Allen		Eagleton
Baker	Byrd, Robert C.	Eastland
Bartlett	Cannon	Ervin
Bayh	Case	Fannin
Beall	Chiles	Fong
Bellmon	Church	Fulbright
Bennett	Clark	Goldwater
Bentsen	Cook	Gravel
Biden	Cotton	Griffin
Brock	Cranston	Gurney
Brooke	Curtis	Hansen
Buckley	Dole	Hartke
Burdick	Domenici	Haskell
Hatfield	McGee	Schweiker
Hathaway	McGovern	Scott, Hugh
Helms	McIntyre	Scott, William L.
Hollings	Metcalf	
Hruska	Montoya	Sparkman
Huddleston	Moss	Stafford
Hughes	Muskie	Stennis
Humphrey	Nelson	Stevenson
Inouye	Nunn	Symington
Jackson	Packwood	Taft
Javits	Pastore	Talmadge
Johnston	Pearson	Thurmond
Kennedy	Pell	Tower
Long	Percy	Tunney
Magnuson	Proxmire	Weicker
Mansfield	Randolph	Williams
Mathias	Ribicoff	Young
McClellan	Roth	
McClure	Saxbe	

NAYS—0

NOT VOTING—5

Aiken	Hart	Stevens
Bible	Mondale	

The PRESIDING OFFICER. On this vote the yeas are 95 and the nays are 0. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE (EXECUTIVE F—93D CONG., 1ST SESS.)

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the resolution of ratification? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Michigan (Mr. HART), and the Senator from Minnesota (Mr. MONDALE), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN) is necessarily absent.

The Senator from Alaska (Mr. STEVENS) is detained on official business, and if present and voting, would vote "yea."

The yeas and nays resulted—yeas 95, nays 0, as follows:

[No. 473 Ex.]

YEAS—95

Abourezk	Fong	Moss
Allen	Fulbright	Muskie
Baker	Goldwater	Nelson
Bartlett	Gravel	Nunn
Bayh	Griffin	Packwood
Beall	Gurney	Pastore
Bellmon	Hansen	Pearson
Bennett	Hartke	Pell
Bentsen	Haskell	Percy
Biden	Hatfield	Proxmire
Brock	Hathaway	Randolph
Brooke	Helms	Ribicoff
Buckley	Hollings	Roth
Burdick	Hruska	Saxbe
Byrd, Harry F., Jr.	Huddleston	Schweiker
	Hughes	Scott, Hugh
Byrd, Robert C.	Humphrey	Scott, William L.
Cannon	Inouye	Sparkman
Case	Jackson	Stafford
Chiles	Javits	Stennis
Church	Johnston	Stevenson
Clark	Kennedy	Symington
Cook	Long	Taft
Cotton	Magnuson	Talmadge
Cranston	Mansfield	Thurmond
Curtis	Mathias	Tower
Dole	McClellan	Tunney
Domenici	McClure	Weicker
Dominick	McGee	Williams
Eagleton	McGovern	Young
Eastland	McIntyre	
Ervin	Metcalf	
Fannin	Montoya	

NAYS—0

NOT VOTING—5

Aiken	Hart	Stevens
Bible	Mondale	

The PRESIDING OFFICER. On this vote the yeas are 95 and the nays are 0. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification, as amended by the declaration, is agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. STAFFORD). Under the previous order, the Senate will now return to legislative session.

U.S. INFORMATION AGENCY APPROPRIATIONS AUTHORIZATION ACT OF 1973—VETO

The PRESIDING OFFICER (Mr. STAFFORD). Pursuant to the previous order, the Chair now lays before the Senate the President's veto message on S. 1317, a bill to authorize appropriations for U.S. Information Agency, which the clerk will state.

The assistant legislative clerk read as follows:

A veto message on S. 1317, a bill to authorize appropriations for the United States Information Agency.

(The text of the President's veto message is printed on page S19474 of the CONGRESSIONAL RECORD of October 26, 1973.)

The Senate proceeded to reconsider the bill.

The PRESIDING OFFICER. Time for debate on this veto message is to be equally divided and controlled between the Senator from Arkansas (Mr. FULBRIGHT) and the Senator from Pennsylvania (Mr. SCOTT), or his designee. Who yields time?

Mr. FULBRIGHT. I yield 2 minutes to the Senator from Washington.

EMERGENCY PETROLEUM ALLOCATION ACT OF 1973

Mr. JACKSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1570.

The PRESIDING OFFICER (Mr. STAFFORD) laid before the Senate the amendments of the House of Representatives to the bill (S. 1570) to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes, which were to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Emergency Petroleum Allocation Act of 1973".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby determines that—

(1) shortages of crude oil, residual fuel oil, and refined petroleum products caused by inadequate domestic production, environmental constraints, and the unavailability of imports sufficient to satisfy domestic demand, now exist or are imminent;

(2) such shortages have created or will create severe economic dislocations and hardships, including loss of jobs, closing of factories and businesses, reduction of crop plantings and harvesting, and curtailment of vital public services, including the transportation of food and other essential goods; and

(3) such hardships and dislocations jeopardize the normal flow of commerce and constitute a national energy crisis which is a threat to the public health, safety, and welfare and can be averted or minimized most efficiently and effectively through prompt action by the Executive branch of Government.

(b) The purpose of this Act is to grant to the President of the United States and direct him to exercise specific temporary authority to deal with shortages of crude oil, residual fuel oil, and refined petroleum products or dislocations in their national distribution system. The authority granted under this Act shall be exercised for the purpose of minimizing the adverse impacts of such shortages or dislocations on the American people and the domestic economy.

DEFINITIONS

SEC. 3. For purposes of this Act:

(1) The term "branded independent marketer" means a person who is engaged in the marketing or distributing of refined petroleum products pursuant to—

(A) an agreement or contract with a refiner (or a person who controls, is controlled by, or is under common control with such refiner) to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner (or any such person), or

(B) an agreement or contract under which any such person engaged in the marketing or distributing of refined petroleum products is granted authority to occupy premises owned, leased, or in any way controlled by a refiner (or person who controls, is controlled by, or is under common control with such refiner), but who is not affiliated with, controlled by, or under common control with any refiner (other than by means of a supply contract, or an agreement or contract described in subparagraph (A) or (B)), and who does not control such refiner.

(2) The term "nonbranded independent marketer" means a person who is engaged in the marketing or distributing of refined petroleum products, but who is not a refiner or a person (A) who controls, is controlled by, is under common control with, or is affiliated with a refiner (other than by means of a supply contract), or (B) who is not a branded independent marketer.

(3) The term "independent refiner" means a refiner who (A) obtained, directly or indirectly, in the calendar quarter which ended immediately prior to the date of enactment of this Act, more than 70 per centum of his crude oil refinery input from producers who do not control, and are not controlled by or under common control with, such refiner, and (B) marketed or distributed in such quarter and continues to market or distribute (i) a substantial volume of gasoline refined by him through nonbranded independent marketers, and (ii) a substantial volume of other refined petroleum products refined by him directly to the ultimate user.

(4) The term "refined petroleum product" means gasoline, kerosene, distillates (including Number 2 fuel oil), LPG, refined lubricating oils, or diesel fuel.

(5) The term "LPG" means propane and butane, but not ethane.

MANDATORY ALLOCATION

SEC. 4. (a) Not later than ten days after the date of enactment of this Act, the President shall promulgate a regulation providing for the mandatory allocation of crude oil, residual fuel oil, and each refined petroleum product, in amounts and at prices specified in (or determined in a manner prescribed by) such regulation. Such regulation shall take effect not latter than fifteen days after its promulgation.

(b)(1) The regulation under subsection (a), to the maximum extent practicable, shall provide for—

(A) protection of public health, safety, and welfare, and the national defense;

(B) maintenance of all public services (including facilities and services provided by municipally, cooperatively, or investor owned utilities or by any State or local government or authority);

(C) maintenance of agricultural operations, including farming, ranching, dairy, and fishing activities, and services directly related thereto;

(D) preservation of an economically sound and competitive petroleum industry; including the priority needs to restore and foster competition in the producing, refining, distribution, marketing, and petrochemical sectors of such industry, and to preserve the competitive viability of independent refiners, nonbranded independent marketers, and branded independent marketers;

(E) equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry, including independent refiners, nonbranded independent marketers, branded independent marketers, and among all users;

(F) economic efficiency; and

(G) minimization of economic distortion, inflexibility, and unnecessary interference with market mechanisms.

(2) In specifying prices (or prescribing the manner for determining them), such regulation shall provide for—

(A) a dollar-for-dollar passthrough of net increases in the cost of crude oil and refined petroleum products to all marketers or distributors at the retail level; and

(B) the use of the same date in the computation of markup, margin, and posted price for all marketers or distributors of crude oil and refined petroleum products at all levels of marketing and distribution.

(3) The President in promulgating the regulation under subsection (a) shall give consideration to allocating residual fuel oil and refined petroleum products to any person whose use of fuels other than crude oil, residual fuel oil, and refined petroleum products has been curtailed by, or pursuant to a plan filed in compliance with, a rule or order of a Federal or State agency.

(c)(1) To the extent practicable and consistent with the objectives of subsections (b) and (d), the mandatory allocation program established under the regulation under subsection (a) shall be so structured as to result in the allocation during each period during which the regulation applies of each refined petroleum product to each branded and each nonbranded independent marketer, and of crude oil to each independent refiner, in an amount equal to the amount sold or otherwise supplied to such marketer or refiner during the corresponding period of 1972, adjusted to provide—

(A) a pro rata sharing among persons engaged in the marketing or distributing of a refined petroleum product of any amount of such product produced in excess of the amount produced in calendar year 1972, or a pro rata reduction in the amount allocated to such persons if lesser amounts are produced than those produced in calendar year 1972; and

(B) a pro rata sharing among refiners of any amount of crude oil produced in excess of the amount produced in calendar year or a pro rata reduction in the amount allocated to such refiners if lesser amounts are produced than those produced in calendar year 1972.

(2) The President may, by order, require such adjustments in the allocations of refined petroleum products and crude oil established under the regulation under subsection (a) as may reasonably be necessary—

(A) in the case of refined petroleum products (i) to take into consideration market entry by branded independent marketers and nonbranded independent marketers subsequent to calendar year 1972, or (ii) to take into consideration subsequent expansion or reduction of marketing or distribution facilities of such marketers, and

(B) in the case of crude oil (i) to take into consideration market entry by independent refiners subsequent to calendar year 1972, or (ii) to take into consideration subsequent expansion or reduction of refining facilities of such refiners.

Any adjustments made under this paragraph may be made only upon a finding that, to the maximum extent practicable, protection of the objectives of subsections (b) and (d) of this section is attained.

(3) To the extent practicable and consistent with the objectives of subsections (b) and (d), the mandatory allocation program established under the regulation under subsection (a) shall not provide for allocation of LPG in a manner which denies LPG to any industrial user if no substitute for LPG is available for use by such industrial user.

(d) The regulation under subsection (a) shall require that crude oil, residual fuel oil, and all refined petroleum products (other than refined lubricating oils) which are produced or refined within the United States shall be totally allocated for use by ultimate users within the United States, to the extent practicable and necessary to accomplish the objectives of subsection (b). For purposes of this subsection, the term "United States" includes the States, the District of Columbia, Puerto Rico, and any territory or possession of the United States.

(e) No regulation under this section may provide for allocation of, or specify (or prescribe a manner for determining) the price of, crude oil produced in a calendar month by any well, the average daily production of which did not exceed 10 barrels per day during the month preceding such calendar month.

(f) The regulation promulgated and made effective under subsection (a) shall remain in effect until midnight February 28, 1975, except that the President or his delegate may amend such regulation so long as such regulation, as amended, meets the requirements of this section. The authority to promulgate and amend the regulation and to issue any order under this section, and to enforce under section 5 such regulation and any such order expires at midnight February 28, 1975, but such expiration shall not affect any action or pending proceedings, civil or criminal, not finally determined on such date, nor any action or proceeding based upon any act committed prior to midnight February 28, 1975.

ADMINISTRATION AND ENFORCEMENT

SEC. 5. (a) Sections 205 through 213 (other than 212(b)) of the Economic Stabilization Act of 1970 (as in effect on the date of enactment of this Act) shall apply to the regulation promulgated under section 4(a) or order under section 4(c)(2) and to any action taken by the President (or his delegate) under this Act, as if such regulation had been promulgated, such order had been issued, or such action had been taken under the Economic Stabilization Act of 1970; except that the expiration of authority to issue and enforce orders and regulations under section 218 of such Act shall not affect any authority to amend and enforce the regulation or to issue and enforce any order under this Act.

(b) The President may delegate all or any portion of the authority granted to him under this Act to such officers, departments, or agencies of the United States as he deems appropriate.

EFFECT ON OTHER LAWS AND ACTIONS TAKEN THEREUNDER

SEC. 6. (a) All actions duly taken pursuant to clause (3) of the first sentence of section 203(a) of the Economic Stabilization Act of 1970 in effect immediately prior to the effective date of the regulation promulgated under section 4(a) of this Act, shall continue in effect until modified or rescinded pursuant to this Act.

(b) The regulation under section 4 and any order issued thereunder shall preempt any provision of any program for the allocation of crude oil, residual fuel oil, or any refined petroleum product established by any State or local government if such provision is in conflict with such regulation or any such order.

(c)(1) Except as specifically provided in this subsection, no provisions of this Act shall be deemed to convey to any person subject to this Act immunity from civil or criminal liability, or to create defenses to actions, under the antitrust laws.

(2) As used in this subsection, the term "antitrust laws" includes—

(A) the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890 (15 U.S.C. 1 et seq.);

(B) the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (15 U.S.C. 12 et seq.);

(C) the Federal Trade Commission Act (15 U.S.C. 41 et seq.);

(D) sections 73 and 74 of the Act entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes", approved August 27, 1894 (15 U.S.C. 8 and 9); and

(E) the Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a).

(3) The regulation promulgated under section 4(a) of this Act shall be forwarded on or before the date of its promulgation to the Attorney General and to the Federal Trade Commission, who shall, at least seven days prior to the effective date of such regulation, report to the President with respect to whether such regulation would tend to create or maintain anticompetitive practices or situations inconsistent with the antitrust laws, and propose any alternative which would avoid or overcome such effects while achieving the purposes of this Act.

(4) Whenever it is necessary, in order to comply with the provisions of this Act or the regulation or any orders under section 4 thereof, for owners, directors, officers, agents, employees, or representatives of two or more persons engaged in the business of producing, refining, marketing, or distributing crude oil, residual fuel oil, or any refined petroleum product, to meet, confer, or communicate in such a fashion and to such ends that might otherwise be construed to constitute a violation of the antitrust laws, such persons may do so only upon an order of the President (or of a person to whom the President has delegated authority under section 5(b) of this Act); which order shall specify and limit the subject matter and objectives of such meeting, conference, or communication. Moreover, such meeting, conference, or communication shall take place only in the presence of a representative of the Antitrust Division of the Department of Justice, and a verbatim transcript of such meeting, conference, or communication shall be taken and deposited, together with any agreement resulting therefrom, with the Attorney General and the Federal Trade Commission, where it shall be made available for public inspection.

(5) There shall be available as a defense to any action brought under the antitrust laws, or for breach of contract in any Federal or State court arising out of delay or failure to provide, sell, or offer for sale or exchange crude oil, residual fuel oil, or any refined petroleum product, that such delay or failure was caused solely by compliance with the provisions of this Act or with the regulation or any order under section 4 of this Act.

(6) There shall be available as a defense to any action brought under the antitrust laws arising from any meeting, conference, or communication or agreement resulting therefrom, held or made solely for the purpose of complying with the provisions of this Act or the regulation or any order under section 4 thereof, that such meeting, conference, communication, or agreement was carried out or made in accordance with the requirements of paragraph (4) of this subsection.

MONITORING BY FEDERAL TRADE COMMISSION

SEC. 7. (a) During the forty-five-day period beginning on the effective date of the regulation first promulgated under section 4, the Federal Trade Commission shall monitor the program established under such regulation; and, not later than sixty days after such effective date, shall report to the President and to the Congress respecting the effectiveness of this Act and actions taken pursuant thereto.

(b) For purposes of carrying out this section, the Federal Trade Commission's authority, under sections 6, 9, and 10 of the Federal Trade Commission Act to gather and compile information and to require furnishing of information, shall extend to any individual or partnership, and to any common carrier subject to the Acts to regulate commerce (as such Acts are defined in section 4 of the Federal Trade Commission Act).

And amend the title so as to read: "An Act to authorize and require the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority; and for other purposes."

Mr. JACKSON. Mr. President, there are many major differences between S. 1570, as adopted by the Senate on June 5, 1973, and the House amendment to S. 1570, as adopted on October 17, 1973.

It is my position that the Senate should insist upon its position and seek to resolve the differences between the Senate bill and the House amendment in conference committee.

Mr. President, it is essential that the Congress act on the mandatory allocation legislation at the earliest possible time. The fuel supply situation facing the Nation—especially the States in the Northeast and in the Mid-Atlantic region—is critical.

The quickest way to establish a sensible and effective program for mandatory allocation of fuels is to send S. 1570 to conference committee.

The major differences between the Senate bill and the House amendment are as follows:

First, the House definitions of "branded and nonbranded independent marketers" are based on corporate structure and contractual relationships.

The Senate definition of "independent dealer" requires procurement of at least half of their products from "nonaffiliated" sellers.

Second, the House definition of "independent refiner" is based on source of crude supply and means of disposition of product.

The Senate definition is based on volume of product refined annually.

Third, the House bill allocates "crude oil, residual fuel oil, and each refined petroleum product."

The Senate allocates "crude oil and any refined petroleum product which is or may be in short supply nationally."

Fourth, the Senate bill provides for a "dealer day in court" remedy.

The House bill has no comparable provision.

Fifth, the House bill provides for a "dollar for dollar passthrough" on net increases in the cost of crude and product.

The Senate bill has no comparable provision.

Sixth, the House bill provides for special consideration of users of natural gas who have been curtailed by the FPC.

The Senate bill has no comparable provision.

Seventh, the House uses 1972 as a base period.

The Senate base period is October 1, 1971, to September 30, 1972.

Eighth, the House bill requires the pro rata sharing of refined products to branded and nonbranded marketers and of crude to independent refiners. The adjustment is to provide for new market entry.

The Senate bill requires only importers/producers of 200,000 barrels per day or more to assure supplies to independents.

Ninth, the House bill exempts allocation of LPG for users who have no alternate source.

The Senate bill has no comparable provision.

Mr. President, I move that the Senate disagree to the amendments of the House of Representatives to the bill (S. 1570) and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

Before doing that, Mr. President, let me say that I have conferred with the chairman of the Senate Commerce Committee. The Commerce Committee was involved in the markup of this bill by the Committee on Interior and Insular Affairs. Senator MAGNUSON, the chairman of the committee, has requested the appointment of conferees consisting of myself and Mr. PASTORE, and Mr. COTTON on the Republican side. In addition, Mr. President, we have agreed to a different ratio on the numbers up there at the desk, and we would add, on the Interior side, the Senator from Montana (Mr. METCALF), and one other Republican, to be designated by the distinguished ranking minority member of the committee, the Senator from Arizona (Mr. FANNIN). That Senator will be designated by him.

I would suggest, in the interests of time, that the motion be acted upon as soon as the Senator from Arizona can report back the name of his designee.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. HANSEN. Mr. President, I ask the distinguished chairman of the Committee on Interior and Insular Affairs how quickly he believes the conferees might be able to get together to begin their deliberations.

Mr. JACKSON. Just as soon as possible. As the Senator knows, we have two critical matters before the Interior Committee, the research and development bill and then the emergency bill, and we have to act on the nomination of Governor Peterson.

I would hope that we could have a meeting this week, and I am particularly hopeful that we will move on the R. & D. bill this week and get it out. The Senator from Wyoming and colleagues on his side have been most cooperative, and I see no reason why that massive R. & D. effort, which we must get underway on a long-range program, cannot move.

In addition, as the Senator knows, we had a closed session last week while the Senate was in recess to deal with the emergency problem. We are waiting for the administration's alternate proposal on that, and we hope that will be up here tomorrow.

Those two items I give the highest priority, and then we would move on the conference. I hope we may do it this week.

Mr. HANSEN. If I may ask one further question, what is the parliamentary situation? Is this motion made by the distinguished chairman of the committee subject to debate?

The PRESIDING OFFICER (Mr. STAFFORD). The Chair is informed that it is.

Mr. HANSEN. Let me say, Mr. President, that I——

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. HANSEN. The Senator from Washington has the floor.

Mr. JACKSON. I yield.

Mr. ROBERT C. BYRD. Mr. President, is it not true, however, that it is subject also to the controlled time, which is under the control of the Senator from Arkansas (Mr. FULBRIGHT)?

The PRESIDING OFFICER. The assistant majority leader is correct, and the Chair would say that the time of the Senator from Washington has undoubtedly expired.

Mr. JACKSON. The Senator from Arkansas has been most helpful, and I would hope that we could designate all but the unnamed Republican member at this time, so that we can go to conference.

Mr. HANSEN. Mr. President, I ask unanimous consent that the distinguished Senator from Washington may proceed for an additional 15 minutes.

Mr. JACKSON. Oh, no, no——

Mr. SYMINGTON. Mr. President, reserving the right to object——

Mr. JACKSON. They have to vote on the other thing.

Mr. FULBRIGHT. Mr. President, we cannot, under the agreement, accept that at this time. I thought this was just for a minute or two.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield 2 minutes to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 2 minutes.

Mr. JACKSON. Mr. President, will the Senator yield for 5 seconds?

Mr. ROBERT C. BYRD. Yes.

Mr. JACKSON. I would like to ask unanimous consent that at the conclusion of the vote on the veto, we go back to this matter.

Mr. HANSEN. Fine.

Mr. JACKSON. And that all Members be put on notice accordingly.

Mr. COOK. And the motion is still pending?

Mr. JACKSON. That the motion be pending, and that it be in order to take it up immediately following the vote on the veto.

Mr. HANSEN. Mr. President, will the Senator yield for one additional question?

Mr. ROBERT C. BYRD. I yield.

Mr. HANSEN. I have no intention at all, Mr. President, of delaying the consideration of the motion, but I would just like to ask, at that time, under this unanimous-consent request, there would not be a time limitation on that motion; am I correct on that?

Mr. JACKSON. No.

Mr. ROBERT C. BYRD. There will not be a time limitation.

The PRESIDING OFFICER (Mr. STAFFORD). Is there objection to the request of the Senator from Washington? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination.

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

Mr. ROBERT C. BYRD. I yield to the distinguished Senator from Missouri (Mr. SYMINGTON).

U.S. AIR FORCE

Mr. SYMINGTON. Mr. President, from the Committee on Armed Services, I report favorably the nomination of Lt. Gen. Alvan C. Gillem II, U.S. Air Force, to be placed on the retired list in the grade of lieutenant general. I ask unanimous consent for its immediate consideration.

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

Mr. SYMINGTON. Mr. President, this matter has been cleared by the leadership and I ask that the Senate now consider the nomination of Lieutenant General Gillem and that it be acted on favorably.

As you know, the Senate at the end of business today plans to adjourn until next Thursday. If General Gillem's name is not approved today, he will be placed on the retired list in the grade of major general and will be penalized since his survivorship elections and other matters must be based on the retired pay of major general instead of lieutenant general, even though he may later be confirmed as a lieutenant general. The date of rank held on the retirement which will be October 31 in his case controls these matters. There is no problem whatever concerning the nomination and no objections are pending. The nomination got caught up in the congressional recess which accounts for my unanimous-consent request.

I urge the Senate to act favorably on his confirmation.

The PRESIDING OFFICER. The clerk will state the nomination.

The legislative clerk read the nomination of Lt. Gen. Alvan C. Gillem II, U.S. Air Force, to be retired in the grade of lieutenant general.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER (Mr. STAFFORD). Without obection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

REQUEST FOR YEAS AND NAYS ON S. 1769

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order at any time to order the yeas and nays on S. 1769, to establish a U.S. Fire Administration and a National Fire Academy.

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

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on S. 1769, if there are enough Senators present in the Chamber.

There was not a sufficient second, and the yeas and nays were not ordered.

ORDER FOR ADJOURNMENT TO 10 A.M. ON FRIDAY, NOVEMBER 2

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 10 a.m. on Friday next.

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

ORDER FOR RECOGNITION OF SENATOR DOMENICI ON FRIDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the remarks of the distinguished Senator from Massachusetts (Mr. KENNEDY), the distinguished Senator from New Mexico (Mr. DOMENICI) be recognized for not to exceed 15 minutes on Friday next.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS CONSIDERATION OF S. 1769 ON FRIDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, after the recognition of Senators for whom orders have been entered prior to Friday, there be a period for the transaction of routine morning business on Friday next for not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Senate proceed to the consideration of S. 1769.

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

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from Arkansas (Mr. FULBRIGHT) for his generosity in yielding me this time.

The PRESIDING OFFICER. Who yields time?

THE U.S. INFORMATION AGENCY APPROPRIATIONS AUTHORIZATION ACT OF 1973—VETO

The Senate resumed the reconsideration of the bill (S. 1317) authorizing appropriations for the U.S. Information Agency.

The PRESIDING OFFICER. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Who yields time.

Mr. FULBRIGHT. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 10 minutes.

Mr. FULBRIGHT. Mr. President, there is little more that needs to be said on the question of access to information. For years now, the Congress has allowed the executive branch to avoid responding to reasonable requests for information—either from individual Members of Congress or from congressional committees—whenever it has suited the convenience of the administration. Sometimes this unresponsiveness has shown itself in acts of willful obfuscation and delay by members of the executive branch, sometimes in acts of outright refusal. But the result, in either case, has been the same: The elected representatives of the American people have been consistently denied information about what the American Government is doing.

I am glad to say that at long last the Senate has taken firm action to rectify this situation in regard to the conduct of this country's foreign affairs. Four bills comprise the basic annual foreign affairs authorization legislation; and this year, in all of these bills—the State Department authorization bill, the economic and military authorization bills, and the USIA authorization bill—the Senate has included a section which expresses its intent to establish in clear terms the right of Congress to know what the executive branch is doing. These provisions, though differing in minor detail, are essentially the same: They would require the foreign affairs agencies to respond within 35 days to legitimate requests for information from appropriate congressional committees or else the funds for the offending agency would be cut off. In each bill, I would point out, explicit language has been included to protect the confidentiality of privileged communications between the President and his officials. But apart from this limited range of communications which rightfully should remain protected under the doctrine of executive privilege, these bills have been designed to insure that the foreign affairs agencies are fully cooperative and responsive when Congress expresses the need and the right to know.

Personally, I do not expect that the fund cut-off provided for in these bills would ever come to pass. For I believe that in the very act of passing this legislation, and thereby asserting its right to know, Congress would effect a fundamental change in the basic attitudes and assumptions that characterize the executive-legislative relationship. As matters now stand, the only recourse for Congress, upon being refused a request for information, is to exercise the power of the purse and to act specifically to cut off an agency's funds. As experience has shown, this is not a practicable procedure; the argument that an entire agency should not suffer because of a dispute over information between the President and a congressional committee always prevails. However, with these new provisions in law, the onus would be transferred. The President, in denying a request for information, would be the one responsible for denying funds to one of his own agencies—an entirely different situation. That is why this approach is potentially so effective an instrument for Congress as it exercises its proper oversight responsibilities. And that is also why an administration long accustomed to providing information only when it suited administration purposes could have been expected to react strongly against such an approach.

The first of the four foreign affairs authorization bills to reach the President was the State Department bill. Unfortunately, the access-to-information provision in that bill had been lost due to a technicality in the House rules pertaining to germaneness. The second of the four bills to reach the President was the bill now before the Senate, the USIA bill. This reached the President with the access-to-information provision intact and, as expected, the President vetoed the bill, because of that provision. In his veto message, the President says that the bill's access-to-information section is—

> An unconstitutional attempt on the part of the Congress to undermine the President's constitutional responsibility to withhold the disclosure of information when, in his judgment, such disclosure would be contrary to the public interest.

This, I submit, is an example of the debasement of the English language—particularly of the word "constitutional"—that George Orwell used to warn us against. I ask my colleagues: What could possibly be "unconstitutional" about the Congress of the United States, which is charged with making the laws of this country, making appropriate arrangements to find out how those laws are being executed? The President offers absolutely no basis for his assertion that such an arrangement is unconstitutional. He simply states that he has the right to withhold any information he feels should not be disclosed. I remind my colleagues that there is no question here of the release of classified information which might, if disclosed, have a damaging effect on this country's foreign policy. For this section does not relate to the disclosure of information to the public, but simply to congressional committees which have full facilities for the safe maintenance of classified material. So the question becomes simply this: As a matter of principle, how can it be contrary to the national interest for the elected congressional representatives of the people, who must legislate in the field of foreign affairs, to know what the executive branch is doing? What the President desires, is a carte blanche to do whatever he would like, unbeknown to Congress. This section would, in a limited way, set forth the principle that the executive branch does not have that right.

I urge my colleagues to override the President's veto.

Mr. President, the first instance involves the USIA itself. Early last year the committee attempted to obtain the basic planning documents used by USIA in preparing its programs in each country—the so-called country plans. The committee felt that a viewing of these documents was essential if the committee were to understand the assumptions upon which the USIA programs are based and the objectives they are designed to accomplish in each country. As some of my colleagues may remember, the committee was refused these country plans on the extraordinary grounds that such disclosure to the Senate Foreign Relations Committee would be contrary to the public interest. The relevant correspondence will appear at this point.

Now, Mr. President, as a supplement to the remarks I have just made, I would like to place in the RECORD some documents which illustrate the general kind of problem the Foreign Relations Committee has encountered because of the executive branch's confidence that it can resist with impunity our pursuit of information about what is being done. I ask unanimous consent that, as I proceed, these documents be printed in the RECORD as appropriate.

The PRESIDING OFFICER (Mr. HELMS). Without objection, it is so ordered.

The text of the material is as follows:

U.S. INFORMATION AGENCY,
Washington, D.C., March 16, 1972.

Hon. J. WILLIAM FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: In response to your letter of March 1, I am enclosing herewith the President's directive dated March 15 from which you will note that I am unable to comply with your request for the USIA Country Program Memoranda and associated planning documents. I find that the material you request clearly falls within the scope of the President's directive.

My staff and I have carefully examined the so-called Country Program Memoranda and

find that, for the most part, these are planning or working documents subject to subsequent discussion and final approval. These documents are under constant review, and programs are changed in the light of changing developments in Washington and in the host countries.

You will note from the President's directive that he wishes the Administration to be wholly responsive to Congressional requests subject only to restrictions necessary for the proper functioning of the Executive Department.

With this objective in view, I shall be happy to supply your Committee with summaries of the approved country objectives together with a description of the activities proposed to implement them. Also, our key officers, including myself and the Assistant Directors for each geographic area, are ready to provide your staff with country-by-country briefings as well as being available at all times for questioning by you and your colleagues.

Sincerely,

FRANK SHAKESPEARE.

MEMORANDUM FOR THE SECRETARY OF STATE, THE DIRECTOR, U.S. INFORMATION AGENCY

THE WHITE HOUSE,
Washington, D.C., March 15, 1972.

As you know, by a memorandum of August 30, 1971 to the Secretary of State and the Secretary of Defense, I directed "not to make available to the Congress any internal working documents which would disclose tentative planning data on future years of the military assistance program which are not approved Executive Branch positions." In that memorandum, I fully explained why I considered that the disclosure of such internal working papers to the Congress would not be in the public interest.

I have now been informed that the Senate Foreign Relations Committee and the House Foreign Operations and Government Information Subcommittee have requested basic planning documents submitted by the country field teams to the United States Information Agency and the Agency for International Development, and other similar papers. These documents include all USIA Country Program Memoranda and the AID fiscal year 1973 Country Field Submission for Cambodia, which are prepared in the field for the benefit of the agencies and the Department of State and contain recommendations for the future.

Due to these new requests for documents of a similar nature to those covered by my August 30, 1971 directive, I hereby reiterate the position of this Administration so that there can be no misunderstanding on this point.

My memorandum for the Heads of Executive Departments and Agencies, dated March 24, 1969, set forth our basic policy which is to comply to the fullest extent possible with Congressional requests for information. In pursuance of this policy, the Executive Departments and Agencies have provided to the Congress an unprecedented volume of information. In addition, Administration witnesses have appeared almost continuously before appropriate Committees of the Congress to present pertinent facts and information to satisfy Congressional needs in its oversight function and to present the views of the Administration on proposed legislation.

The precedents on separation of powers established by my predecessors from first to last clearly demonstrate, however, that the President has the responsibility not to make available any information and material which would impair the orderly function of the Executive Branch of Government, since to do so would not be in the public interest. As indicated in my memorandum of March 24, 1969, this Administration will invoke Executive Privilege to withhold information only in the most compelling circumstances and only after a rigorous inquiry into the actual need for its exercise.

In accordance with the procedures established in my memorandum of March 24, 1969, I have conducted an inquiry with regard to the Congressional requests brought to my attention in this instance. The basic planning data and the various internal staff papers requested by the Senate Foreign Relations Committee and the House Foreign Operations and Government Information Subcommittee do not, insofar as they deal with future years, reflect any approved program of this Administration, but only proposals that are under consideration. Furthermore, the basic planning data requested reflect only tentative intermediate staff level thinking, which is but one step in the process of preparing recommendations to the Department Heads, and thereafter to me.

I repeat my deep concern, shared by my predecessors, that unless privacy of preliminary exchange of views between personnel of the Executive Branch can be maintained, the full frank and healthy expression of opinion which is essential for the successful administration of Government would be muted.

Due to these facts and considerations, it is my determination that these documents fall within the conceptual scope of my directive of August 30, 1971 and that their disclosure to the Congress would also, as in that instance, not be in the public interest.

I, therefore, direct you not to make available to the Congress any internal working documents concerning the foreign assistance program or international information activities, which would disclose tentative planning data, such as is found in the Country Program Memoranda and the Country Field Submissions, and which are not approved positions.

I have again noted that you and your respective Department and Agency have already provided much information and have offered to provide additional information including planning material and factors relating to our foreign assistance programs and international information activities. In implementing my general policy to provide the fullest possible information to the Congress, I will expect you and the other Heads of Departments and Agencies to continue to make available to the Congress all information relating to the foreign assistance program and international information activities not inconsistent with this directive.

Mr. FULBRIGHT. Mr. President, the second example of the problems which these access-to-information provisions would overcome is provided by a recent GAO report on U.S. aid to Cambodia. I ask that appendix I of the GAO report entitled "U.S. Assistance to the Khmer Republic," dated October 10, 1973, be printed at this point. It describes the uncooperativeness and outright resistance encountered by officials of the General Accounting Office as they attempted to prepare this report for Congress. The appendix states that these problems seriously disrupted the preparation of the report.

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

ACCESS-TO-RECORDS DIFFICULTIES

Our review of U.S. assistance to Cambodia dealing specifically with military assistance was seriously hampered by the reluctance of DOD officials to give us access to documents and records we considered necessary and pertinent. They gave us access to only those documents which we were able to identify and request. Even this required time-consuming screening at various DOD levels. In certain instances, knowledgeable DOD field officials were reluctant to answer questions about matters in their areas of responsibility.

Members of our staff were required to wait up to 3 months to look at documents they requested. For example, on February 25, 1972, as part of our review of the management system for the MAP to Cambodia, we requested permission to review MEDT's monthly activity reports. These reports are considered a vital and integral part of MAP's internal management control system. We considered access to the reports necessary to adequately evaluate the effectiveness and efficiency of the management of MAP.

We discussed with U.S. officials in Cambodia, including the Ambassador, the problems we encountered in obtaining access to the reports. By March 7, 1972, agreement had been reached with the Chief, MEDT, in Cambodia that we would be provided with the reports—minus any information related to future MAP plans. However, the Chief MEDT, stated that before we could examine the reports, he had to obtain permission from the Commander-in-Chief, Pacific (CINCPAC).

On March 11, 1972, CINCPAC vetoed the agreement reached in Cambodia, primarily on the basis that the reports in question were personal management documents and as such could not be released to us. This CINCPAC decision resulted in additional correspondence and discussions between DOD officials and us. Finally, on April 27, 1972, the Secretary of Defense authorized the release of "sanitized" monthly activity reports. However, CINCPAC failed to communicate this decision to the Chief, MEDT. Consequently, were were not permitted to examine all the reports until May 23, 1972, 3 months after we first requested the reports.

The above example is but one of the numerous problems encountered. In some cases, we were permitted to examine "sanitized" copies of documents, and in other cases we were permitted to examine the documents only after time-consuming delays. We were told that the information "sanitized" from the documents concerned future MAP plans; however, we have no way of knowing that this was the only type of information deleted from the documents we were permitted to examine. In some instances—such as the duplicate ordering of engineering equipment for the GKR Ministry of Public Works—the reluctance to provide information appeared to stem more from a desire to avoid embarrassment than from a desire not to disclose future planning information.

As could be expected, these problems seriously disrupted our review. Although we obtained sufficient information to report on several deficiencies in the management of MAP, we cannot be certain that we have the full story on other management areas.

Mr. FULBRIGHT. Mr. President, as a third and final example, I have here copies from a lengthy exchange of correspondence between the Defense Department and myself, acting in my capacity as chairman of the Foreign Relations Committee. The correspondence involved the committee's serious interest in obtaining documents pertinent to the basic planning assumptions and intentions of the military assistance program. The correspondence began on May 7 of this year and ended finally on September 18, 4 months later, with an outright denial of the requested information.

The text of the material is as follows:

MAY 7, 1973.

Hon. ELLIOT RICHARDSON,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: The Military Assistance and Sales Manual, Part II, sets forth in Chapter H the planning process for the Se-

curity Assistance Program. Two documents are described in that chapter which it appears would be of assistance to the Committee in considering legislation pertaining to the program.

First is the Security Assistance Programs Objectives Memorandum (POM), which is described as ". . . the principal vehicle through which the Grant Aid, FMS Credit and Excess Defense Article programs are formulated and approved by the Secretary of Defense. It also serves as guidance for the budget submission to the President and during the budgetary review until final legislation is approved by the Congress."

The second is JSOP, Volume II, Book VII, "Free World Forces," which the manual states is a ". . . document which provides an estimate of Free World major objective force levels for the mid-range period in support of U.S. national security and military objectives. It serves as the basis for the U.S. militray position on Security Assistance. It is based on the latest JSOP Volume I and current policy and planning guidance."

I would appreciate your furnishing the Committee with a copy of each of these documents.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

MAY 17, 1973.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, Washington, D.C.

DEAR MR. CHAIRMAN: Secretary Richardson has asked that I acknowledge your letter of 7 May 1973 requesting that the Senate Foreign Relations Committee be provided a copy of the Security Assistance Program Objective Memorandum and a copy of the JSOP, Volume II, Book VII.

We will be in further touch with you as soon as possible.

Sincerely,

JOHN O. MARSH, Jr.

THE DEPUTY SECRETARY OF DEFENSE,
Washington, D.C., June 13, 1973.

Hon. J. WILLIAM FULBRIGHT,
Chairman, Committee on Foreign Relations, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request of 7 May 1973 which was addressed to Secretary Richardson.

Attached are extracts from planning documents on which the Military Security Assistance Program for Fiscal Year 1974, as submitted to the Congress, is based. The information contained in these extracts is more than one year old and was compiled for internal use in the Department of Defense. The extracts were not coordinated outside Defense, and the programs portrayed in the extracts were subsequently modified considerably when coordination of the programs was effected with other departments of the Government. Some of the extracts are concerned with force and other objectives; in this regard, I would point out that documents may be prepared in the planning cycle prior to the time that fiscal constraints are applied.

Definitive program recommendations and other data are contained in the Congressional Presentation Document on the Fiscal Year 1974 Security Assistance Program, prepared by the Department of Defense and provided to your Committee.

Sincerely,

W. P. CLEMENTS.

AUGUST 1, 1973.

Hon. WILLIAM P. CLEMENTS, Jr.,
Deputy Secretary of Defense, Washington, D.C.

DEAR MR. CLEMENTS: This is in further reference to your letter to me of June 13 in response to the Committee's request for specific Department of Defense materials relating to the foreign military aid program.

My letter of May 7 requested two specific documents which were described in the Military Assistance and Sales Manual, Part II. These were the "Secretary Assistance Program Objectives Memorandum (POM)" and "JSOP, Volume II, Book VII, Free World Forces." Your letter transmitted what you described as "extracts from planning documents on which the Military Security Assistance Program for Fiscal Year 1974, as submitted to the Congress, is based." As you know, the documents are not labeled and it is impossible to tell if they are taken from the documents requested by the Committee.

The Committee once requested a copy of what the Department of Defense had referred to in Committee hearings as a "five-year plan" for military assistance and, after much correspondence, the then-Secretary Laird stated that no such document existed. If the materials you enclosed with your letter are not the documents requested, which were cited in the Military Assistance and Sales Manual, would you please advise if these documents actually exist, and if so, whether the Department will provide copies to the Committee.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

SEPTEMBER 6, 1973.

Hon. WILLIAM P. CLEMENTS, Jr.,
Deputy Secretary of Defense, Washington, D.C.

DEAR MR. CLEMENTS: I would appreciate it if you would advise the Committee when it could expect to receive a reply to its letter of August 1, 1973, concerning certain Department of Defense materials relating to the foreign military aid program.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., September 18, 1973.

Hon. J. WILLIAM FULBRIGHT,
Chairman, Committee on Foreign Relations, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request of 1 August 1973.

The extracts from planning documents on which the Military Security Assistance Program for FY 1974 is based, provided to you on 13 June 1973, are from the Security Assistance Program Objectives Memorandum (POM) and the JSOP, Volume VII, Free World Forces, which are internal Department of Defense working documents. These entire documents cannot be provided to the Committee because, in an August 30, 1971 memorandum to the Secretaries of State and Defense, the President directed that the Congress not be provided "any internal working documents which would disclose tentative planning data on future years of the military assistance program which are not approved Executive Branch positions."

Sincerely,

RAY PEET,
Vice Admiral, USN.

There are many more examples, Mr. President. I provide these three only to illustrate that we are dealing here not only with a matter of principle but also with a matter of practicality: the ability of congressional committees to do the job they are assigned to do.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. FULBRIGHT. How much time remains?

The PRESIDING OFFICER. The Senator has 29 minutes.

Mr. FULBRIGHT. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. TAFT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. TAFT. I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. ROTH. I yield myself 10 minutes.

Mr. President, I ask the Senate to uphold the President's veto of the USIA Authorization Act. It was less than 3 weeks ago when the distinguished Senator from North Carolina (Mr. ERVIN) and I asked the Senate to reject the conference report on the bill because of our concern about the access-to-information section.

On a number of occasions previously I have addressed this problem, and each time I have said that I felt very strongly that it is of the gravest importance to our representative form of government that Congress obtain the necessary information to discharge its duties in the legislative field as well as its obligation to oversee the activities of the various agencies. I have said a number of times that I feel that neither this administration nor its predecessor has, in my judgment, made available the information that is needed if we are to discharge these twin responsibilities.

But as I have said also on a number of occasions, in trying to correct this problem, it is of the greatest importance that we do it in such a fashion that promotes the legislative function; that we take action that will not embarrass us at some future time because of the emotions of the moment, and that we do not back into a new problem or a problem we have faced in the past.

It seems to me there are two aspects of the information problem. One involves the kind of information that is needed by Congress. I agree with the New York Times when, on May 18, 1954, it said that Congress does not need every scrap of paper, every word of conservation of the executive branch. At that time, the New York Times was addressing the problem of Senator Joseph McCarthy, of Wisconsin, who had sought information that, in the judgment of many, would have been mischievous, if not worse. At that time, both the New York Times and the Washington Post, as well as many others, were extremely critical of the White House and then President Eisenhower for not exercising sooner what has become known as executive privilege. When President Eisenhower finally did exercise it, they said it was

much too late, although they did say that they were glad to see him do so.

But today we have the second side of the problem, the second side of the problem being that instead of a congressional committee seeking too much information, we find that the executive branch is not always providing information that I think we have a right to expect.

As I pointed out before, in 1967 and 1968, when I was a Member of the House of Representatives, I tried to obtain information about Federal assistance programs, and was told by the Assistant Secretary of HEW that such information could not be made available to me. That was wrong—seriously wrong.

I also think that the former Attorney General of this administration, when he appeared before our committee on this problem and asserted that the President had a right to withhold any information or prohibit any Federal employee from appearing before a congressional committee, was likewise wrong. So I do think we have to seek an intelligent approach to this problem.

What concerns me is that the provision in this bill is wrong. As I have said earlier, the cure is almost as bad as the bite. What does this language provide?

It provides that if the Committee on Foreign Affairs of either House makes a written request that the committee "be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material in the custody or control of such agency and relating to such agency, none of the funds made available to such agency shall be obligated unless and until" this information has been made available.

So in essence what it says is that every piece of information within the files of the agency has to be made available to the congressional committee. I think that is overreaching. I think it is unnecessary, from our point of view, for the reasons pointed out in the New York Times editorial in 1954.

The problem is that a committee could make unreasonable demands on the agency. For example, it could demand information about the personnel of that agency, confidential information that should not be released to the public—that is, in a sense, what Senator McCarthy did in the 1950's, when he demanded confidential information from the State Department and others whom he alleged were Communists. The same thing could happen here. If the agency refused to supply the records, funds would be cut off. What would that mean? It would mean the death knell or, at least, the temporary suspension of programs that had been adopted by Congress. Certainly no committee should have that kind of authority, authority which can effectively kill or suspend a program adopted by the entire Congress.

Of course, secondly, it would mean all the employees of that agency would not be paid; and that seems to me to be an unreasonable and unconscionable approach to this problem. Hundreds of innocent people would suffer.

For that reason, every time this provision has come up before the Senate, I have urged that we delete it.

I am not saying that we should not have some cure, that we should not have some corrective legislation, because I think a remedy is in order. But I would like to point out that the Senate Committee on Government Operations, of which I am a member, is considering just such legislation that will apply to all agencies, not just one agency, but to the entire executive branch of Government.

This is going to be, admittedly, difficult legislation to draft intelligently, but I think it is something that this Congress must face, and should face during the current year.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. ROTH. Mr. President, I yield myself 5 more minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ROTH. But I do not think the approach used here, which has also been proposed for other agencies, is sound legislation. If it should become law, I genuinely believe that many people who assert that they are interested in civil rights will regret the day that they voted for it.

Mr. President, I think it is important, for this reason, that the President's veto be sustained; that we again work our will by passing legislation without this provision, but, instead, rely upon the activities of the Government Operations Committee. I think this is a much sounder approach to the whole problem, one that I am actively involved in. I hope to see sound legislation developed expeditiously.

I just might point out in closing, Mr. President, that this legislation was added in conference by the House. The original bill on the Senate side did not contain this provision. For that reason I hope that the veto is sustained and that Congress will act promptly to legislate or enact a new USIA Authorization Act.

QUORUM CALL

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. ROTH. Equally divided.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HELMS). Without objection, it is so ordered.

Mr. CHILES. Mr. President, I am voting today to sustain the President's veto of the USIA Appropriations Authorization Act of 1973.

I want to state, however, that I do believe the Congress needs to have greater access to decisionmaking information within the executive branch. As the Senate considered this bill I voted for the Roth amendment which would have made this type of information within the USIA available to the Congress as a whole. My vote to sustain the President's veto today does not mean that I agree with the President's general position on the disclosure of information or on executive privileges.

Rather I think that section 4 of the bill requiring that this information be available to the Senate Foreign Relations Committee and the House Foreign Affairs Committee is too restrictive. It places the entire fate of an executive agency in the hands of these committees which I think is unwise when we do have the option open to us of requiring that information be available to the Congress as a whole.

Mr. BAKER. Mr. President, I rise in support of the President's veto of the USIA authorization bill presently pending before the Senate. I do so for a number of reasons.

Although I support the intent of my colleagues to reassert congressional prerogatives in the important area of foreign policymaking and to better discharge its legitimate oversight responsibilities with regard to departments and agencies of the Federal Government, I fear that we are going about it in the wrong fashion.

Section 4 of the USIA authorization bill compels that Agency in response to a written request from the chairman of either the Senate or House Foreign Affairs Committee to provide any document, paper, communication, audit, review, finding, recommendation, report, or other material in their custody within 35 days or face an immediate termination in funding, so long as that request did not involve communications to or from the President. I do not question the motives of those who drafted this section, but rather the method which they have chosen to employ.

The new Secretary of State has repeatedly pledged to the Congress an increasingly integral role in the formulation of this Nation's foreign policy, and I for one, am willing to take this pledge at face value. An essential part of that expanded role is improved access to vital information. However, I fail to see why we must require such access by statute.

It is unrealistic to expect Secretary Kissinger or officials of the USIA or AID to fulfill the pledge for better communication and cooperation with the Congress overnight. However, if, after 6 months there has not been a noted improvement in congressional access to vital information from all the departments and agencies of the Federal Government charged with foreign policy responsibilities, then I shall certainly consider seriously the need for requiring such access by statute. Moreover, I am assured by officials at the Department of State that if a substantial improvement in access is not obvious in the next 6 months, then the Department will have definitely failed in the most crucial part of their efforts to improve relations and cooperation with the legislative branch of Government.

For this reason, I intend to vote to sustain the President's veto of the pending measure. I might also add that in attempting to improve cooperation and access to information from the executive

branch, there is a very real opportunity for abuse of expanded privileges in this regard; and it would seem to be in our own best interests to draw a distinction between information essential to discharging our legitimate legislative oversight responsibilities and assisting in the formulation of foreign policy; and information which does not meet either of the previously mentioned criteria, but rather involves the type of confidential inner office communication which we would not want divulged if it had come from our own office.

Thus, Mr. President, I urge my colleagues to accept the Secretary's pledge for cooperation in a spirit of good faith rather than attempting to force but another confrontation with the executive branch and to vote to sustain the President's veto of the USIA authorization bill.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ROTH. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

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

At 3:43 p.m. the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 4:25 p.m. when called to order by the Presiding Officer (Mr. HELMS).

Mr. GRIFFIN. Mr. President, with the understanding that the time will be charged equally to both sides, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

THE U.S. INFORMATION AGENCY APPROPRIATIONS AUTHORIZATION ACT OF 1973—VETO

The Senate continued with the reconsideration of the bill (S. 1317) authorizing appropriations for the United States Information Agency.

Mr. BUCKLEY. Mr. President, exactly 1 week ago today—October 23, 1973—President Nixon returned without his approval S. 1317, the U.S. Information Agency Appropriations Authorization Act of 1973. I am convinced that the President's veto is warranted and I plan to vote to sustain it. But in doing so, I want first to make clear the nature of the issue before us.

As you know, the reason for the President's veto was the inclusion of section 4 of S. 1317. This section would penalize USIA with a possible cut-off of funds if it failed to meet a demand for confidential internal information made by the Senate Committee on Foreign Relations or the House Committee on Foreign Affairs irrespective of the constitutionality or a refusal to produce the requested information.

What we have before us today is, then, one of those legislative problems that apparently forces us to choose on an either-or basis: it would appear that we are asked to vote either for the right of the Congress or for the right of the executive branch to operate on a rational basis. A vote to sustain the President's veto would appear to be a vote against the legitimate rights of the Congress.

Appearances in this case are, I think, deceiving. The fact of the matter is that a vote to override the President's veto of S. 1317 will strike at the very heart of a principle that I know every Senator holds dear. The principle of separation of powers is one that I have heard lauded again and again in this chamber. Yet the drastic nature of the penalty imposed by section 4 amounts to an attempt to extort information that the executive may be legitimately entitled to refuse under constitutional doctrines of long standing.

There have been arguments made in this Chamber that the President has, in other areas, abused Executive privilege. This may well be true, and there may well be a need for Senate legislation that would provide assurances against the abuse of a well-recognized privilege. But let us not use S. 1317 as the means by which we debate that point. Let us instead see S. 1317, with the inclusion of section 4, for what it is—an attempt at a naked encroachment by one part of the Government upon another of a kind that each of us would resist with great vigor if it were made against our own privileges and powers under the Constitution. I will vote to sustain the President's veto. I believe in doing so, I am supporting the principles of separation of powers that all of us hold so dear.

Mr. KENNEDY. Mr. President, for many years, the U.S. Information Agency has played an important role in American foreign policy. At its best, it brings to people of other countries a clear and objective view of the United States, its institutions, and its people. It can promote better relations and understanding between the United States and other nations. And in many countries it plays a vital part in education, not just about the United States, but also about the possibilities open to people everywhere to benefit from man's progress in science, health, education, economics, the humanities, and many other fields.

It is sometimes said that the USIA should not present a true picture of America. I do not agree. The strength of our Nation is based in part on our ability to understand ourselves, to face facts as they are, and to act upon them. As I have traveled abroad, I have heard countless people say that they admire our ability and willingness to present ourselves for what we are, rather than trying to argue that we are a perfect society. All Americans who believe in our institutions, and in the ideals of our Nation, must agree that we have everything to gain by being honest about ourselves.

The U.S. Information Agency is formerly part of the executive branch, subject to the discipline of the President and laws passed by the Congress. But in a very real sense the USIA belongs to all the people of the United States, and must be responsive to them. When it speaks to others, it does not speak just for the President, or for the Congress, but rather for all Americans.

It is therefore critical that the USIA be organized and operated in a way that gives the American people the greatest possible role in shaping the view of the United States that is projected abroad. Than can only be done by insuring that as much information as possible about the USIA is made available to the elected representatives of the people in Congress, and to the people themselves.

In vetoing this bill before us, today, the President has cited the need to protect the confidential exchange of information within the Agency, and between it and other parts of the executive branch. Of course, there are instances in which the doctrine of executive privilege is valid, especially to encourage full and frank exchange of views within departments of Government. We, in the Congress, do not oppose the legitimate exercise of executive privilege, but rather its abuses. We are not concerned to expose every exchange of views during the process of making policy, but rather to limit the effort to hide from the American people the broad framework of, and specific decisions about, the policy of the U.S. Government, as well as the way policy is made.

For many months, the President has consistently erred on the side of secrecy in invoking the doctrine of executive privilege. Not only does this keep from the American people information that they have a right to know, it also removes officials from being held accountable to the people, and hence tends to make bad policy. It leads to the discrediting of all decisions of Government—whether good or bad—because so many are taken in secret, away from public scrutiny. And it threatens to lower the credibility of the Government's actions and statements, whether at home or abroad. It should, therefore, be in President Nixon's interest as well as that of the Congress and the American people to have as little of the business of government as possible conducted in private.

The President's message vetoing S. 1317 contains a red herring. No one has urged that all discussions within the USIA be made fully and completely public. No one denies the need for the President to receive frank counsel. Indeed, S. 1317 specifically exempts:

> Any communication that is directed by the President to a particular officer or employee of the United States Information Agency or . . . any communication directed by any such officer or employee to the President.

The issue is whether the President will go beyond this to use the limited need for confidentiality in the conduct of government to withhold information that the Congress and the people have a right to know.

Mr. President, I believe that we, in the Congress, must act now to end the abuses that have occurred in the doctrine of

executive privilege. We must override the President's veto of S. 1317.

The PRESIDING OFFICER. The hour of 4:30 having arrived, the question is, Shall the bill (S. 1317) pass, the objections of the President of the United States to the contrary notwithstanding?

The yeas and nays, of course, are required, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Michigan (Mr. HART), and the Senator from Minnesota (Mr. MONDALE) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN) is necessarily absent and, if present and voting, would vote "nay."

The yeas and nays resulted—yeas 54, nays 42, as follows:

[No. 474 Leg.]

YEAS—54

Abourezk	Hatfield	Metcalf
Bayh	Hathaway	Montoya
Biden	Hollings	Moss
Brooke	Huddleston	Muskie
Burdick	Hughes	Nelson
Byrd, Robert C.	Humphrey	Nunn
Cannon	Inouye	Pastore
Case	Jackson	Proxmire
Church	Javits	Randolph
Clark	Johnston	Ribicoff
Cranston	Kennedy	Schweiker
Eagleton	Long	Stennis
Eastland	Magnuson	Stevenson
Ervin	Mansfield	Symington
Fulbright	Mathias	Talmadge
Gravel	McClellan	Tunney
Hartke	McGovern	Weicker
Haskell	McIntyre	Williams

NAYS—42

Allen	Dole	Pell
Baker	Domenici	Percy
Bartlett	Dominick	Roth
Beall	Fannin	Saxbe
Bellmon	Fong	Scott, Hugh
Bennett	Goldwater	Scott, William L.
Bentsen	Griffin	Sparkman
Brock	Gurney	Stafford
Buckley	Hansen	Stevens
Byrd, Harry F., Jr.	Helms	Taft
Chiles	Hruska	Thurmond
Cook	McClure	Tower
Cotton	McGee	Young
Curtis	Packwood	
	Pearson	

NOT VOTING—4

Aiken	Hart	Mondale
Bible		

The PRESIDING OFFICER. Two-thirds of the Senators present and voting not having voted in the affirmative, the bill, on reconsideration, fails of passage.

EMERGENCY PETROLEUM ALLOCATION ACT OF 1973

The PRESIDING OFFICER. Pursuant to previous order, the Senate will now resume the consideration of the message from the House on S. 1570, the Emergency Petroleum Allocation Act of 1973.

Mr. JACKSON. Mr. President, I renew my motion on the appointment of conferees.

The PRESIDING OFFICER. The clerk will restate the motion.

The assistant legislative clerk read as follows:

Mr. President, I move that the Senate disagree to the amendments of the House to the bill, S. 1570, and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. JACKSON, Mr. BIBLE, Mr. CHURCH, Mr. METCALF, Mr. MAGNUSON, Mr. PASTORE, Mr. FANNIN, Mr. HANSEN, Mr. HATFIELD, and Mr. COOK conferees on the part of the Senate.

ORDER FOR YEAS AND NAYS ON S. 1769, THE FEDERAL FIRE PREVENTION AND CONTROL ACT

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays—the vote not to occur today—on S. 1769, The Federal Fire Prevention and Control Act. This vote would occur on Friday.

Mr. GRIFFIN. Mr. President, reserving the right to object, is the distinguished majority whip asking unanimous consent that we vote on Friday?

Mr. ROBERT C. BYRD. No. I had previously asked unanimous consent that it be in order to order the yeas and nays. I am now asking for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second (putting the question)?

The yeas and nays were ordered.

STATEMENT OF SENATOR MANSFIELD BEFORE SENATE DEMOCRATIC CONFERENCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD the text of my statement before the Senate Democratic Conference today.

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

REMARKS OF SENATOR MIKE MANSFIELD BEFORE THE SENATE DEMOCRATIC CONFERENCE

Let me begin with a brief reference to the situation in the Middle East. The fourth war in a quarter of a century in that region has posed complex diplomatic questions for this nation. There ought to be and there will be from the Senate, understanding and restraint as regards the Administration's handling of that situation. Speaking for myself, I have no hesitancy in expressing a high regard for the manner in which a lid has been kept on developments there.

In making that comment, I reject any inference that the effort of the Congress, the Courts and the former Special Prosecutor to face up to Watergate and related matters in the workings of this government may have in any way, shape or form precipitated the difficulties in the Middle East. This is the fourth Arab-Israeli war, not the first. These conflicts have occurred during both Democratic and Republican Administrations. They have occurred both in the presence and in the absence of Watergates. The fact is that, over the years, the outbreaks of war in the Middle East have shown a supreme indifference to the political situation inside this nation.

So I am hopeful we will hear no more about how we must bury Watergate and all it implies in other areas because of this crisis or that abroad. The conduct of foreign relations, whether in the Middle East or elsewhere, is always difficult. It is made more or less difficult not by the appearances at home but by the realities. We would do well, therefore, to avoid in the name of foreign policy a pretense of national well-being when the people are profoundly disturbed by what they see and hear in Washington. The pretense would fool no one but ourselves. It would serve no useful purpose abroad. It would serve only to dig deeper the mistrust and division at home. The need is to not to beat the drums of self-deceit any louder in the name of foreign policy. The need is to restore the people's trust in government by restoring the government's integrity. Then, hopefully, the conduct of foreign policy may be eased. In the interim, it may be that senior officials of the Executive Branch are discommoded by a public cleansing of the nation's politics. Nevertheless, these officials will have to function within the parameters of a deep national concern over the state of the Federal government until there is no longer a need for that concern. I have every expectation that they will be able to deal effectively with events abroad so long as the situation at home is also confronted.

The primary responsibility of the Congress and the Presidency is to safeguard the people's right to a government—legislative, executive, judicial—that serves them with intgerity and candor, with responsiveness and justice. If we do not act at home, in this city, to reaffirm that right when it has been jeopardized, what we do or do not do abroad will not much matter. Indeed, if we do not affirm and strengthen that right, in my judgment, whatever this Administration or any other may think it is achieving in foreign relations will have little of lasting value in terms of the Nation's well-being or world peace.

Against that backdrop, I would like to review events of the past ten days or so and their implications for the Senate and the Congress. In the first place, it seems to me that these events illuminate the essentiality of the Ervin Committee on the Watergate affair and the good sense of the Senate in establishing that Committee at the beginning of the year. A debt of gratitude is owed to the members of the Committee—Republicans and Democrats alike—for what they have already done in requiring a confrontation with the truth of Watergate and related matters. They proceeded in an orderly and impartial fashion and without any suggestion whatsoever of partisan policies. They moved deliberately but relentlessly to bring out the facts of illegility. They uncovered these facts in great numbers and in sordid detail. They laid them bare for the Nation to see and for the Congress to act upon in order that what transpired in the name of a free election does not happen again.

So thorough and effective had been the work of the Ervin Committee in pursuit of its Senate mandate that, except for the affair of the tapes, it was possible to begin to think in terms of a final report and recommendations. That was before the Justice Department was torn asunder on direct orders of the White House on the night of Ocotber 20. Now it is no longer possible, in my judgment, to contemplate the shut-down of the Ervin Committee. On the contrary, I would hope and expect that the Senate would consider forthwith the extension of the Committee, with a mandate enlarged to include all the matters which were under consideration by the Special Prosecutor's office in the Justice Department at the time of the summary dismissal of Mr. Achibald Cox.

In so suggesting, I ask you to bear in mind that, as of now, if the Ervin Committee does not pursue these matters, who will? The Executive Branch? The Courts? There are many proposals for action, but who is in a position, now, to act? As of now, the Ervin Committee is the only body in the Federal government that is duly-constituted and equipped to continue an independent, impartial inquiry into the Watergate affair and related matters.

That will remain the case unless and until there is at least designated a new Special Prosecutor whose powers are as broad and whose integrity and courage are as great as

that which surrounded Archibald Cox. I want to say for myself—and I think I am also expressing the preponderant sentiment of the Senate in this connection—that Mr. Cox is an outstanding American who is to be commended for the distinguished service he performed in placing the law, as he sees it, above himself, above the Justice Department, and above any incumbent in any office of the federal government.

I wish to commend, too, Mr. Elliot Richardson. He gave his word to the Senate, in connection with his confirmation as Attorney General. He gave his word, as an honorable man, that he would permit the Special Prosecutor full independence to deal judicially with the corrosive corruption which has been spread through the political processes of the nation. Mr. Richardson kept his word to the Senate, and when he was no longer permitted to keep his word, as an honorable man, Mr. Richardson resigned from the office in which he had been confirmed by the Senate. So, too, did the deputy Attorney-General, William Ruckelshaus. The Administration and the government will suffer greatly the loss of the services of these men, but the Nation has gained from their decency, courage, and integrity.

Their departure confronts us with the reality that the principal law enforcement agency in the country—the Justice Department—is in shambles. The vast documentation gathered by the Special Prosecutor's office is under protective custody by order of Judge Sirica, and its future usage has not yet been determined. I hope it will remain safeguarded in that fashion until the question of its disposition is resolved. At this nadir of public trust in government, the last straw would be the scattering or dissipation of the documentation which was gathered by Mr. Cox and his staff.

In the end, those records must form the take-off point for the continuance of the investigation which was proceeding deliberately and diligently in Judge Sirica's Court.

It will not be easy for any replacement of Mr. Cox to pick up the threads. In my judgment, they cannot be picked up adequately by the naming of a new Special Prosecutor subject solely to the control of the President. I do not see, after the recent chain of events, how that would be acceptable. Who would serve? Under what conditions? Who and what would assure independence of action? Who would accept the results?

Whatever arrangements are made, in the end, they can hardly be acceptable arrangements to the people of the Nation unless they are also acceptable to the Congress. The recent chain of events has been too shocking, too devastating of the public trust. The Nation has suffered a trauma which, in my judgment, can be assuaged only by an arrangement that is underwritten by the Congress and the Courts.

For the present, I am personally inclined, therefore, towards the solution offered by Senators Hart, Bayh, and 52 other Senators which would establish the Special Prosecutor by act of Congress, with the appointment of the individual left to the Courts. There are, I am sure, other possibilities. In any event, this matter will be examined with Mr. Cox and Mr. Richardson and others in the hearings before the Judiciary Committee, and I would urge the President, most respectfully, in the highest interests of the Nation, to cooperate with the Congress in this matter.

I want to close by commending all the Members of the Senate—Republicans and Democrats alike—for their steadfastness in those critical times. There has been manifested in the Senate, far beyond partisanship, a responsibility to the Nation and a dedication to Constitutional principles and the stability of the Republic which I find unmatched in my memory. This has been an incredibly troubled year in the life of the Nation, an incredible month, incredible weeks and days. That the Nation is coming through this period and, in my judgment, will emerge from it healthier and sounder in its political life has a great deal to do with the validity and vitality of its Constitutional structure. It has a great deal to do with the fact that we are a government, not of one part but of three, and that, at the outset of this session, this Conference, the Senate and the Congress set out on a path of reminding the Nation of that Constitutional fact. It has a great deal to do with the First Amendment, under which the press and other media are alive and well and doing their job with competence and persistence. Finally, it has a lot to do with the capacity of the people of this Nation—beset and beguiled, harried and harassed though they may be—still to express a thunderous indignation when their fundamental decency is outraged. In the end, this government exists to serve those people. It is not the other way around. They deserve a government that can be trusted with their freedom, with their lives, and with their heritage. What has happened to cast a shadow on that unalienable right of the people of the United States must not be allowed to happen again.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, there will be no more yea-and-nay votes today. When the Senate completes its business today, it will stand in adjournment until the hour of 10 a.m. Friday. This will give the conferees a chance to work on bills that are in conference with the House. And hopefully, by Friday, some of the conference reports may be available for action by the Senate.

UNANIMOUS-CONSENT REQUEST FOR TIME LIMITATION ON FEDERAL FIRE PREVENTION AND CONTROL ACT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a time limitation on the bill, S. 1769. I have not sought an agreement on a limitation of time with the leadership on the other side. However, I make the request so that Senators may have some idea as to what time a vote will occur on Friday.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senator will suspend until we have order in the Senate. Will Senators please take their seats or retire to the cloakroom and have their conversations?

Order having been restored, the Senator from West Virginia may proceed.

Mr. ROBERT C. BYRD. Mr. President, it is anticipated, in view of the fact that the Senate will be coming in at 10 o'clock on Friday, there being two special orders for the recognition of Senators of 15 minutes each, and a period for the transaction of routine morning business of not to exceed 30 minutes on Friday, that this would mean that the Senate would proceed to the consideration of S. 1769 at about 11 o'clock a.m. on Friday. If we could agree to vote no later than 1 o'clock on Friday, we could also proceed to get an agreement on division and control of the time for the 2 hours.

Mr. COTTON. Mr. President, will the Senator yield for a question?

Mr. ROBERT C. BYRD. Yes.

Mr. COTTON. It was the understanding of the Senator from New Hampshire that there was no real contest on this bill, but I have been told in the last few minutes that there are some amendments to be offered that may be controversial.

Mr. ROBERT C. BYRD. Will the Senator use his microphone?

Mr. COTTON. It was the understanding of the Senator from New Hampshire that there was no controversy on the bill, but I have been informed within just the last few minutes that there are some amendments that may be controversial. I would like the opportunity to telephone the minority counsel and ascertain what the facts are on that, if the Senator would be willing to withhold his request for just time for me to go to the cloakroom.

Mr. ROBERT C. BYRD. Yes, Mr. President, I withdraw my request for the time being, and I assure all Senators that efforts will be made to establish a time for a vote on Friday, at the earliest hour possible.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

EMERGENCY MEDICAL SERVICES SYSTEMS ACT

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2410.

The PRESIDING OFFICER (Mr. HELMS) laid before the Senate the amendment of the House of Representatives to the bill (S. 2410) to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical services systems, which was to strike out all after the enacting clause and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Emergency Medical Services Systems Act of 1973".

EMERGENCY MEDICAL SERVICES SYSTEM

SEC. 2. (a) The Public Health Service Act is amended by adding at the end thereof the following new title:

"TITLE XII—EMERGENCY MEDICAL SERVICES SYSTEMS

"DEFINITIONS

"SEC. 1201. For purposes of this title:

"(1) The term 'emergency medical services system' means a system which provides for the arrangement of personnel, facilities, and equipment for the effective and coordinated delivery in an appropriate geographical area of health care services under emergency conditions (occurring either as a result of the patient's condition or of natural disasters or similar situations) and which is administered by a public or nonprofit private entity which has the authority and the resources to provide effective administration of the system.

"(2) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"(3) The term 'modernization' means the alteration, major repair (to the extent permitted by regulations), remodeling, and renovation of existing buildings (including initial equipment thereof), and replacement of obsolete, built-in (as determined in accordance with regulations) equipment of existing buildings.

"(4) The term 'section 314(a) State health planning agency' means the agency of a State which administers or supervises the administration of a State's health planning functions under a State plan approved under section 314(a).

"(5) The term 'section 314(b) areawide health planning agency' means a public or nonprofit private agency or organization which has developed a comprehensive regional, metropolitan, or local area plan or plans referred to in section 314(b), and the term 'section 314(b) plan' means a comprehensive regional, metropolitan, or local area plan or plans referred to in section 314(b).

"GRANTS AND CONTRACTS FOR FEASIBILITY STUDIES AND PLANNING

"SEC. 1202. (a) The Secretary may make grants to and enter into contracts with eligible entities (as defined in section 1206(a)) for projects which include both (1) studying the feasibility of establishing (through expansion or improvement of existing services or otherwise) and operating an emergency medical services system, and (2) planning the establishment and operation of such a system.

"(b) If the Secretary makes a grant or enters into a contract under this section for a study and planning project respecting an emergency medical services system for a particular geographical area, the Secretary may not make any other grant or enter into any other contract under this section for such project, and he may not make a grant or enter into a contract under this section for any other study and planning project respecting an emergency medical services system for the same area or for an area which includes (in whole or substantial part) such area.

"(c) Reports of the results of any study and planning project assisted under this section shall be submitted to the Secretary and the Interagency Committee on Emergency Medical Services at such intervals as the Secretary may prescribe, and a final report of such results shall be submitted to the Secretary and such Committee not later than one year from the date the grant was made or the contract entered into, as the case may be.

"(d) An application for a grant or contract under this section shall—

"(1) demonstrate to the satisfaction of the Secretary the need of the area for which the study and planning will be done for an emergency medical services system;

"(2) contain assurances satisfactory to the Secretary that the applicant is qualified to plan an emergency medical services system for such area; and

"(3) contain assurances satisfactory to the Secretary that the planning will be conducted in cooperation (A) with each section 314(b) areawide health planning agency whose section 314(b) plan covers (in whole or in part) such area, and (B) with any emergency medical services council or other entity responsible for review and evaluation of the provision of emergency medical services in such area.

"(e) The amount of any grant under this section shall be determined by the Secretary.

"GRANTS AND CONTRACTS FOR ESTABLISHING AND INITIAL OPERATION

"SEC. 1203. (a) The Secretary may make grants to and enter into contracts with eligible entities (as defined in section 1206(a)) for the establishment and initial operation of emergency medical services systems.

"(b) Special consideration shall be given to applications for grants and contracts for systems which will coordinate with statewide emergency medical services system.

"(c)(1) Grants and contracts under this section may be used for the modernization of facilities for emergency medical services systems and other costs of establishment and initial operation.

"(2) Each grant or contract under this section shall be made for costs of establishment and operation in the year for which the grant or contract is made. If a grant or contract is made under this section for a system, the Secretary may make one additional grant or contract for that system if he determines, after a review of the first nine months' activities of the applicant carried out under the first grant or contract, that the applicant is satisfactorily progressing in the establishment and operation of the system in accordance with the plan contained in his application (pursuant to section 1206(b)(4)) for the first grant or contract.

"(3) No grant or contract may be made under this section for the fiscal year ending June 30, 1976, to an entity which did not receive a grant or contract under this section for the preceding fiscal year.

"(4) Subject to section 1206(f)—

"(A) the amount of the first grant or contract under this section for an emergency medical services system may not exceed (i) 50 per centum of the establishment and operation costs (as determined pursuant to regulations of the Secretary) of the system for the year for which the grant or contract is made, or (ii) in the case of applications which demonstrate an exceptional need for financial assistance, 75 per centum of such costs for such year; and

"(B) the amount of the second grant or contract under this section for a system may not exceed (i) 25 per centum of the establishment and operation costs (as determined pursuant to regulations of the Secretary) of the system for the year for which the grant or contract is made, or (ii) in the case of applications which demonstrate an exceptional need for financial assistance, 50 per centum of such costs for such year.

"(5) In considering applications which demonstrate exceptional need for financial assistance, the Secretary shall give special consideration to applications submitted for emergency medical services systems for rural areas (as defined in regulations of the Secretary).

"GRANTS AND CONTRACTS FOR EXPANSION AND IMPROVEMENT

"SEC. 1204. (a) The Secretary may make grants to and enter into contracts with eligible entities (as defined in section 1206(a)) for projects for the expansion and improvement of emergency medical services systems, including the acquisition of equipment and facilities, the modernization of facilities, and other projects to expand and improve such systems.

"(b) Subject to section 1206(f), the amount of any grant or contract under this section for a project shall not exceed (i) 50 per centum of the cost of that project (as determined pursuant to regulations of the Secretary), or (ii) in the case of a project for an emergency medical services system for a rural area, 75 per centum of the cost of that project (as so determined).

"GRANTS AND CONTRACTS FOR RESEARCH

"SEC. 1205. (a) The Secretary may make grants to public or private nonprofit entities, and enter into contracts with private entities and individuals, for the support of research in emergency medical techniques, methods, devices, and delivery. The Secretary shall give special consideration to applicants for grants or contracts for research relating to the delivery of emergency medical services in rural areas.

"(b) No grant may be made or contract entered into under this section for amounts in excess of $35,000 unless the application therefor has been recommended for approval by an appropriate peer review panel designated or established by the Secretary. Any application for a grant or contract under this section shall be submitted in such form and manner, and contain such information, as the Secretary shall prescribe in regulations.

"(c) The recipient of a grant or contract under this section shall make such reports to the Secretary as the Secretary may require.

"GENERAL PROVISIONS RESPECTING GRANTS AND CONTRACTS

"SEC. 1206. (a) For purposes of sections 1202, 1203, and 1204, the term 'eligible entity' means—

"(1) a State,

"(2) a unit of general local government,

"(3) a public entity administering a compact or other regional arrangement or consortium, or

"(4) any other public entity and any nonprofit private entity.

"(b)(1) No grant or contract may be made under this title unless an application therefor has been submitted to, and approved by, the Secretary.

"(2) In considering applications submitted under this title, the Secretary shall give priority to applications submitted by the entities described in clauses (1), (2), and (3) of subsection (a).

"(3) No application for a grant or contract under section 1202 may be approved unless—

"(A) the application meets the application requirements of such section;

"(B) in the case of an application submitted by a public entity administering a compact or other regional arrangement or consortium, the compact or other regional arrangement or consortium includes each unit of general local government of each standard metropolitan statistical area (as determined by the Office of Management and Budget) located (in whole or in part) in the service area of the emergency medical services system for which the application is submitted;

"(C) in the case of an application submitted by an entity described in clause (4) of subsection (a), such entity has provided a copy of its application to each entity described in clauses (1), (2), and (3) of such subsection which is located (in whole or in part) in the service area of the emergency medical services system for which the application is submitted and has provided each such entity a reasonable opportunity to submit to the Secretary comments on the application;

"(D) the—

"(i) section 314(a) State health planning agency of each State in which the service area of the emergency medical services system for which the application is submitted will be located, and

"(ii) section 314(b) areawide health planning agency (of any) whose section 314(b) plan covers (in whole or in part) the service area of such system,

have had not less than thirty days (measured from the date a copy of the application was submitted to the agency by the applicant) in which to comment on the application;

"(E) the applicant agrees to maintain such records and make such reports to the Secretary as the Secretary determines are necessary to carry out the provisions of this title; and

"(F) the application is submitted in such form and such manner and contains such information (including specification of applicable provisions of law or regulations which restrict the full utilization of the training and skills of health professions and allied and other health personnel in the provision of health care services in such a system)

as the Secretary shall prescribe in regulations.

"(4)(A) An application for a grant or contract under section 1203 or 1204 may not be approved by the Secretary unless (i) the application meets the requirements of subparagraphs (B) through (F) of paragraph (3), and (ii) except as provided in subparagraph (B)(ii), the applicant (I) demonstrates to the satisfaction of the Secretary that the emergency medical services system for which the application is submitted will, within the period specified in subparagraph (B)(i), meet each of the emergency medical services system requirements specified in subparagraph (C), and (II) provides in the application a plan satisfactory to the Secretary for the system to meet each such requirement within such period.

"(B)(i) The period within which an emergency medical services system must meet each of the requirements specified in subparagraph (A) is the period of the grant or contract for which application is made; except that if the applicant demonstrates to the satisfaction of the Secretary the inability of the applicant's emergency medical services system to meet one or more of such requirements within such period, the period (or periods) within which the system must meet such requirement (or requirements) is such period (or periods) as the Secretary may require.

"(ii) If an applicant submits an application for a grant or contract under section 1203 or 1204 and demonstrates to the satisfaction of the Secretary the inability of the system for which the application is submitted to meet one or more of the requirements specified in subparagraph (C) within any specific period of time, the demonstration and plan prerequisites prescribed by clause (ii) of subparagraph (A) shall not apply with respect to such requirement (or requirements) and the applicant shall provide in his application a plan, satisfactory to the Secretary, for achieving appropriate alternatives to such requirement (or requirements).

"(C) An emergency medical services system shall—

"(i) include an adequate number of health professions, allied health professions, and other health personnel with appropriate training and experience;

"(ii) provide for its personnel appropriate training (including clinical training) and continuing education programs which (I) are coordinated with other programs in the system's service area which provide similar training and education, and (II) emphasize recruitment and necessary training of veterans of the Armed Forces with military training and experience in health care fields and of appropriate public safety personnel in such area;

"(iii) join the personnel, facilities, and equipment of the system by a central communications system so that requests for emergency health care services will be handled by a communications facility which (I) utilizes emergency medical telephonic screening, (II) utilizes or, within such period as the Secretary prescribes will utilize, the universal emergency telephone number 911, and (III) will have direct communication connections and interconnections with the personnel, facilities, and equipment of the system and with other appropriate emergency medical services systems;

"(iv) include an adequate number of necessary ground, air, and water vehicles and other transportation facilities to meet the individual characteristics of the system's service area—

"(I) which vehicles and facilities meet appropriate standards relating to location, design, performance, and equipment, and

"(II) the operators and other personnel for which vehicles and facilities meet appropriate training and experience requirements;

"(v) include an adequate number of easily accessible emergency medical services facilities which are collectively capable of providing services on a continuous basis, which have appropriate nonduplicative and categorized capabilities, which meet appropriate standards relating to capacity, location, personnel, and equipment, and which are coordinated with other health care facilities of the system;

"(vi) provide access (including appropriate transportation) to specialized critical medical care units in the system's service area, or, if there are no such units or an inadequate number of them in such area, provide access to such units in neighboring areas if access to such units is feasible in terms of time and distance;

"(vii) provide for the effective utilization of the appropriate personnel, facilities, and equipment of each public safety agency providing emergency services in the system's service area;

"(viii) be organized in a manner that provides persons who reside in the system's service area and who have no professional training or financial interest in the provision of health care with an adequate opportunity to participate in the making of policy for the system;

"(ix) provide, without prior inquiry as to ability to pay, necessary emergency medical services to all patients requiring such services;

"(x) provide for transfer of patients to facilities and programs which offer such followup care and rehabilitation as is necessary to effect the maximum recovery of the patient;

"(xi) provide for a standardized patient recordkeeping system meeting appropriate standards established by the Secretary, which records shall cover the treatment of the patient from initial entry into the system through his discharge from it, and shall be consistent with ensuing patient records used in followup care and rehabilitation of the patient;

"(xii) provide programs of public education and information in the system's service area (taking into account the needs of visitors to, as well as residents of, that area to know or be able to learn immediately the means of obtaining emergency medical services) which programs stress the general dissemination of information regarding appropriate methods of medical self-help and first-aid and regarding the availability of first-aid training programs in the area;

"(xiii) provide for (I) periodic, comprehensive, and independent review and evaluation of the extent and quality of the emergency health care services provided in the system's service area, and (II) submission to the Secretary of the reports of each such review and evaluation;

"(xiv) have a plan to assure that the system will be capable of providing emergency medical services in the system's service area during mass casualties, natural disasters, or national emergencies; and

"(xv) provide for the establishment of appropriate arrangements with emergency medical services systems or similar entities serving neighboring areas for the provision of emergency medical services on a reciprocal basis where access to such services would be more appropriate and effective in terms of the services available, time, and distance.

The Secretary shall by regulations prescribe standards and criteria for the requirements prescribed by this subparagraph. In prescribing such standards and criteria, the Secretary shall consider relevant standards and criteria prescribed by other public agencies and by private organizations.

"(c) Payments under grants and contracts under this title may be made in advance or by way of reimbursement and in such installments and on such conditions as the Secretary determines will most effectively carry out this title.

"(d) Contracts may be entered into under this title without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(e) No funds appropriated under any provision of this Act other than section 1207 or title VII may be used to make a new grant or contract in any fiscal year for a purpose for which a grant or contract is authorized by this title unless (1) all the funds authorized to be appropriated by section 1207 for such fiscal year have been appropriated and made available for obligation in such fiscal year, and (2) such new grant or contract is made in accordance with the requirements of this title that would be applicable to such grant or contract if it was made under this title. For purposes of this subsection, the term 'new grant or contract' means a grant or contract for a program or project for which an application was first submitted after the date of the enactment of the Act which makes the first appropriations under the authorizations contained in section 1207.

"(f)(1) In determining the amount of any grant or contract under section 1203 or 1204, the Secretary shall take into consideration the amount of funds available to the applicant from Federal grant or contract programs under laws other than this Act for any activity which the applicant proposes to undertake in connection with the establishment and operation or expansion and improvement of an emergency medical services system and for which the Secretary may authorize the use of funds under a grant or contract under sections 1203 and 1204.

"(2) The Secretary may not authorize the recipient of a grant or contract under section 1203 or 1204 to use funds under such grant or contract for any training program in connection with an emergency medical services system unless the applicant filed an application (as appropriate) under title VII or VIII for a grant or contract for such program and such application was not approved or was approved but for which no or inadequate funds were made available under such title.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1207. (a)(1) For the purpose of making payments pursuant to grants and contracts under section 1202, 1203, and 1204, there are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1974, and $60,000,000 for the fiscal year ending June 30, 1975; and for the purpose of making payments pursuant to grants and contracts under section 1203 and 1204 for the fiscal year ending Junue 30, 1976, there are authorized to be appropriated $70,000,000.

"(2) Of the sums appropriated under paragraph (1) for any fiscal year, not less than 20 per centum shall be made available for grants and contracts under this title for such fiscal year for emergency medical services systems which serve or will serve rural areas (as defined in regulations of the Secretary under section 1203(c)(5)).

"(3) Of the sums appropriated under paragraph (1) for the fiscal year ending June 30, 1974, or the succeeding fiscal year—

"(A) 15 per centum of such sums for each such fiscal year shall be made available only for grants and contracts under section 1202 (relating to feasibility studies and planning) for such fiscal year;

"(B) 60 per centum of such sums for each such fiscal year shall be made available only for grants and contracts under section 1203 (relating to establishment and initial operation) for such fiscal year; and

"(C) 25 per centum of such sums for each such fiscal year shall be made available only for grants and contracts under section 1204 (relating to expansion and improvement) for such fiscal year.

"(4) Of the sums appropriated under paragraph (1) for the fiscal year ending June 30, 1976—

"(A) 75 per centum of such sums shall be made available only for grants and contracts under section 1203 for such fiscal year, and

"(B) 25 per centum of such sums shall be made available only for grants and contracts under section 1204 for such fiscal year.

"(b) For the purpose of making payments pursuant to grants and contracts under section 1205 (relating to research), there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1974, and for each of the next two fiscal years.

"ADMINISTRATION

"SEC. 1208. The Secretary shall administer the program of grants and contracts authorized by this title through an identifiable administrative unit within the Department of Health, Education, and Welfare. Such unit shall also be responsible for collecting, analyzing, cataloging, and disseminating all data useful in the development and operation of emergency medical services systems, including data derived from reviews and evaluations of emergency medical services systems assisted under section 1203 or 1204.

"INTERAGENCY COMMITTEE ON EMERGENCY MEDICAL SERVICES

"SEC. 1209. (a) The Secretary shall establish an Interagency Committee on Emergency Medical Services. The Committee shall evaluate the adequacy and technical soundness of all Federal programs and activities which relate to emergency medical services and provide for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities, and shall make recommendations to the Secretary respecting the administration of the program of grants and contracts under this title (including the making of regulations for such program).

"(b) The Secretary or his designee shall serve as Chairman of the Committee, the membership of which shall include (1) appropriate scientific, medical, or technical representation from the Department of Transportation, the Department of Justice, the Department of Defense, the Veterans' Administration, the National Science Foundation, the Federal Communications Commission, the National Academy of Sciences, and such other Federal agencies and offices (including appropriate agencies and offices of the Department of Health, Education, and Welfare), as the Secretary determines administer programs directly affecting the functions or responsibilities of emergency medical services systems, and (2) five individuals from the general public appointed by the President from individuals who by virtue of their training or experience are particularly qualified to participate in the performance of the Committee's functions. The Committee shall meet at the call of the Chairman, but not less than four times a year.

"(c) Each appointed member of the Committee shall be appointed for a term of four years, except that—

"(1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and

"(2) of the members first appointed, two shall be appointed for a term of four years, two shall be appointed for a term of three years, and one shall be appointed for a term of one year, as designated by the President at the time of appointment.

Appointed members may serve after the expiration of their terms until their successors have taken office.

"(d) Appointed members of the Committee shall receive for each day they are engaged in the performance of the functions of the Committee compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule, including traveltime; and all all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(e) The Secretary shall make available to the Committee such staff, information (including copies of reports of reviews and evaluations of emergency medical services systems assisted under section 1203 or 1204), and other assistance as it may require to carry out its activities effectively.

"ANNUAL REPORT

"SEC. 1210. The Secretary shall prepare and submit annually to the Congress a report on the administration of this title. Each report shall include an evaluation of the adequacy of the provision of emergency medical services in the United States during the period covered by the report, and evaluation of the extent to which the needs for such services are being adequately met through assistance provided under this title, and his recommendations for such legislation as he determines is required to provide emergency medical services at a level adequate to meet such needs. The first report under this section shall be submitted not later than September 30, 1974, and shall cover the fiscal year ending June 30, 1974."

(b)(1) Section 1 of the Public Health Service Act is amended by striking out "titles I to XI" and inserting in lieu thereof "titles I to XII".

(2) The Act of July 1, 1944 (58 Stat. 682), as amended, is further amended by renumbering title XII (as in effect prior to the date of enactment of this Act) as title XIII, and by renumbering sections 1201 through 1214 (as in effect prior to such date), and references thereto, as sections 1301 through 1314, respectively.

TRAINING ASSISTANCE

SEC. 3. (a) Part E of title VII of the Public Health Service Act is amended by inserting after section 775 the following new section:

"TRAINING IN EMERGENCY MEDICAL SERVICES

"SEC. 776. (a) The Secretary may make grants to and enter into contracts with schools of medicine, dentistry, osteopathy, and nursing, training centers for allied health professions, and other appropriate educational entities to assist in meeting the cost of training programs in the techniques and methods of providing emergency medical services (including the skills required in connection with the provision of ambulance service), especially training programs affording clinical experience in emergency medical services systems receiving assistance under title XII of this Act.

"(b) No grant or contract may be made or entered into under this section unless (1) the applicant is a public or nonprofit private entity, and (2) an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(c) The amount of any grant or contract under this section shall be determined by the Secretary. Payments under grants and contracts under this section may be made in advance or by way of reimbursement and at such intervals and on such conditions as the Secretary finds necessary. Grantees and contractees under this section shall make such reports at such intervals, and containing such information, as the Secretary may require.

"(d) Contracts may be entered into under this section without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(e) For the purpose of making payments pursuant to grants and contracts under this section, there is authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1974."

(b) Section 772(a) of such Act (41 U.S.C. 295f-2(a)) is amended—

(1) by striking out "or" at the end of paragraph (12),

(2) by striking out the period at the end of paragraph (13) and inserting in lieu thereof "; or", and

(3) by inserting after paragraph (13) the following new paragraph:

"(14) establish and operate programs in the interdisciplinary training of health personnel for the provision of emergency medical services, with particular emphasis on the establishment and operation of training programs affording clinical experience in emergency medical services systems receiving assistance under title XII of this Act."

(c) Section 774(a)(1)(D) of such Act (42 U.S.C. 295f-4(a)(1)(D)) is amended by inserting "(including emergency medical services" after "services" each time it appears.

STUDY

SEC. 4. The Secretary of Health, Education, and Welfare shall conduct a study to determine the legal barriers to the effective delivery of medical care under emergency conditions. The study shall include consideration of the need for a uniform conflict of laws rule prescribing the law applicable to the provision of emergency medical services to persons in the course of travels on interstate common carriers. Within twelve months of the date of the enactment of this Act, the Secretary shall report to the Congress the results of such study and recommendations for such legislation as may be necessary to overcome such barriers and provide such rule.

Mr. KENNEDY. Mr. President, today the Senate has the opportunity to take final action on the important emergency medical services bill. This is the bill which passed the Congress earlier this year and was vetoed by the President. The Senate overwhelmingly overrode the veto. But the House failed to override it by four votes.

This bill deletes the provision which the President found most objectionable; namely, the requirement for the continued operation of the Public Health Service hospitals. That amendment has been added by my friend and colleague the senior Senator from Washington (Mr. MAGNUSON) to the military procurement bills. And I am certainly hopeful that it will be successful in that context.

Mr. President, on behalf of myself, Senator CRANSTON, and Senator JAVITS I am offering an amendment to the bill which I understand the House will be willing to accept, thereby avoiding a conference on the legislation.

This amendment is very simple. It simply increases from 50 to 75 percent the amount of the Federal share for EMS grants in areas which demonstrate exceptional need, including rural areas. In addition, the amendment requires the Secretary of Health, Education, and Welfare to provide technical assistance

to eligible grantees, with special consideration for applicants in rural areas.

Mr. President, the time has long passed since this legislation should have been enacted and implemented. This Nation desperately needs more effective emergency medical service including manpower, equipment, training programs, and communication systems. This is a 3-year bill which authorizes a total of $185 million. The original version of the bill passed the Senate 79 to 13. The original conference report was adopted 97 to 0. And the President's veto was overriden by 77 to 16. The Senate only 6 weeks ago passed this bill 93 to 0.

I urge the adoption of my amendment and S. 2410.

Mr. CRANSTON. Mr. President, in each House, amendments to S. 2410 were offered and accepted on the floor to assure that special consideration will be given to the needs of rural areas in their efforts to develop emergency medical services systems. There were slight variations in these provisions and the amendment we offer represents a compromise of the House and the Senate versions, which we have worked out with the House, and which we believe they will accept. These floor amendments covered four areas:

First, authorization of a higher Federal matching of up to 75 percent for areas of exceptional financial need.

Second, providing that special consideration in awarding of research grants for delivery systems be given to rural areas.

Third, the amount of the appropriations set aside for rural areas.

Fourth, providing for necessary HEW technical assistance in the preparation of applications and otherwise qualifying for grants for planning, initiation, and expansion of emergency medical services systems with special consideration for applicants in rural areas.

Mr. President, the compromise amendments we offer would retain the Senate language with regard to those areas eligible for higher Federal matching for expansion and improvement grants and contracts. The House version had limited this eligibility to rural areas, while the Senate had authorized such matching for any area which demonstrates "exceptional financial need," so as to permit urban and other nonrural applicants, along with rural applicants, to qualify for up to 75 percent Federal funding where exceptional financial need could be demonstrated.

Mr. President, we recommend acceptance of the House language with regard to giving consideration to rural areas in those research projects carried out in delivery of services—the same purpose as was included in the Senate floor amendment I cosponsored with Senator DOLE. We also recommend we accept the House figure of 20 percent as the amount to be set aside for rural areas rather than 17½ percent, the Senate figure.

The House had not included a provision providing for technical assistance, and our compromise would reinsert the Senate provision. This amendment we offer will be of substantial help to rural applicants, especially in helping to prepare justifications for the higher Federal matching authorized for areas of exceptional need.

Mr. President, this is the sixth time this legislation has been before the Senate. On September 19, the Senate passed S. 2410 by an overwhelming majority of 93 to 0. Last Friday, the House passed this legislation by a majority of 364 to 18. It is clear there is overwhelming support for this legislation and a totally bipartisan mandate in the Congress to enact an Emergency Medical Services Systems Act.

I call upon the President to sign this bill in answer to this bipartisan mandate. I believe he will sign it.

Mr. KENNEDY. Mr. President, I move that the Senate agree to the amendment of the House of Representatives to the bill (S. 2410) to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical services systems, with the following amendments:

On page 7 of the House engrossed amendment, strike lines 18, 19, and 20, and insert in lieu thereof the following: "in the case of applications which demonstrate an exceptional need for financial assistance, 75 per centum of such costs.".

On page 16 of the House engrossed amendment, insert between lines 16 and 17 the following new subparagraph:

" '(5) The Secretary shall provide technical assistance, as appropriate, to eligible entities as necessary for the purpose of their preparing applications or otherwise qualifying for or carrying out grants or contracts under sections 1202, 1203, or 1204, with special consideration for applicants in rural areas.'."

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to.

QUORUM CALL

The PRESIDING OFFICER. What is the will of the Senate?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COTTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

FEDERAL FIRE PREVENTION AND CONTROL ACT

Mr. COTTON. Mr. President, to continue the previous colloquy that I was having with the distinguished acting majority leader, the bill which is set for Friday came out of the Commerce Committee with a unanimous report. There was no controversy anticipated in connection with it.

I find now, however, that staff members, majority staff members, have prepared a series of amendments; I do not know how many or what is in the amendments.

From what we hear, the amendments might require the creation of special study groups and commissions and add to the expense of the bill, and might be controversial. So I would say to the acting majority leader that I must object to a limitation of time at this point; but I have instructed the minority counsel to get in touch with the majority counsel, and we hope that sometime between now and Friday we can come to some agreement. It is quite possible we can agree to some limitation and avoid any controversy; but we cannot at this time make a limitation agreement.

Mr. ROBERT C. BYRD. Mr. President, the distinguished Senator from New Hampshire (Mr. COTTON), I think, objects to the request very properly, and in view of the circumstances that have been expressed by him, I can understand why he would object. I want to state for the record that I made the request without having made any attempt on either side to clear the request. I did it because we were nearing the end of the day, and I wanted Senators to know, if it were possible to reach an agreement, as to about what time on Friday the rollcall vote on final passage would occur.

I think the distinguished Senator has done the right thing under the circumstances, in objecting at this time, and I share his hope that by Friday matters will be resolved to the extent that a time limitation can then be obtained, or lacking that, the Senate can proceed with the bill and amendments thereto and act on final passage at a reasonably early hour.

Mr. COTTON. I can assure the distinguished majority leader that I was not in any way suggesting that anything sub rosa was going on, but we have an active staff on these committees and if we give them time, they think up a lot of things. I want to cooperate with the assistant majority leader and hope that we will iron this out and there will be no controversy whatsoever. I do not want to be in a position of throwing any obstructions in the way of getting the Senate fully informed so as to know when they can vote.

Mr. ROBERT C. BYRD. Mr. President, no Senator in this body is more cooperative than is the distinguished Senator from New Hampshire (Mr. COTTON). I therefore shall await Friday, as we all will, to see what may develop.

VACATING OF ORDER FOR SENATOR DOMENICI TO SPEAK ON FRIDAY NEXT AND IN LIEU THEREOF RECOGNITION OF SENATORS GRIFFIN AND ROBERT C. BYRD

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of the distinguished Senator from New Mexico (Mr. DOMENICI) on Friday next be vacated and that in lieu thereof the distinguished Senator from Michigan (Mr. GRIFFIN) be recognized for not to ex-

ceed 15 minutes, following which I be recognized for not to exceed 15 minutes.

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

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TAFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

INDEPENDENT SPECIAL PROSECUTOR ACT OF 1973

Mr. TAFT. Mr. President, I had anticipated introducing on this legislative day a bill dealing with the question before the Senate relating to the independent special prosecutor in the Watergate matter. A great deal of research has gone into this matter, and I think that serious legal questions can and undoubtedly will be raised with regard to a number of the pending measures presently before the Committee on the Judiciary.

Because of a widespread interest in some other approaches to the problem and a widespread interest on the part of some Members in looking further into some of the legal research that has been done already and which will continue in the meanwhile, I am deferring introducing this bill until the next legislative day, which will be Friday; but I ask unanimous consent to have printed in the RECORD the text of the bill as it is presently proposed to be introduced.

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

S. 2616

A bill to establish an independent Special Prosecution office, as an independent agency of the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Independent Special Prosecutor Act of 1973".

SEC. 2. The Congress hereby finds and declares—

(a) Alleged crimes arising out of the Presidential campaign and election of 1972 have raised serious questions whether a full and complete investigation and prosecution of such charges will proceed without partisanship or favor;

(b) The Justice Department is composed of men and women of the highest integrity and ability capable of conducting a fair, full, and impartial investigation and prosecution of these alleged crimes, but circumstances already existing call for special independent investigation and prosecution.

(c) The appointment of a Special Prosecution Force in the Executive branch of government on May 24, 1973, had begun the process of restoring the faith of the American people in the integrity of this Administration and in particular in the belief that the ends of justice were to be served;

(d) The dismissal of the Special Prosecutor on the direct order of the President of the United States on October 20, 1973, undermined this growing faith, and has raised serious constitutional questions;

(e) In order to restore the public confidence, the investigation and prosecution of any offense arising out of the Presidential campaign and election of 1972 should be in an independent prosecutorial force.

SEC. 3. There is hereby established an Independent Special Prosecution office, which will have the responsibility for investigating and initiating prosecution of all offenses arising out of the Presidential election of 1972 and matters related thereto and arising therefrom, including all matters which were under investigation by the Special Prosecution force prior to October 19, 1973, pursuant to the agreement made between the former Special Prosecutor and the Attorney General Designate on May 19, 1973.

SEC. 4. The Attorney General of the United States is hereby authorized and directed to appoint, within thirty days of the enactment of this legislation, a Special Prosecutor and a Deputy Special Prosecutor, by and with the advice and consent of the Senate.

SEC. 5. The Special Prosecutor is authorized and directed and shall have exclusive jurisdiction, to investigate, as he deems appropriate, and prosecute against and in the name of the United States—

(a) Offenses arising out of the unauthorized entry into Democratic National Committee Headquarters at the Watergate;

(b) Other offenses arising out of the 1972 Presidential election;

(c) Offenses alleged to have been committed by the President, Presidential appointees, or members of the White House staff in relation to the 1972 Presidential campaign and election;

(d) All other matters heretofore referred to the former Special Prosecutor pursuant to regulations of the Attorney General (28 C.F.R. Sec. 0.37, rescinded October 24, 1973); and

(e) Offenses relating to or arising out of any such matters.

SEC. 6. The Special Prosecutor shall have full power and authority with respect to the matters set forth in Section 3 of the Act:

(a) To conduct proceedings before grand juries and other investigations he deems necessary;

(b) To review all documentary evidence available from any source;

(c) To determine whether or not to contest the assertion and scope of "Executive Privilege" or any other testimonial privilege;

(d) To receive appropriate national security clearance and review all evidence sought to be withheld on grounds of national security not claimed to be under Executive privilege or any other testimonial privilege, and if necessary contest in court, including where appropriate through participation in in camera proceedings, any claim of privilege or attempt to withhold evidence on grounds of national security;

(e) To make application to any Federal court for a grant of immunity to any witness, consistent with applicable statutory requirements, or for warrants, subpenas, or other court orders;

(f) To initiate and conduct prosecutions in any court of competent jurisdiction, frame and sign indictments, file information, and handle all aspects of any cases over which he has jurisdiction under this Act, in the name of the United States, and

(g) Notwithstanding any other provision of law, to exercise all other powers as to the conduct of criminal investigations and prosecutions within his jurisdiction which would otherwise be vested in the Attorney General and the United States attorney under the provisions of chapters 31 and 35 of title 28, United States Code, and the provisions of 26 C.F.R. 301.6103(a)–1(q), and act as the attorney for the Government in such investigations and prosecutions under the Federal Rules of Criminal Procedure.

SEC. 7. (a) All materials, tapes, documents, files, work in process, information, and all other property of whatever kind and description relevant to the duties enumerated in Section 3 hereof, tangible or intangible, collected by, developed by, or in the possession of the former Special Prosecutor or his staff established pursuant to regulation by the Attorney General (28 C.F.R., Sec. 0.37, rescinded October 24, 1973), shall be delivered into the possession of the Special Prosecutor appointed under this Act;

(b) All investigations, prosecutions, cases, litigation, and Grand Jury or other proceedings initiated by the former Special Prosecutor pursuant to regulations of the Attorney General (28 C.F.R., Sec. 0.37, rescinded October 24, 1973), shall be continued, as the Special Prosecutor deems appropriate, by him, and he shall become successor counsel for the United States in all such proceedings, notwithstanding any substitution of counsel made after October 20, 1973.

SEC. 8. The Deputy Special Prosecutor shall assist the Special Prosecutor in the performance of his duties and who, in the event of the disability or suspension of the Special Prosecutor or vacancy in the office of Special Prosecutor, shall temporarily become Special Prosecutor until the President appoints a Special Prosecutor in accordance with Section 4 hereof.

SEC. 9. (a) The Special Prosecutor and the Deputy Special Prosecutor shall each be entitled to receive an annual salary and reimbursement for expenses equal to the annual salary and expense allowance payable to a judge of the United States district court.

(b) The Special Prosecutor shall have power to appoint, fix the compensation, and assign the duties of such employees as he deems necessary, including but not limited to investigators, attorneys, and part-time consultants, without regard to the provision of title 5, United States Code, governing appointments in the competitive civil service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title. The Special Prosecutor is authorized to request any officer of the Department of Justice, or any other employee of the Department of Justice, or any other department or agency of the Federal or District of Columbia government, to provide on a reimbursable basis such assistance as he deems necessary, and any such officer shall comply with such request. Assistance by the Department of Justice shall include but not be limited to affording to the Special Prosecutor full access to any records, files, or other materials relevant to matters within his jurisdiction and use by the Special Prosecutor of the investigative and other services, on a priority basis, of the Federal Bureau of Investigation: *Provided,* That only the Special Prosecutor and the Deputy Special Prosecutor shall have access to confidential or classified documents, records, files, or other such materials unless otherwise waived by the Attorney General or any other head of an appropriate agency.

SEC. 10. The Administrator of General Services shall furnish the Special Prosecutor with such offices, equipment, supplies, and services as are authorized to be furnished to any other agency or instrumentality of the United States.

SEC. 11. Notwithstanding any other provisions of law, the Special Prosecutor shall submit to the Congress directly requests for such funds, facilities, and legislation as he shall consider necessary to carry out his responsibilities under this Act, and such requests shall receive priority consideration by the Congress.

SEC. 12. The Special Prosecutor shall carry out his duties under this Act within two

years, except as necessary to complete trial or appellate action on indictments then pending.

SEC. 13. (a) The Special Prosecutor and the Deputy Special Prosecutor may be removed by the Attorney General for neglect of duty, malfeasance in office, or violation of this Act, but for no other cause, or by the Congress pursuant to Article II, section 4 of the Constitution;

(b) If the Attorney General believes such violations have occurred, he may suspend the Special Prosecutor immediately and prepare a notice of dismissal. Such notice of dismissal shall be effective 30 days thereafter and shall be to both Houses of Congress, stating the reasons for such;

(c) For the purpose of subsection (b) of this section,

(1) Continuity of session is broken only by an adjournment of Congress sine die; and,

(2) The days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty day period.

SEC. 14. If any part of this Act is held invalid, the remainder of the Act shall not be affected thereby. The provisions of any part of this Act, or the application thereof to any person or circumstance if held invalid the provisions of other parts and their application to other persons or circumstances shall not be affected thereby.

QUORUM CALL

THE PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. TAFT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

DEATH OF REPRESENTATIVE JOHN P. SAYLOR, OF PENNSYLVANIA

Mr. HUGH SCOTT. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives.

The PRESIDING OFFICER laid before the Senate House Resolution 667, which was read as follows:

HOUSE RESOLUTION 667

Resolved, That the House has heard with profound sorrow of the death of the Honorable John P. Saylor, a Representative from the State of Pennsylvania.

Resolved, That a committee of forty-four Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these reolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. MANSFIELD. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

SENATE RESOLUTION 193

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Honorable John P. Saylor, late a Representative from the State of Pennsylvania.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. HUGH SCOTT. Mr. President, I was the congressional campaign manager in Pennsylvania around 1946 and 1947 when we had a special election which resulted in the election of the Honorable JOHN P. SAYLOR to Congress. I have known him from that time on. He has been a close friend, a respected colleague, and a man whom all of us in Congress knew to be a gentleman of strong personal convictions and articulate in expressing them.

We will miss him profoundly. He was a very good influence and a very strong leader of public opinion, a very much beloved man at home, in his district, in the Commonwealth of Pennsylvania, and in Congress.

We express our deep condolences to his family on his passing.

I am therefore very much pleased that the Senate has passed this resolution. If so designated by the Senate, my colleague (Mr. SCHWEIKER) and I will attend his funeral.

Mr. MANSFIELD. Mr. President, will the distinguished Republican leader yield?

Mr. HUGH SCOTT. I yield.

Mr. MANSFIELD. Mr. President, I join in the remarks just made by the distinguished Republican leader. Like him, I served in the House with JOHN SAYLOR. He was a good Congressman. He was very much interested in the welfare of the West. He served on the Interior and Insular Affairs Committee. I found him to be a good friend personally and insofar as reclamation and other problems in the Western part of this Nation were concerned.

He was a man of independent judgment and great integrity. His death was so sudden that I had no idea beforehand he was in difficulties with his heart.

So, Mr. President, I wish to express the condolences of Mrs. Mansfield and myself, and to ask unanimous consent that an obituary which was published in the New York Times on yesterday be printed in the RECORD.

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

REPRESENTATIVE JOHN SAYLOR, OF PENNSYLVANIA, SENIOR REPUBLICAN ON HOUSE INTERIOR COMMITTEE, DIES

HOUSTON, Oct. 28.—Representative John P. Saylor, senior Republican member of the Pennsylvania Congressional delegation, died early today in St. Luke's Hospital, where he had undergone heart sugery. He was 65 years old and lived in Johnstown, Pa.

Gov. Milton J. Shapp of Pennsylvania said in a telegram to Mr. Saylor's wife, Grace, who was at his bedside in Houston:

"Congressman Saylor was a great representative of the people of his district and of the Commonwealth, I could always count on his support for any measure that would benefit the people of Pennsylvania."

Surviving besides his widow, are a son, John Phillips Saylor; a daughter, Susan, and two grandchildren.

NOTED CONSERVATIONIST

Mr. Saylor, who served in the House for 25 years, was widely known as a conservationist and was credited with leading many endeavors to protect the nation's scenic and natural resources.

As senior Republican member of the House Interior Committee, he was a stanch fighter to preserve the environment, and was a sponsor of the Wilderness Act to save woods, water and wildlife. He backed legislation to establish the Office of Coal Research to find more uses for coal, and was a major supporter of the Coal Mine Health and Safety Act of 1969.

Mr. Saylor fought against building dams in the Grand Canyon and for preserving the integrity of Dinosaur National Monument in Utah and Colorado. He received a number of important awards for his conservation endeavors.

In 1957, on a routine mission to visit the Scott Base at Antarctica, Mr. Saylor became the first Congressman to fly over the South Pole. He was a supporter of statehood for Alaska and Hawaii.

In 1969, Mr. Saylor introduced a bill to give Congress the power to overrule the Supreme Court by a two-thirds vote of both Houses, declaring that the High Court had "sided with atheism" in banning the recitation of prayers in the public schools. He was well regarded on both sides of the aisle for his light humor, especially in committee sessions when tempers got hot.

MEMBERS OF PARKS UNIT

Mr. Saylor was a member of the House Veterans Committee, National Parks Centennial Committee and the National Forest Preservation Committee.

He was born on July 23, 1908, in Conemaugh Township, Somerset County, Pa., and graduated from Franklin and Marshall College in 1929 and from the Dickinson Law School in 1933.

He began practicing law in Johnstown in 1934 and was elected City Solicitor in 1938. He was a former partner in the law firm of Spence, Custer & Saylor and had been president of the Johnstown Savings and Loan Association.

In World War II Mr. Saylor served as a lieutenant and communications officer aboard the cruiser Missoula. He took part in the invasions of Iwo Jima and Okinawa and was present in Tokyo Bay on V–J Day.

Mr. Saylor received the Conservationist of the Year Award from the National Wildlife Federation in 1964, the Bernard M. Baruch Prize for "contributing most to the field of

conservation" in 1969 and the Founders Award of the Izaac Walton League of America in 1970.

Mr. HUGH SCOTT. Mr. President, on behalf of Mrs. Scott and myself, I join in expressing appreciation to the distinguished majority leader for his remarks.

Mr. MANSFIELD. May his soul rest in peace.

Mr. HUGH SCOTT. May his soul rest in peace.

Mr. SCHWEIKER. Mr. President, it was with a deep sense of personal loss that I learned this weekend of the death of my good friend and colleague—Congressman JOHN P. SAYLOR of Pennsylvania.

JOHN SAYLOR was a leading voice in Congress and the Nation speaking out for conservation and preservation of our precious natural resources. Those of us in the Pennsylvania Congressional Delegation—as well as those throughout both the House and Senate—looked to him for leadership in this area. That leadership was never lacking.

For example, I had the honor of working closely with Congressman SAYLOR on one particular measure—a proposal making it a Federal crime to shoot wildlife from an airplane, and I was able to learn first hand of his profound love for the gifts of nature.

JOHN SAYLOR also was a forceful and effective advocate for the people of western central Pennsylvania. The citizens of the 12th Congressional District knew they had a voice in Washington, and he was unyielding in his dedication to their best interests and needs.

JOHN SAYLOR was at once a good and great man, and we are the less for his passing. Mrs. Schweiker and I extend our sympathies to his wife, Grace, and his entire family.

Mr. HATFIELD. Mr. President, it was with sadness that I learned of the untimely death of Congressman JOHN P. SAYLOR. Since 1949, he had ably represented his district in Pennsylvania, and also represented a national constituency.

As a member of the Senate Interior Committee, I have come to know firsthand the outstanding leadership in all facets of conservation that JOHN SAYLOR provided. It was in this field that he developed a national constituency, and he was the "environmentalists' environmentalist" long before it became fashionable.

Because of this commitment to the preservation of this Nation's national heritage, I can think of no more fitting memorial to this outstanding public servant than seeing that some area, whether a wilderness, a wild and scenic river, a recreation area—some place where his efforts helped save a region in its natural state, might be named to honor this gentleman. As a member of the Senate Interior Committee, I will be discussing this with our chairman, Senator JACKSON, who I am sure shares the sense of loss to the Congress caused by JOHN SAYLOR'S death. Both Senator JACKSON and I have had our most recent dealings with Congressman SAYLOR as conferees on the Alaska pipeline bill.

I am saddened by Congressman SAYLOR'S death, for both the House and the Senate will miss his wise counsel. His death comes at a time when environmental concerns which he helped to articulate so well are under attack by those who see short range energy needs as a reason to bypass all environmental safeguards. An important legacy that JOHN SAYLOR has left with us all should be that environmental considerations must continue to be an important guide to all our actions.

Mr. HASKELL. Mr. President, I had the honor to serve with Congressman JOHN SAYLOR on the conference report on S. 1081. I found Mr. SAYLOR, who died tragically 2 days ago, unfailingly courteous, humorous, dedicated, and competent, and I would like to take this 1 minute merely to express my deepest condolences to his family and his close friends.

Mr. COOK. Mr. President, will the Senator yield?

Mr. HASKELL. I yield.

Mr. COOK. I would like to associate myself with the remarks of the Senator from Colorado. It had been my pleasure to serve with Congressman SAYLOR starting shortly after I came here on a particular study group appointed by the President.

It came as a great shock to the Senator to learn of the death of Congressman SAYLOR. I would certainly like to associate myself with the remarks of the Senator from Colorado and add that not only will his district in Pennsylvania lose the force and insight which Congressman JOHN SAYLOR exerted and his ability on the Interior Committee, but that his dedication to those causes in which he believed were of such a strong nature that a voice like his will be missed in the Congress of the United States.

Mr. HASKELL. I appreciate the remarks of the Senator from Kentucky.

Mr. FANNIN. Mr. President, will the Senator from Colorado yield?

Mr. HASKELL. I yield.

Mr. FANNIN. Mr. President, I, too, would like to join my colleagues in paying tribute to Congressman JOHN SAYLOR of Pennsylvania. It was my privilege to work with him over a number of years, even before I came to the U.S. Senate. JOHN SAYLOR was a dedicated American, one who had great pride in the lands of this country. He devoted many years of his lifetime to traveling throughout this Nation in efforts to protect the environment both in his State and throughout the Nation.

He was also a very prominent leader in reclamation activities, and although he disagreed with some of the programs that we fostered in the committee, as the ranking Republican he was always willing to listen and consider just what was involved.

I had the opportunity and occasion to work with him on projects in which he suggested provisions that resulted in better legislation, because he had the feeling both of going forward from the standpoint of developing our resources but also protecting the environment.

We could elaborate on his many accomplishments, but I appreciate this opportunity to make this short statement.

Mr. JACKSON. Mr. President, I had the good fortune and privilege of serving in the House with JOHN SAYLOR during his first two terms. Since that time, we have worked together and fought one another on various issues affecting the jurisdiction of the Committee on Interior and Insular Affairs.

I must say that JOHN SAYLOR'S contribution in the area of conservation and environment is one that not only the present generation will profit by, but generations of Americans to come will be in his debt for his distinguished service not only to his State but to the Nation.

Mr. HANSEN. Mr. President, I would like to join with other Senators who have spoken in paying tribute to JOHN SAYLOR, a very dedicated conservationist and a very loyal patriot of this country. Not always, by any means, did the junior Senator from Wyoming and the Congressman from Pennsylvania agree on any number of issues, but at no time did I ever have the feeling that Congressman SAYLOR did not act according to the dictates of his conscience and in the great national interest.

I note with a real sense of loss his passing, and I would like to have his wife and family know that we extend our very deepest and heartfelt sympathy to them on this very sad occasion.

Mr. METCALF. Mr. President, Congressman SAYLOR'S death shocked me as it did thousands of others in the Congress, in Pennsylvania and throughout America. For 8 years I was privileged to serve with Congressman SAYLOR in the House of Representatives. Part of the time we were colleagues on the House Committee on Interior and Insular Affairs. During my first term in the 83d Congress we were allies on several conservation measures. Since that time we were firm friends, sometimes disagreeing on legislation but most often agreeing despite our political affiliation.

In the 25 years that Congressman SAYLOR was in Congress he left the imprint of his philosophy and profound belief in the preservation of America's forests and land and water. Others have narrated the bills that he sponsored, and he was the pioneer for many of them. Others have told of his indefatigable efforts to save our resources, so I will not reiterate them here. But there is no State of the Union which does not have a park or a wilderness area or waterfowl and wildlife refuge bearing the Saylor imprint. Although he was a Member of Congress from Pennsylvania, the people of Nevada will have more recreational facilities, the people of California the benefit of enjoyment of the Redwoods, the people of Alaska and Hawaii the benefits of statehood, the people of Montana greater facilities for the enjoyment of the rivers and the mountains and the prairies.

Incidentally, in World War II Congressman SAYLOR served as communications officer aboard the U.S.S. *Missoula*, named after the city in Montana which is the site of Montana's State University.

It will be hard to replace this man. His knowledge of our environment and his dedication to preservation of our resources are attributes sorely needed today. America is a better place because JOHN SAYLOR passed this way.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 193) was unanimously agreed to.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on Friday next, November 2, 1973, the Senate will convene at 10 a.m.

After the two leaders or their designees have been recognized under the standing order, the distinguished senior Senator from Massachusetts (Mr. KENNEDY) will be recognized for not to exceed 15 minutes; after which the distinguished assistant Republican leader (Mr. GRIFFIN) will be recognized for not to exceed 15 minutes; after which the junior Senator from West Virginia (Mr. ROBERT C. BYRD) will be recognized for not to exceed 15 minutes; at the conclusion of which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of routine morning business, the Senate will proceed to the consideration of S. 1769. There is no time limitation thereon. Amendments thereto are expected. There will be a yea-and-nay vote on final passage of S. 1769 on Friday next. The yeas and nays have already been ordered.

Hopefully, conferences between the two Houses can proceed in the meantime, tomorrow and Thursday. Several conferences are still out, among which are the Department of Health, Education, and Welfare appropriation bill conference report, the State-Justice appropriation bill conference report, conference reports on the military procurement authorization, foreign assistance amendments, foreign military assistance, and military construction authorizations.

So this respite will give the Senate conferees the opportunity to be away from the floor without the conferences being interrupted by rollcall votes.

ADJOURNMENT TO 10 A.M., FRIDAY, NOVEMBER 2, 1973

Mr. GRIFFIN. Mr. President, with the concurrence of the distinguished majority whip, I move, in accordance with the previous order, and pursuant to Senate Resolution 193, as a further mark of respect to the memory of Representative JOHN P. SAYLOR, of Pennsylvania, that the Senate stand in adjournment until 10 a.m. on Friday next.

The motion was agreed to, and, at 5:12 p.m., the Senate adjourned until Friday, November 2, 1973, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate October 30, 1973:

U.S. PATENT OFFICE

The following-named persons to be Examiners-in-Chief, U.S. Patent Office:

Roger L. Campbell, of Virginia, vice John Stevens Lieb, resigned.

Walter W. Burns, Jr., of Virginia, vice Don D. Andrews, resigned.

CONFIRMATION

Executive nomination confirmed by the Senate October 30, 1973:

IN THE AIR FORCE

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10, of the United States Code:

To be lieutenant general

Lt. Gen. Alvan C. Gillem II, [redacted] (major general, Regular Air Force) U.S. Air Force.

HOUSE OF REPRESENTATIVES—*Tuesday, October 30, 1973*

The House met at 12 o'clock noon.

Rev. Tipton L. Britner, Immanuel United Methodist Church, Indianapolis, Ind., offered the following prayer:

Our God and Father, we give thanks for our Nation, for all its natural beauty and abundance of raw materials. Give us wisdom to use them wisely. Be with our legislators as they debate actions that will have profound influence on the lives of millions of people. Grant them the courage to act on conviction and not expediency, to stand firm for what they believe is right. When they are right give them the victory, and when they are wrong, let them be defeated. Let truth be the standard and love be the guide that governs all actions taken this day. Let not foolish pride or a stubborn will influence their decisions. Lead us out of the pressure of crisis and confusion in order that we may find simplicity. In Christ's name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Marks, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On October 16, 1973:

H.J. Res. 727. Joint resolution making further continuing appropriations for the fiscal year 1974, and for other purposes.

On October 18, 1973:

H.R. 1965. An act for the relief of Theodore Barr;

H.R. 7645. An act to authorize appropriations for the Department of State, and for other purposes; and

H.R. 7976. An act to amend the act of August 31, 1965, commemorating certain historical events in the State of Kansas.

On October 19, 1973:

H.R. 1322. An act for the relief of Jay Alexis Caligdong Siaotong;

H.R. 1366. An act for the relief of Juan Marcos Cordova-Campos;

H.R. 1377. An act for the relief of Michael Joseph Wendt;

H.R. 1462. An act for the relief of John R. Poe;

H.R. 1716. An act for the relief of Jean Albertha Service Gordon;

H.R. 2212. An act for the relief of Mrs. Nguyen Thi Le Fintland and Susan Fintland;

H.R. 2215. An act for the relief of Mrs. Purita Paningbatan Bohannon;

H.R. 6628. An act to amend section 101(b) of the Micronesian Claims Act of 1971 to enlarge the class of persons eligible to receive benefits under the claims program established by that act;

H.R. 7699. An act to provide for the filling of vacancies in the Legislature of the Virgin Islands;

H.R. 1315. An act for the relief of Jesse McCarver, Georgia Villa McCarver, Kathy McCarver, and Edith McCarver;

H.R. 1378. An act for the relief of James E. Bashline; and

H.R. 4507. An act to provide for the striking of medals in commemoration of Jim Thorpe.

On October 25, 1973:

H.R. 3799. An act to liberalize eligibility for cost-of-living increases in civil service retirement annuities; and

H.R. 8619. An act making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1974, and for other purposes.

On October 26, 1973:

H.J. Res. 748. Joint resolution making an appropriation for special payments to international financial institutions for the fiscal year 1974, and for other purposes;

H.R. 8250. An act to authorize certain programs and activities of the government of the District of Columbia, and for other purposes; and

H.R. 8825. An act making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes.

REV. TIPTON L. BRITNER OF INDIANAPOLIS, IND.

(Mr. HUDNUT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUDNUT. Mr. Speaker, I am very proud to say that the opening prayer for today's session was delivered by my very good friend, and former colleague in the ministry, Rev. Tipton L. Britner, senior minister of Immanuel United Methodist Church, Indianapolis, Ind. Reverend Britner's prayer was sincere, meaningful, and appropriate and I am sure that I speak for all of us in welcoming him and expressing appreciation to him for being with us today.

In addition to his pastoral duties, Reverend Britner is well known in Indianapolis for his many civic endeavors in behalf of his fellowman. He is director of the North Arlington Multiservice Project which includes the Beechwood Gardens Housing Project, the Immanuel Day Care Center which serves over 100 children daily—and the Immanuel Coun-